



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 16 Deireadh Fómhair 2018

Tuesday, 16 October 2018

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

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: I am very conscious that, for many years, the people in rural Ireland and in towns and regions across the country have been promised access to high-speed broadband on numerous occasions but there has been an absolute failure of delivery. I can go back to the 2011 general election when, at that stage, Fine Gael was promising broadband to 90% of homes and businesses by 2015. It is now 2018. At the general election of 2016, again, it was said 100% would have it by 2020, and we know what has happened. People out there are very impatient and frustrated at the lack of real progress in terms of getting this issue and the national broadband plan implemented.

We then fast-forward to last week and the resignation of the former Minister, Deputy Denis Naughten. When I had raised the issue on the Wednesday in the House, I was heavily criticised by the Taoiseach, yet, the following day, he came in to echo what I had said, namely, the ultimate decision maker should not be meeting the last remaining bidder in a tendering process, leaving himself open to the perception of favouritism, being lobbied and canvassed, and so on. The Taoiseach changed tack fairly dramatically the following day because of further revelations about further meetings, one in particular organised by the Minister of State, Deputy Pat Breen, with the former Minister, Deputy Naughten, and David McCourt.

It is interesting when we look at the background to this. A very good article by John Kennedy was published on the Silicon Republic website on 6 September 2017 and quoted a Government memorandum of the time on concerns about the potential for costs to increase as a result of the remaining bidders having to access poles and ducts on Eir's infrastructure. The fear was that it could go from an incremental cost of 10% to 15% extra to anything up to 60%. That is directly set out in a memorandum from the Department of Communications, Climate Action and Environment to the Government. The point of this is what the remaining bidder is anxious to do and what the key issue is in that regard, namely, the level of subsidy the Government is prepared to offer to the bidder and which will be a key component of the cost. It is vital, therefore, that this kind of canvassing and lobbying should not take place. As such, has the Taoiseach met the Minister of State, Deputy Pat Breen, and asked him to provide the background to why he organised the meeting, what transpired at it and what was discussed. In addition, I want to know

the terms of reference of the assessment the Government has undertaken with Mr. Peter Smyth and if they will be published. Can the Taoiseach indicate to the House when we can expect the proposed legislation on the national broadband plan?

The Taoiseach: I thank Deputy Micheál Martin. As Taoiseach, I note that the Government is absolutely committed to bringing forward the national broadband plan. When this Government of Fine Gael and Independents working together came to office a little more than two years ago, just over 50% of homes, farms and businesses in Ireland had access to high-speed broadband. By the end of this year, we will be at 80%. In just two and a half years, we have made enormous progress to bring high-speed broadband to homes, farms and businesses across the country.

Deputy Stephen S. Donnelly: The Government will not get close to 80%.

The Taoiseach: We are determined to bring that to 100% as soon as possible. We want to ensure that the 540,000 homes, farms and businesses across rural Ireland which lack access to high-speed broadband should have it as soon as possible to allow them to access public services which are available online to a greater extent and become part of the digital economy. We want businesses in rural Ireland to sell their products and services on the Internet just as those in urban Ireland do. When it is completed, this project will be seen to have been as significant as rural electrification was decades ago. The level of investment required will be very high, but it is an investment which is merited and worthy and, as such, the Government is determined to bring it forward.

Mr. Peter Smyth is the independent process auditor and he has been in place for quite some time. It is part of his role to ensure the process is all above board. He will carry out a review to ensure and assure the Government that everything has been above board. We will have the terms of reference for that review in the next couple of days and we anticipate that he will be able to report within three to four weeks. With the approval of the Dáil today, Deputy Richard Bruton, will be assigned to the Department as Minister on a full-time basis. I have asked him to spend the next couple of weeks focusing on this issue and ensuring we do everything we can so that the broadband plan continues to operate. It is a complex process. There is an evaluation committee and a national procurement board. We are at the point at which a contract and tender can be agreed. It will have to go through the evaluation board and the procurement board before the decision comes to Government. That builds in very significant safeguards.

I have spoken to the Minister of State, Deputy Breen. He informs me that Mr. McCourt asked him to pass on an invitation to Deputy Naughten to have dinner with him in his house. They live quite near each other. The Minister of State passed on the invitation, the then Minister accepted it and the dinner took place. He also informs me that the national broadband plan was not discussed on that particular occasion.

Deputy James Lawless: It was GAA.

Deputy Micheál Martin: The expansion of broadband has been carried out by commercial interests, which is fair enough, and has nothing to do with Government or State intervention at this stage. When the Taoiseach says the Minister of State, Deputy Breen, passed on the invitation, did he do it silently? Did he just pass it on?

Deputy Mattie McGrath: Did he show the Minister the house?

Deputy Micheál Martin: It is not a credible explanation, to be frank. We are talking about the last remaining bidder for an enormously costly contract. The Minister of State, Deputy Pat Breen, was asked to set up a meeting with the key Minister, the key decision-maker. This cannot be flippantly brushed aside as the Minister of State having passed on an invitation and - hey presto - the Minister having accepted it and the Minister of State having facilitated the meeting. It is a little more serious and should be taken more seriously than that.

I related to the Taoiseach the article of 2017. I will read what the memo stated: “The level of subsidy bidders might seek for the reduced intervention area [that is, after Eir has got the 300,000] could increase by between 10pc and 15pc if an incremental cost is applied to infrastructure access, and by more than 60pc if the existing regulated price for pole and duct access is applied”. The remaining bidder, therefore, has a real skin in this game in getting this over the line in the ultimate negotiations with the Government.

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

Deputy Micheál Martin: That is why it was so inappropriate and so wrong for a Minister to meet a bidder in that context.

The Taoiseach might answer the question as to whether the fact that the consortium changed dramatically at the eleventh hour in its composition could leave the bidding process open to legal action and challenge.

The Taoiseach: The commercial investment that has occurred has been very much spurred on by Government policy and the national broadband plan: commercial operators getting into areas quickly, providing broadband quickly, knowing that if they did not, it would not form part of the Government’s plan. Therefore, much of the commercial investment that has happened would not have happened as quickly had it not been for the policies pursued by the Government.

The invitation was not passed on silently; it was passed on verbally. The dinner occurred in 2017, at which time other bidders were in place. Ultimately, it was up to the then Minister, Deputy Denis Naughten, to decide whether accepting the invitation was appropriate. The Minister of State, Deputy Pat Breen, has no role whatsoever in the national broadband plan and, while we may all agree that passing on the invitation was unwise, I do not think it is a resigning matter.

Deputy Thomas Byrne: “Do not think.”

The Taoiseach: I do not think it is.

Deputy Thomas Byrne: Is the Taoiseach not sure?

Deputy Mary Lou McDonald: Last December the British Government signed up to a deal to avoid a hard border on our island, safeguard the Good Friday Agreement, in all of its parts, and ensure there would be no loss of citizens’ rights. At the time we were told that there was a deal to provide a backstop that would recognise the unique circumstances of the North and all of Ireland in the event that a comprehensive free trade deal was not agreed to in the future. We were told that the agreed arrangement would be enshrined in an operable legal text by March. That did not happen. We were then told that the British Government would produce firm proposals by the time of the June meeting of the European Council. That did not happen either. Then the deadline became October. Clearly, that deadline is now to be breached. Yesterday the

Taoiseach said negotiations could continue into next month or up to the meeting of the European Council in December. The long and the short of it is that time is quickly running out for a deal to be struck. This is a direct consequence of the British Government's prevarication and abysmal failure to produce any realistic proposal. Its latest proposal for a time-limited backstop means that, in reality, there is no backstop at all. I met the British Prime Minister yesterday and have made this point bluntly to her. I have told her that she needs to live up to the commitments made last December and that nothing less will do. I have told her that she needs to place the Good Friday Agreement, progress and the unique circumstances of Ireland above short-term political calculations and expediency.

Regrettably, her toxic deal with the DUP has undermined progress. The DUP has moved from a position of trying to prevent a hard border to actively promoting one. The reality is that it does not represent the majority view of citizens in the North who voted to remain; they opposed Brexit. Those in the DUP cannot be allowed to dictate the pace of Brexit and undermine our agreements that have delivered so much for Ireland and Britain. I hope that last evening, in the course of his conversation with Ms Arlene Foster, the Taoiseach made these points to her. When he travels to Brussels tomorrow, there will be an onus on him to defend and promote an all-Ireland view and to insist that commitments made are commitments honoured. He told us last December that we had a cast-iron guarantee in respect of Ireland. Nothing less than that will do. Nothing less than that will be acceptable. I hope the Taoiseach brings that message clearly to the European Council tomorrow. Can he confirm for the House that no withdrawal agreement will be struck without a legally binding and operable backstop to protect Irish interests?

The Taoiseach: I can confirm that there will be no withdrawal agreement without a legally operable and legally binding backstop which assures us that there will be no hard border between Northern Ireland and Ireland. That has been the Government's position since the referendum. That is our position. We have not departed from it and we do not intend to do so. We should not forget that the commitment given to us by the UK Government, which is in black and white in a report published jointly by the UK and the EU, says that there would have to be a legally operable backstop as part of the withdrawal agreement and that it would have to apply unless and until an alternative solution is found. All we are asking is for the UK to honour the commitments it has already made in black and white in the year gone by. I am sure a country like the UK, with its proud history, would want to do no less than honour the commitments it made in black and white and in writing during the course of this year.

The deadline has always been October. If one reads the guidelines from the European Council and if one reads what I have said in this Chamber since last March, if not before, one will see that the deadline has always been October. Of course there is a risk that it may slip. We indicated at the last summit in Salzburg that it may be necessary to hold a special summit in November to sign off on a withdrawal agreement. If it slips further, a summit is already scheduled for December. The deadline is October and that has not changed.

Significant progress has been made. The withdrawal agreement provides for the financial settlement. The money the UK will pay the EU to meet its obligations before it leaves is broadly agreed. We also have agreement on the rights of EU citizens who will continue to live in the UK and the rights of UK citizens who will continue to live in other parts of the EU. We have broad agreement on a transition period. It will run until the end of 2020, which will give businesses and citizens time to prepare for the permanent changes which will take place thereafter. We have agreement on the common travel area, which is of great importance for Irish and

British citizens. It allows us to travel freely between Britain and Ireland. It allows us to live, work, study and access housing, healthcare and education in each other's countries as though we were citizens of both. Other EU citizens will not have this right after Brexit. We have yet to reach agreement on the detail of the Irish protocol, which is also known as the backstop, and on the text of the future relationship that will exist between the EU and the UK after the transition period. There is still quite a gap there and quite a good bit of work to be done.

Deputy Mary Lou McDonald: While I accept all of that, it would be a mistake to create the impression that the matters which need to be agreed in respect of the Irish protocol or the backstop are simply matters of detail. The truth is that we are approaching crunch time. It is decision time. The British Prime Minister has a big historic call to make. She can decide to side with the hard-line Brexiteers and the DUP and - by accident or design - crash Britain out of Europe with all of the consequences that might follow. Alternatively, she can choose to do the right thing by Ireland by sticking to the commitments mentioned by the Taoiseach, which were freely entered into. The Taoiseach should be in no doubt that the forces which are now looking for a Brexit at any cost, regardless of the consequences for Ireland, are vociferous and strong and have to be faced down. Can the Taoiseach tell us whether there will be a special summit in November? Is that decision made? The Taoiseach seems to be accepting that the October deadline will not be reached. I agree with him on that score. What of a no-deal scenario? How prepared is the Government for that terrible vista?

The Taoiseach: A decision on whether there will be a special summit in November has not yet been taken. A date is pencilled into our diaries in case it is necessary, but the decision that we made in Salzburg was that we would only have a special summit in November if decisive progress was made in October. I cannot say at the moment that decisive progress has been made, but that is something that will play out over the next couple of days in Brussels. A decision will be made on whether to have a November summit when we can determine whether that is necessary. We will not be having a summit for the sake of it. If we have a summit in November, it will be to conclude a withdrawal agreement, including a backstop on Ireland.

In terms of preparations for no deal, even though I strongly believe that a no-deal scenario is unlikely, we are stepping up our preparations for that scenario. We had a detailed discussion at Cabinet today on Brexit and on those preparations, and that includes the hiring of customs officials and veterinary inspectors, preparing legislation, IT systems and preparations to install physical infrastructure in our ports and our airports, but not along the land border between Northern Ireland and the Republic.

Deputy Bríd Smith: I welcome the establishment at the weekend of the patient support and advocacy group for women affected by the CervicalCheck scandal, 221 Plus. I echo the calls for accountability among managers in the health service for errors that have been made, but that should also be extended to accountability among the political class for the error made in the first instance by outsourcing this vital aspect of women's healthcare.

Over the weekend, there were newspaper reports that the new plan to extend the CervicalCheck contract involved taking back into the public service cytologists from MedLab and doubling the fees payable to Quest Diagnostics. I would like to know the Taoiseach's opinion on this matter. It is an acknowledgement of the failure of outsourcing and privatisation that the Government would take the extraordinary move of taking back into the public service scientists from private labs. Is this the beginning of the end for outsourcing? Are we going to move to repatriate the service in the long run? That is what is required. It means we will have to train

adequate numbers of cytologists and invest in public laboratories.

What is happening behind the scenes in terms of indemnifying these laboratories? Is there an agreement similar to the Woods deal being worked on in the background that would allow laboratories that have made mistakes with women's health in the past to get away scot free if claims are made against them in future? This question needs to be answered.

There is a further question on open disclosure. Much has been said in this Parliament about the need for open disclosure. As an elected representative, I have asked not once, twice, three or even four times, but many times, both orally and in writing, for the answer to a simple question, namely, from which labs the 221 failed tests came, but I have not been given one. I am getting a lot of gobbledygook and waffle, but I am not getting an answer. I now know, having seen the evidence, that the answer to this simple question is available. It can be given over. Why is it being consistently blocked?

I have asked the Taoiseach a number of questions. Is there an acknowledgement by the State that outsourcing was at the heart of this tragedy and that, by bringing cytologists back into the public service, we will begin the process of repatriating the service? Why are we doubling the fees to Quest Diagnostics when outsourcing happened in the first instance because it was supposed to save the State 30% of the cost? This is a large and ironic twist in the debacle. Serious questions need to be answered.

The Taoiseach: I join Deputy Bríd Smith in welcoming the establishment of 221 Plus, the new support group for the women and families affected by CervicalCheck. As Members will know, that is being supported and funded by the Department of Health.

The decision on outsourcing was made by a previous Government more than ten years ago, so I have no political axe to grind in defending it or any interest in that regard. It was made before the party I lead came to office. It is important, however, to have regard to Dr. Scally's report. We asked him to study this matter and report to us. He found that the laboratories, namely, the Coombe, the private laboratories in Ireland and the private laboratories in the US, were all up to standard and that there was not a significant difference in the quality of those laboratories. That may not fit in with the Deputy's particular ideology but, regardless of anyone's ideology, that is what he found, that the laboratories, whether Irish or American, whether private or public, were all up to standard and up to scratch.

It is also important to remember what Dr. Scally stated in his report. He pointed out that if one provides cervical screening for 1,000 women, 20 will have cancer or pre-cancer, screening will pick up 15 of those, it will miss five, and those five are the false negatives, but all false negatives are not negligent. In fact, most false negatives are not negligent. False negatives are part and parcel of screening. They are a known limitation of screening, so the fact, or non-fact, that there may be more false negatives in one laboratory or another cannot be seen to be a sign of higher levels of negligence in one laboratory over another. It is important for those of us who are interested in the facts and the truth about this issue that we understand that and that we do not spin or twist these things to suit our own narrative. False negatives, by the way, occur in all laboratories. There is no laboratory that did not have false negatives and there is no laboratory that will not have some degree, unfortunately, of medical error or negligence, whether Irish or American, or whether public or private.

Discussions are ongoing with the laboratories as to how we can continue the cervical screen-

ing process. We all want cervical screening to continue. The one way to ensure that lives will be lost is if screening does not continue because we know that screening has saved lives and that the incidence of cervical cancer has been going down in Ireland for the past few years because of the HPV vaccine and screening. We want to make sure that screening continues.

What will not happen and what is not being considered is any sort of retrospective liability or the State covering retrospective liability. That is not something that is under consideration at all. Most of the services are already back in Ireland. MedLab and the Coombe are in Ireland, so most of the services are already in Ireland. It is my view and that of the Minister for Health that when we go to procurement for the new HPV-based test, we will want to make sure the laboratories are of the highest quality and standard.

Deputy Bríd Smith: We have been given the same answer again. The Taoiseach's answer did not address my question. I asked him specifically about public service contracts being offered to cytologists in MedLab. Is that an indicator the Government is serious about taking the service back into public control? If MedLab and all the other laboratories were entirely up to scratch, why is the Taoiseach offering public service contracts? If it is not true, please say it is not true.

Another issue is the degree of error. Yes, all false negatives happen but the degree of error is so serious that some of these laboratories have paid out significant sums of money to the women involved. We know that. We also know that Dr. Scally, by his own admission, was not charged with investigating the 221 very grave errors that were made. I still have not had an answer to the question I asked regarding from which laboratories they came. I am not asking that question to suit my ideology. That is a disgraceful claim to make against me. It does matter which laboratories these tests went to and the outcome of outsourcing. There would be an indicator in the answer to my question, if ever I can get one. An open disclosure to a Deputy would be welcome.

The Taoiseach: I am not in a position to discuss contracts that are under negotiation or contracts that are not signed. The backdrop to what is happening, however, is that there are laboratories now which no longer want to be involved in providing tests to Irish patients in the Irish health service because of the situation we have had in Ireland, because of litigation and other matters. It should be a matter of concern to all of us that there are laboratories, and it may even happen in other areas of healthcare, where international companies, and even Irish-based private companies, no longer want work from the Irish health service because of the current environment.

Deputy Richard Boyd Barrett: That is because they put profit before health.

The Taoiseach: We should all bear in mind our responsibilities in that regard, if we are genuinely concerned about and interested in protecting women's health. There is a risk in the rise in litigation and how it can impact on health services and quality. I again want to point to the facts for the Deputy because they do matter. Deputy Bríd Smith is making an assumption that the 221 false negatives were all negligent, but they were not. We are going to have to devise a system to determine where negligence occurred and where it did not.

Deputy Bríd Smith: To know whether they were negligent, one must know from where they came.

Deputy Maureen O'Sullivan: The issue I raise is one that has been awaiting resolution for

a very long time. Given the current difficulties with Brexit and the implications for the Good Friday Agreement, there is a real fear that the group Justice for the Forgotten and the survivors and the families of those killed in the Dublin and Monaghan bombings may never see a resolution. I should not have to raise this issue today, but after many years and much discussion in the Houses, in spite of the work of Justice for the Forgotten and, most significantly, the three Dáil motions in 2008, 2011 and 2016, there has been no resolution. The Dáil motions were concerned with seeking access to information and providing an independent international judicial figure who would have access to all of the relevant original documents. All three motions were passed unanimously but have been ignored by the British Government and the British embassy, which is an insult to the Dáil.

Numerous parliamentary questions on the issue have been submitted, the most recent being that from me and Deputy Brendan Smith in early October. We were told that the issue was of the utmost importance to the Government and included in the programme for Government and that it was imperative that we moved ahead with full implementation of the Stormont House agreement. That agreement provides for an historical investigations unit for Troubles-related deaths in Northern Ireland, but there is no such unit in the Republic of Ireland, as there is not in the case of the Dublin and Monaghan bombings. Therefore, victims here are being treated differently. Here such deaths will be treated like all other crimes, that is, as matters for the Department of Justice and Equality and An Garda Síochána that will follow up on any new evidence. How is that to inspire confidence that there will be a resolution because there has been no action taken on evidence that has been available since 1974? Within a few weeks of the bombings, the Garda had information on the who, the how, the timeframe and the routes taken by the bombers, but the investigation was wound down within a few months.

Twenty years later Mr. Justice Barron conducted an inquiry and produced a report. Has there been any action taken on it? There has not been a single conviction. Mr. Justice Barron found that Garda files and evidence from the bomb debris were missing. Further investigative journalism and books all suggest there was collusion. Mr. Justice Barron wrote that the Government of the day had shown little interest in the Dublin and Monaghan bombings and that lack of interest has continued with subsequent Governments right up to today. Throughout we had the failure of the British Government to co-operate. That continues to this day with its ignoring of the three Dáil motions to which I have referred. It has been hiding behind the facade of national security for over 40 years.

The Taoiseach and his predecessor, Deputy Enda Kenny, made very strong public statements on child abuse by members of the clergy and religious institutions. Is it not time to do the very same for the survivors and the victims' families in seeking access to all of the original documentation? Is it not time for the Garda Commissioner to apologise for Garda failures to date? Such actions could provide the impetus for real action in order that Justice for the Forgotten, the aptly named group, will see a resolution.

The Taoiseach: I thank the Deputy for raising the important issue of the Dublin and Monaghan bombings, one of which took place in her constituency. I again take the opportunity to extend my condolences to the survivors and the families of those affected, many of whom are still grieving and still do not have the answers to the questions they ask. Unfortunately, I am not in a position either to answer them. There is only so much information that any of us has on these terrible events which occurred some decades ago. I do not have an up-to-date note on the issue in front of me, but I will try over the course of the week to respond in some detail in writing to the Deputy's questions. I had not anticipated that the issue would be raised today.

Regarding historical inquiries in general, this is something of which the Government is very supportive. However, the fact that the institutions - east-west, North-South and in Northern Ireland - are not functioning in the way they should has meant that much of the progress on legacy issues that should have been happening has ground to a halt. I had the opportunity to meet the leader of the DUP last night when we had a discussion on many issues, including what could be done to get the institutions in Northern Ireland up and running again. She seemed to be committed to it happening and it can happen once there is more clarity on what Brexit will look like. The Tánaiste and I are very committed to doing everything we can, once there is clarity on Brexit, to acting quickly to reconvene the talks, subject to the agreement of the parties, and trying to have the Assembly and the Executive up and running again and the North-South institutions functioning again. That will put us in a place where we can start to honour some of the commitments made on legacy issues.

Deputy Maureen O'Sullivan: The legacy issues have been the Cinderella of Brexit. The victims and survivors in this jurisdiction deserve the same respect and treatment as those who died in another jurisdiction in Northern Ireland. There is no doubt that another motion would be passed unanimously here today. Equally, there is no doubt that the British Government would continue to ignore it, as would the British embassy. A public statement by the Taoiseach, similar to the one he made on child abuse, would be welcome. There is a dignified and respectful commemoration held on 17 May each year that is attended by various people, including former Presidents and Taoisigh, Ministers, Deputies, councillors and Senators. It is important that it happen, but it is almost like an exercise in box-ticking. The commemoration this year is done and dusted. In the meantime, the survivors and families of the victims are still waiting. I hope, when the Taoiseach considers what I have said, that he will consider meeting them as soon as he can. There are other issues such as Brexit and broadband provision that need attention, but the people concerned have been waiting for a long time. They need to know that their wait is coming to an end.

The Taoiseach: I take the Deputy's comments on board and will consider them. I am not sure if there was a question, but I will take into account what she has said. The Tánaiste and the Minister for Justice and Equality have met the families and those lines of communication will be kept open.

An Ceann Comhairle: That concludes Leader's Question.

An tOrd Gnó - Order of Business

Deputy Aengus Ó Snodaigh: Maidir le gnó na seachtaine, is é gnó an lae inniu: No. 20, motion re Twenty-first Report of the Committee of Selection; No. 21, motion re Technological Universities Act Appointed Day Order, back from committee; No. 22, motion re judicial and extrajudicial documents in civil and commercial matters, back from committee; No. 23, motion re co-operation between the courts of member states in the taking of evidence in civil and commercial matters, back from committee; No. 24, motion re title of physical therapists, referral to committee; No. 38, statements pre-European Council meeting of 17 and 18 October, pursuant to Standing Order 111; No. 41, motion re nomination of member to the Government; and No. 39, Health (Regulation of Termination of Pregnancy) Bill 2018 - Second Stage (resumed). Private Members' business shall be No. 60, Criminal Justice (Victims of Crime) (Amendment) Bill 2018 - Second Stage, selected by Fianna Fáil.

Is é gnó na Céadaoin: No. 39a, statements on disclosures tribunal report, Charleton report;

No. 39, Health (Regulation of Termination of Pregnancy) Bill 2018 - Second Stage (resumed); No. 41, Home Building Finance Ireland Bill 2018 - Report Stage (resumed) and Final Stage; No. 12, Industrial Relations (Amendment) Bill 2018 - Order for Second Stage and Second Stage; and No. 13, Local Government Bill 2018 - Order for Second Stage and Second Stage. Private Members' business shall be No. 61, Road Traffic (Quads and Scramblers) (Amendment) Bill 2017 - Second Stage, selected by Sinn Féin.

Is é gnó an Déardaoin:: No. 26, motion re Ministerial Order Competition Act 2002, back from committee; No. 39, Health (Regulation of Termination of Pregnancy) Bill 2018 - Second Stage (resumed); No. 12, Industrial Relations (Amendment) Bill 2018 - Order for Second Stage and Second Stage; and No. 13, Local Government Bill 2018 - Order for Second Stage and Second Stage. No. 27, motion re report on gender budgeting from Select Committee on Budgetary Oversight, shall be taken in the evening slot.

Fógra maidir leis na socrúithe atá molta maidir le gnó na seachtaine seo, I refer to the first revised report of the Business Committee, dated 15 October. In relation to today's business, it is proposed that: (1) Nos. 20, 21, 22, 23 and 24 shall be taken without debate; (2) oral parliamentary questions to the Minister for Education and Skills shall not be taken and that the rota shall continue with oral parliamentary questions to the Minister for Justice and Equality on Wednesday; (3) No. 38 shall commence immediately after questions to the Taoiseach and shall be followed by No. *a1* - the statements shall be brought to a conclusion after 85 minutes and confined to a single round for a Minister or a Minister of State and the main spokespersons for parties or groups, or a member nominated in their stead, for a period not exceeding ten minutes each, with a five minute response from the Minister or a Minister of State, and all Members may share time; (4) No. *a1* shall be confined to a single round of five minutes each for speeches by the Taoiseach and the leader of other parties or groups, or a person nominated in their stead, and all Members may share time, with the Topical Issue debate taking place at the conclusion of proceedings on the motion; and (5) No. 60 shall conclude within two hours. Maidir le gnó na Céadaoine, beartaítear:

(1) There shall be no questions to the Taoiseach and the *sos*, in accordance with Standing Order 25(1), shall be taken on the conclusion of Questions on Promised Legislation;

(2) Second Stage of No. 61 shall conclude within two hours; and

(3) The opening round of statements on No. 39*a* shall be confined to a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, of 15 minutes each and shall adjourn after the opening round and shall not resume that day. Statements of all other Members shall not exceed ten minutes each with a five-minute response from the Minister or Minister of State and all Members may share time.

Maidir le gnó an Déardaoin, beartaítear:

(1) No. 26 shall be taken without debate;

(2) Private Members' business under Standing Order 143F for the Independents 4 Change will not be taken on Tuesday 23 October 2018 but will instead be taken by the Social Democrats-Green Party Group, following which the rota shall continue unchanged with Fianna Fáil's Private Members' business on Wednesday 24 October 2018;

(3) Oral parliamentary questions to the Minister for Education and Skills shall be taken not later than 5 p.m. and the rota shall continue with oral parliamentary questions to the Minister for Health on Tuesday. The Topical Issue debate shall take place on the conclusion of oral parliamentary questions; and

(4) No. 27 shall be taken on the conclusion of the Topical Issue debate. The Dáil shall sit later than 7.48 p.m. and adjourn on the conclusion of the motion.

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

Deputy John Curran: No. I will say this once and it reflects on the whole business of the week. On Thursday of last week, the debate on the budget was cut short because of other business and I have no objection to that. I note there is a considerable amount of business this week. Many Members from this side of the House and from the other larger party on the other side have not had an opportunity to contribute because the time was cut short. I respectfully request that the Business Committee reconvene to reinstate the time lost or an appropriate amount of time to allow the conclusion of the budget debate.

An Ceann Comhairle: Is that agreed? We will ask the Business Committee to consider that matter.

Deputy Ruth Coppinger: On the abortion legislation, I was about to propose that if the Second Stage debate does not finish by Thursday, we may have to consider a Friday sitting. This adds to the proposal Deputy Curran made. I appreciate some changes were made by removing other legislation, such as the Hallmarking (Amendment) Bill, from the schedule. However, this Bill was obviously delayed for various reasons, including the messing with the Public Health (Alcohol) Bill 2015. We did not reach it in the week of the budget. This is urgent legislation because ten people are travelling abroad daily for abortions. We cannot have a scenario where Second Stage is not concluded this week. I hope we will begin Committee Stage next week. I propose that, in the interests of the women and pregnant people who are still forced to travel despite the country voting *en masse* for the democratic right to have an abortion here, the Business Committee factor in an extra sitting on Friday, if necessary, to finish Second Stage.

Deputy Peter Fitzpatrick: On the same Bill, I would like an assurance that there will be plenty of time for Deputies to speak on the legislation. I hope the Government does not guillotine it. I believe one hour has been provided for debate this evening and maybe three or four hours tomorrow evening. As a new Independent Deputy, I am finding it very hard to get speaking time. As a member of the Committee on the Eighth Amendment of the Constitution I hope, like everyone else in the House, I will be facilitated with enough time to speak.

An Ceann Comhairle: I assure Deputy Fitzpatrick there will be no guillotine on this or any other legislation. We have long since left----

Deputy Peter Fitzpatrick: I am sorry, a Cheann Comhairle, but what I mean is that I would like to have the same speaking time as everyone else on this issue, given that I was a member of the committee.

Deputy Ruth Coppinger: It is a pity your friends were messing around on the Public Health (Alcohol) Bill.

Deputy Peter Fitzpatrick: Excuse me, I showed everyone respect-----

An Ceann Comhairle: Deputies should please speak through the Chair.

Deputy Peter Fitzpatrick: -----and I am looking for a bit of respect as well. I am only asking for the same speaking time.

Deputy Ruth Coppinger: I know. It is a pity Deputy Fitzpatrick's pro-life pals-----

Deputy Peter Fitzpatrick: Excuse me.

Deputy Ruth Coppinger: They delayed vital legislation.

An Ceann Comhairle: Will Deputies please be quiet? Deputy Coppinger, please.

Deputy Peter Fitzpatrick: I am an Independent Deputy now.

An Ceann Comhairle: Please.

Deputy Peter Fitzpatrick: I showed Deputy Coppinger respect. She should show respect to me.

An Ceann Comhairle: Please, Deputy Fitzpatrick. We will consult the Business Committee on the two matters that have been raised, and we will deal with it in that way. Is the proposal for dealing with today's business agreed?

Deputy Mary Lou McDonald: A Cheann Comhairle-----

An Ceann Comhairle: Is there another matter?

Deputy Mary Lou McDonald: What is the outcome regarding the proposal from Deputy Coppinger?

An Ceann Comhairle: We have a request to consult the Business Committee and we will consult the Business Committee this afternoon.

Deputy Mary Lou McDonald: Will you revert to the House, a Cheann Comhairle?

An Ceann Comhairle: Yes. Is today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

Deputy Micheál Martin: On 24 July last, the former Minister for Communications, Climate Action and Environment informed the House that the heads of a Bill for the national broadband plan were with the Government and that the Bill was progressing well. The purpose of the Bill is to provide certainty with regard to the conditions of access to existing infrastructure for the State-led intervention on the national broadband plan, so it is obviously critical legislation, perhaps relating to the point I made earlier in terms of access to the existing infrastructure to make sure that the broadband plan can be realised. When can we expect the Bill to be published?

The Taoiseach: The legislation is on the priority list so it should be published this session.

Deputy Mary Lou McDonald: The Taoiseach informed the Dáil a fortnight ago that the expert group considering a second sexual abuse and violence in Ireland, SAVI, report was near-

ing the completion of its work. He said he was keen to get the study of sexual and domestic violence up and running in the next couple of months. As he is aware, 16 years have passed since the first SAVI report was published, a report that is widely regarded by women and stakeholders as groundbreaking, but a second SAVI report is undoubtedly now needed. Has the expert group completed its work? Have its recommendations been brought to Cabinet? When will the group's recommendations be published? What is the timeframe for completion of the SAVI 2 report?

Minister for Justice and Equality (Deputy Charles Flanagan): I agree with Deputy McDonald about the importance and urgency of this issue. I acknowledge what the Taoiseach said recently. I wish to assure the House that matters are proceeding. I expect to bring a memorandum to Government within the next few weeks and to proceed then with the setting up of the appropriate structures.

Deputy Brendan Howlin: As well as the national broadband Bill the Government has also promised a communications management agency Bill. Apparently, the purpose of the Bill is to create a single entity to manage the State's commercial communications contracts, including the national broadband contract, and to act as a centre of expertise in the State's commercial activities. It is a pity that agency was not in existence. Those of us who came into the Chamber last Thursday to put questions to the then Minister, Deputy Naughten, about the tender process for the national broadband plan were precluded from putting those questions. Will the Minister of State, Deputy Breen, who set up the private dinner with the then Minister, Deputy Naughten, make a statement to the House and be amenable to questions? Will the new Minister for Communications, Climate Action and Environment take questions on those matters later this week?

The Taoiseach: The heads of the Bill are in preparation but the Bill will not be published in this session. The Minister, Deputy Bruton, has not yet formally received his seal of office. People might give him a few weeks to get his feet under the desk and to figure things out before bringing him in for questions. I appreciate how the theatre of politics works, but calling people in to answer a whole series of questions before they have had time to read themselves into their brief is, I think, a fruitless exercise.

Deputy Brendan Howlin: Will it take a few weeks?

The Taoiseach: I am sure the Minister, Deputy Bruton, will be happy to answer questions, but I think it is only reasonable to give him at least a week or so to get on top of his new brief before he does.

An Ceann Comhairle: He may have to be a speed-reader, Taoiseach.

(Interruptions).

Deputy Brendan Howlin: He is already a member of the Government.

(Interruptions).

An Ceann Comhairle: Can we have order for Deputy Coppinger, please?

Deputy Ruth Coppinger: After the Belfast so-called rugby rape trial, the Minister came to the Dáil and promised major legal changes on the issues of sexual assault and violence. Yesterday, we read that in this State in our courts a woman who was asked to have sex said "No". She was grabbed in her garden, pulled into her own house, dragged up the stairs and her jeans were

forcibly removed. She was hit across the head twice. The man receives a suspended sentence. We have the same problems in this State.

An Ceann Comhairle: We cannot become involved in this House in commentary on a court case.

Deputy Ruth Coppinger: The point I am leading to, a Cheann Comhairle, is the legislation.

An Ceann Comhairle: We cannot become involved in this House in commentary on a court case.

Deputy Ruth Coppinger: If it is of public interest, we certainly can, a Cheann Comhairle.

An Ceann Comhairle: All these matters-----

Deputy Ruth Coppinger: Every woman in this country is wondering why that can happen.

An Ceann Comhairle: Deputy, please resume your seat. There is a separation of powers in this State. We cannot become involved in commenting on court cases.

Deputy Ruth Coppinger: We can ask the Minister for Justice and Equality when there will be training in this State for judges who can come out with a statement to the effect that feelings were running high after a marriage break-up as an excuse for giving a man a suspended sentence. The most dangerous time for a woman is when she leaves a relationship. This woman did everything right. She left a violent relationship and she had a protection order in place.

An Ceann Comhairle: Thank you, Deputy. Your time is up.

Deputy Ruth Coppinger: She took a court case and got no justice. What is the Minister for Justice and Equality going to do about it?

Deputy Charles Flanagan: I acknowledge your view on this, a Cheann Comhairle, and I fully agree with it. I remind the Deputy that there are five tranches of legislation germane to the issue she has raised. Two were enacted earlier this year, namely, the Domestic Violence Act and the Criminal Justice (Victims of Crime) Act, both of which were long outstanding and are most reforming in nature, ensuring that victims of crime and vulnerable witnesses are fully protected.

I point to two Bills before the House that, with the co-operation of the Deputies opposite, we will have enacted before Christmas. I point to the review, as promised by me in the aftermath of the Belfast rape trial, which is being overseen by a group under the chairing of Professor Tom O'Malley from NUI Galway, a considered expert in the area of practice and procedure on the treatment of vulnerable witnesses. I expect that report to be completed in its entirety by the end of this year, whereupon the recommendations can be discussed by the House. I am keen to ensure that our legislation is fully updated and that resources are made available to victims of crime.

Deputy Ruth Coppinger: Will it train judges?

Deputy Charles Flanagan: On the matter of training or otherwise, I point the House to certain aspects of the Judicial Council Bill, which is before the Seanad.

Deputy Mattie McGrath: I raise with the Taoiseach an issue regarding a former Waterford health centre. It is a rural general medical practice on the borders of Tipperary and Waterford.

The HSE carried out a recruitment process and selected a general practitioner back in July. We were told on 18 September that it would only be a matter of days before we would have an appointment there. Luckily, we have 1,700 patients and a thriving practice there. A total of four GPs applied for this practice so it is not the case that we cannot get them. Thankfully we can.

The HSE is foot-dragging and fooling. It beggars belief that it has €17 billion of a budget and this is the way those responsible treat a rural community with 1,700 patients in a lucrative practice. We cannot get clarity. We get emails from week to week about the contract being signed but it is not being signed. There is major uncertainty for the patients.

I wish to add that the staff there do excellent work. This is hard on everyone. It is typical of the HSE passing the buck.

Deputy Mary Butler: I wish to raise the same issue. I support Deputy Mattie McGrath in what he has said. We both raised the matter in the House two weeks ago under a Topical Issue debate and we have not received a comprehensive reply. The situation is that a doctor is after retiring and there has been locum cover there for the past 12 months. We all know rural practice is in decline, but the situation is that 1,700 patients are very concerned. We need some kind of definitive answer. Will a full-time doctor be assigned?

The Taoiseach: I thank the Deputies for raising this important issue. I share their concern about the health of their constituents. I am reassured by Deputy Mattie McGrath's assertion that four people have applied for the post. That is encouraging and perhaps indicates that the improvements in the rural practice allowance have made a difference. I do not know what the story is with the contract, but I will certainly raise the matter with the Department of Health and the HSE and provide an update for the Deputies in writing.

Deputy Joan Collins: Young Friends of the Earth, Dublin Eco-Feminist Coven, Stop Climate Chaos and Not Here, Not Anywhere organised a demonstration at short notice outside Leinster House at lunch time today because they were hugely concerned about the report of the Intergovernmental Panel on Climate Change on global warming issued last week and the need for far-reaching transitions in the areas of land, energy, industry, building, transport and cities. When will the Government bring the report to the House to be debated because we need to discuss it in great detail, particularly in the light of it not bringing forward a carbon tax in the budget announced last week?

The Taoiseach: That is a matter for the Business Committee.

Deputy Catherine Murphy: Will the Taoiseach expand on the review to be carried out by Mr. Peter Smyth that he announced last week? Is he writing the terms of reference? Is he reviewing the process? Is he internal to it? Is there any conflict of interest as a consequence? Will the Opposition have an opportunity to feed into the terms of reference? What is the time-frame involved? Will there be an opportunity to have a debate in the House on the matter to deal with the terms of reference or the process involved?

The Taoiseach: Mr. Peter Smyth is the independent process auditor; therefore, he is not internal. We should have the terms of reference in the next couple of days and anticipate that he should be able to report to the Government within three to four weeks. The final tender for the national broadband plan was received on 18 September and is being evaluated by the Department's procurement team. I ask Deputies on all sides of the House but particularly the Opposition benches to be careful in their language. There may be some people who want the

national broadband plan to fail and some who think there may be political gain in it failing, but it is still in process.

Deputy Mattie McGrath: It has failed.

The Taoiseach: The tender has been lodged with the Department and is being considered. I ask people who care about rural Ireland and want the 500,000 homes to receive high speed broadband to be careful, circumspect and accurate in their language in commenting on the issue.

Deputy Aengus Ó Snodaigh: The Taoiseach should tell Ministers that also.

Deputy Eamon Ryan: Under new European regulations we have to have a new national energy and climate action plan by the end of the year. I am that afraid the new Minister, Deputy Richard Bruton, will not have time to put his feet under the table because we were promised a public consultation process on the plan which surely will have to be launched in the coming days. It will lead to the entire national development plan which is not fit for purpose or the national climate mitigation plan being changed. Will the Taoiseach confirm that the Government will meet its legal obligations under European regulations in setting out a new national energy and climate action plan before the end of the year? When is the consultation process due to begin?

Minister for Education and Skills (Deputy Richard Bruton): It is my understanding there is a national dialogue on climate change.

Deputy Eamon Ryan: That is completely different.

Deputy Richard Bruton: I bow to the Deputy's knowledge. If there is a deadline, we will honour it and deliver the plan on time.

An Ceann Comhairle: A further 17 Deputies are offering, with a little over eight minutes remaining.

Deputy Bernard J. Durkan: I ask the Taoiseach if the Charleton report is likely to be discussed in the House and, if so, when?

The Taoiseach: I understand there will be a debate on the report in the House tomorrow. It would be helpful if the Business Committee could also provide time for it next week because I know that Members will want to give their views on it.

Deputy Peter Fitzpatrick: In this House two weeks ago the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, asked Deputies to give him solutions to the housing problem. I asked him to allow local authorities build on their landbanks. I also asked him if he would pay them the outstanding moneys in respect of the loans they had taken out on the landbanks. In my county Louth County Council is paying over
3 o'clock
€1 million a year in interest in paying off its loans. Yesterday the chief executive of the council said she would cut back the budget in order to balance the books. That means that local grants will not be paid.

The Minister asked for solutions and we are giving them to him. There are vacant houses in Dundalk and the surrounding areas in County Louth that are boarded up because they have no money to service them for re-letting. Two weeks ago, we gave the Minister the solution and I

have heard nothing back. Will he please give me an update on the situation?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): Local authorities are building houses on their own land. That is happening. The local authority in Louth is purchasing houses compulsorily and it does have money to repair houses and have them re-let. On debt on land, a land aggregation scheme was done after the crash. Working with the Housing Agency, we took on a number of landbanks and resolved the debt issues that existed for those local authorities. It is because of debt issues like those that we are being more careful and prudent in terms of how we are spending our money this time around in building public housing on public land. We are in the process of considering the potential for a further land aggregation scheme in the future where it may be necessary. The land has to be in locations where it makes sense to build houses.

Deputy Robert Troy: I am sure that the Taoiseach will agree the second runway at Dublin Airport is of critical strategic importance for the economy. The Dublin Airport Authority is relying on the establishment of an independent noise regulator to progress the necessary infrastructure, as are the residents in the area. The Minister, Deputy Ross, wasted 18 months on the establishment of the Irish Aviation Authority as the independent noise regulator. That failed. We were informed at the start of this year that the new Bill to make Fingal County Council the independent competent authority was urgent and was going to be prioritised. Despite this, we are falling behind the timelines set for the Bill by the Department and the Government. Two weeks ago, we had pre-legislative scrutiny that had been due to commence at the start of September and was due to be completed by 30 September. It has not been completed. Two weeks on, we are still awaiting answers on critical questions that were raised at pre-legislative scrutiny. Does the Taoiseach feel it was right and appropriate for the Minister, Deputy Ross, not to attend pre-legislative scrutiny to answer concerns from Opposition Deputies? How can we have confidence that the Minister is going to bring this critical legislation before the Houses of the Oireachtas as promised before the end of this year?

The Taoiseach: My understanding is that pre-legislative scrutiny is usually handled by officials rather than by Ministers. Of course the Minister, Deputy Ross, comes into the House regularly to answer oral questions and respond to Topical Issue matters.

Deputy Danny Healy-Rae: There have been no orthopaedic services in Tralee general hospital since last June. I have raised the matter with the Taoiseach twice already this term. About ten days ago we got notification from the general manager of the hospital that services were to begin yesterday but they did not begin. People do not know when the orthopaedic section of the hospital will open again. I have asked the Taoiseach to ask the Minister to intervene and see what is going on there. We have been promised so many times that this section would open. People are roaring in excruciating pain and there is still nothing happening. What is the Government going to do about it? We have five Ministers for Health. The people of Kerry are being let down. We are trying to take as many as we can up North to get the procedure done, but what is going to happen when the cross-border directive falls when England leaves the European market? Where will we be then?

The Taoiseach: I am not in a position to answer specific questions about University Hospital Kerry. I imagine the manager of the hospital can do that for the Deputy. If not, I am sure we can get an answer for him from the HSE. I do not do that here.

Deputy Charlie McConalogue: Mine is a question to the Minister for Housing, Planning

and Local Government. Following on from the very welcome announcement on budget day, following the Cabinet meeting, that there will indeed be a redress scheme funded by the Government for the homeowners in Donegal and Mayo who are affected by mica, will the Minister confirm that the Government will ensure that the redress scheme will be approved by the end of this year? Will he also confirm the details on the roll-out of the scheme and that homes will commence to be fixed early in 2019?

Deputy Eoghan Murphy: I thank the Deputy for the question. I thank the Ministers of State, Deputies English and McHugh, for the work they have done with Deputy McConalogue in trying to find a resolution for this issue. Last week the Cabinet agreed in principle to having a remediation scheme for concrete block works. We agreed to finalise that scheme this year so it can be commenced next year.

Deputy Eugene Murphy: My question to the Taoiseach is also about broadband. While I accept what he has said about the plan for the future, in my constituency 52% of households are awaiting the roll-out of the national broadband plan. This is affecting businesses and farmers who have to make applications online. It is a real problem for the Roscommon-Galway constituency. How long will it be before we can expect broadband in that area? It is a necessity and I am impressing on the Taoiseach the urgency of this matter. Despite the Government's best efforts to revitalise villages and towns, this will be a serious issue if we cannot get the plan up and running in a number of months.

The Taoiseach: I am afraid I cannot give the Deputy a definitive timeline, but the final tender came in on 18 September. It is being evaluated by the Department's procurement team. There is an evaluation committee and a procurement board. Should they be in a position to make a recommendation to Government, we would be able to make a decision on that. I do not want to give definite timelines at this stage, other than the commitment from me personally and from the Government that we will do everything in our power to expedite this and ensure it gets done.

Deputy Margaret Murphy O'Mahony: The programme for Government committed to enhancing financial services and enhancing life in rural areas. How can the Government stand over the closure of the credit union branch in Drimoleague in west County Cork? It used to be open two days a week and now opens only one day a week. It will close its doors permanently at the end of November. People have been told they can go to the branch in Skibbereen. However, there is no bus service from Drimoleague to Skibbereen. To my mind the Government is not committed to rural living at all.

The Taoiseach: I am very sorry to hear that the credit union in Drimoleague is closing. With the greatest respect to the Deputy, while the Government is responsible for many things, the opening and closing of credit unions is not one of them.

An Ceann Comhairle: I apologise to the 11 Deputies who were not reached. I again ask Deputies to try to make their questions relevant to promised legislation and to keep them within the timeframe.

Residential Tenancies (Prevention of Family Homelessness) Bill 2018: First Stage

Deputy Eoin Ó Broin: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Residential Tenancies Act 2004 to give greater protection to households renting from buy-to-let landlords. Under the Act it would no longer be legal to evict tenants in buy-to-let properties on the grounds that the property is to be sold. A sale could take place however with the current tenant and any remaining portion of the tenancy agreement still in place.

As Members of the House know, the single largest cause of family homelessness is landlords issuing vacant possession notices to quit. Many of these landlords are accidental landlords struggling with mortgage distress under pressure from banks and selling the homes vacant.

Two years ago Focus Ireland, one of the leading front-line agencies dealing with this problem, recommended that Government introduce an amendment to the Residential Tenancies Act to limit the ability of buy-to-let landlords, who benefited from tax breaks when they purchased their properties during the boom, to issue such vacant possession notices to quit. The argument was very simple. If people benefited from tax breaks to become landlords pre-2014, they should not be able to evict people into homelessness when selling their properties under pressure from the banks now.

I and other Opposition Deputies tabled the Focus Ireland amendment, as it was called, to the Residential Tenancies (Amendment) Bill, but Fianna Fáil and Fine Gael joined forces to block it. Focus Ireland, one of the lead agencies in this area, has pointed out that if that amendment had been passed, hundreds of families who subsequently became homeless would have been kept in their homes. That is not my view, but the view of the organisation working with these families.

Since Fianna Fáil and Fine Gael opposed that amendment in 2016, family homelessness has increased by a startling 40%. Child homelessness has increased by 47% without taking into account the 1,600 adults and children controversially removed from the homeless figures at the request of the Minister for Housing, Planning and Local Government. The Bill going through First Stage today contains the Focus Ireland amendment. It is our intention to bring this forward either through the lottery or Private Members' business at the earliest opportunity.

It is important to recognise that in the budget last week the Government introduced a new tax break for landlords, a 100% mortgage interest relief. The vast majority of landlords do not need that tax break. While some are struggling, many are not and, in fact, this will just add fuel to the fire of rising rental prices. I also understand Fianna Fáil and Fine Gael are still in discussions on the possibility of introducing another tax break for landlords, possibly on Committee Stage. However, while Deputy Micheál Martin told "Morning Ireland" last week it was in the bag, the Taoiseach Deputy Leo Varadkar subsequently confirmed to Deputy Mary Lou McDonald that no such thing was the case, so we will have to wait and see what happens. What that tax break proposes is an increase in the threshold for capital gains tax where a landlord keeps a tenant in a property or, indeed, where a landlord purchases a property with a tenant in it and keeps the tenant there for five years. The problem with that tax break arises if the vacant possession notice to quit is forcing families into homelessness because there is no point offering a tax incentive to keep the new landlord with the tenant if the tenant has already been evicted into homelessness.

What the Government should have done in the budget last week, and what we will be urging it and Fianna Fáil to do when we table this Bill on Second Stage, which we will do as soon as we can, is take more action to prevent families from becoming homeless. If the Dublin Region

Homeless Executive and Focus Ireland are telling us that vacant possession notices to quit are the single largest cause of family homelessness, then the obvious thing to do would be to change the Residential Tenancies Act to prevent such evictions. This is not a silver bullet. It is not going to solve all of the problems. However, if it prevented five, ten, 15 or 20 families from becoming homeless in the coming months, it would be worthwhile passing it. Again, Focus Ireland is telling us it would prevent many hundreds of families from entering into emergency accommodation, with all of the stress and trauma that causes for the adults and children, as well as the additional costs for the taxpayer.

In moving First Stage, I am urging both Fine Gael and Fianna Fáil to reconsider their opposition to this eminently sensible, simple amendment to the existing legislation and to include it as one of a range of measures that are required to prevent families becoming homeless into the future. I commend the Bill to the House.

An Ceann Comhairle: Is the Bill opposed?

Deputy Tony McLoughlin: No.

Question put and agreed to.

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

Deputy Eoin Ó Broin: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Committee of Selection: Motion

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That Dáil Éireann approves the Twenty-First Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 10th October, 2018, and discharges and appoints members to Committees accordingly.

Question put and agreed to.

Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2018: Motion

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That Dáil Éireann approves the following Order in draft:

Technological Universities Act 2018 (Section 36) (Appointed Day) Order 2018,
copies of which have been laid in draft form before Dáil Éireann on 13th September, 2018.

Question put and agreed to.

16 October 2018

EU Regulations: Motion

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents),

a copy of which was laid before Dáil Éireann on 21st June, 2018.

Question put and agreed to.

EU Regulations: Motion

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No. 1206/2001 of 28th May, 2001, on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters,

a copy of which was laid before Dáil Éireann on 6th July, 2018.

Question put and agreed to.

Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of Title: Physical Therapist) Regulations 2018: Referral to Joint Committee

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I move:

That the proposal that Dáil Éireann approves the following Regulations in draft:

Health and Social Care Professionals Act 2005 (Section 95(3)) (Variation of Title: Physical Therapist) Regulations 2018,

copies of which have been laid in draft form before Dáil Éireann on 1st June, 2018, be referred to the Joint Committee on Health, in accordance with Standing Order 84A(4)(k), which, not later than 6th November, 2018, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Ceisteanna - Questions

Electoral Reform

1. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the recently published report of the interdepartmental group on security of Ireland's electoral process and disinformation. [37663/18]

2. **Deputy Joan Burton** asked the Taoiseach if he will report on the recently published report of the interdepartmental group on security of Ireland's electoral process and disinformation. [39903/18]

3. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the first report of the interdepartmental group on security of Ireland's electoral process and disinformation. [39906/18]

4. **Deputy Micheál Martin** asked the Taoiseach if he will report on the interdepartmental group on security of Ireland's electoral process and disinformation co-ordinated by his Department; and if he will further report on the recent launch of the public consultation on the regulation of online political advertising. [40019/18]

5. **Deputy Alan Farrell** asked the Taoiseach if he will provide an update regarding the public consultation on the regulation of online political advertising. [41818/18]

6. **Deputy Micheál Martin** asked the Taoiseach his plans to protect Ireland's democratic and electoral process in view of developments in other countries; and if this will require legislation or constitutional change. [41808/18]

7. **Deputy Michael Moynihan** asked the Taoiseach his plans to protect Ireland's democratic and electoral process in view of developments in other countries; and if this will require legislation or constitutional change. [41810/18]

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

The Government established an interdepartmental group to consider the security of the election process and disinformation. The first report of the group was published on 17 July 2018 and looked at issues concerning the security of the electoral process, taking into account risks that apply across the whole spectrum. The report found that risks to the electoral system in Ireland are relatively low as a result of mitigation factors already in place. However, the spread of disinformation online and the risk of cyberattacks on the electoral system pose more substantial risks. The finding was in line with EU level and recent international experience.

The report identifies a number of proposals to deal with the gaps identified. It also acknowl-

edges that actions arising from such proposals require widespread support from both political parties and civil society. The next steps, as agreed by Government, are to expedite the establishment of the electoral commission and regulate the transparency of online political advertising. This will build upon some of the principles proposed in the Online Advertising and Social Media (Transparency) Bill from Deputy James Lawless and recent discussions in the Dáil and the Joint Committee on Communications, Climate Action and Environment.

Regulation of online political advertising is to be considered, in the first instance, by way of public consultation, which was launched by the group on 21 September. Views can be submitted up to 19 October and the consultation will form the basis for an open policy forum thereafter. The forum will involve all relevant stakeholders across industry, academia, political parties, the media and civil society. It will seek to identify policy solutions that respect the right to freedom of expression and relevant EU law while promoting the transparency necessary for open political discourse in a democracy that will protect the electoral processes from hidden influences and disinformation. The open policy forum is planned to be held before the end of November 2018, after the presidential inauguration, as we believe it would not be appropriate to hold it during an election campaign.

Deputy Mary Lou McDonald: Ba mhaith liom buíochas a ghabháil leis an Taoiseach as teacht isteach agus an cheist seo a fhreagairt. I welcome the publication of the report. It certainly makes for interesting reading and points to a number of issues associated with the electoral process in Ireland. I am sure we are familiar with the problems associated with the electoral register, whether that is people dropping off the register or finding it difficult to register, or the register being very much out of date in some instances. I think it is accepted by every party that the problems associated with the register need to be addressed and the establishment of a permanent electoral commission would be a step in the right direction in addressing these issues. That has been a feature of programmes for Government for at least a decade now but it has yet to happen. At what stage are preparations in respect of the electoral commission Bill and when might it come before the Dáil?

One particular area of note in the report concerns the possible extension of the franchise to citizens outside of the State. I asked the Taoiseach about this a fortnight ago in the context of the proposed referendum to extend presidential voting rights to citizens in the North and the diaspora. This report notes that the register of electors in its current form cannot provide for a possible extension of the franchise to Irish citizens resident outside of the State. That will clearly need to be addressed. What are the Taoiseach's plans in that regard?

An Ceann Comhairle: Thank you, Deputy. The time is up.

Deputy Mary Lou McDonald: The report's recommendations on tackling online disinformation, regulating online advertising, supporting the media and ensuring transparency of funding are all very welcome and should be implemented.

There is also commentary in respect of donations. An article in *The Sunday Times* at the weekend highlighted loopholes that exist in respect of disclosing political donations. I do not know if the Taoiseach saw that article. It made reference to a number of instances of money being paid to both his party and to Fianna Fáil for what the director of one of the corporate donors identified called "face time".

An Ceann Comhairle: Deputy, we need to stick to the allocated time.

Deputy Mary Lou McDonald: It ought to be a source of concern. A particular group called Golden Horseshoe, which apparently made a donation to the Taoiseach, was mentioned. I do not know if the Taoiseach wishes to comment on that on the record.

Deputy Joan Burton: I think every party in this House would welcome the establishment of an electoral commission as soon as possible. The report references the online dangers that may well exist in regard to our electoral system.

I also want to raise with the Taoiseach the electoral register which was recently published and made available to public representatives. This year the Dublin local authorities took the unilateral action of reordering the details of electors in the hard copy of the electoral register, the one which is provided and available to public representatives and to candidates. The new design is unusable because street numbers are randomised in relation to odd and even numbers. As such, it is impossible for a new candidate in particular to identify where specific houses are and then identify a name. I questioned the Minister on this and was told by way of reply to a parliamentary question that the electronic soft copy provided to Deputies in Excel would suffice and that local authorities had discharged their duty to provide the register in a usable format. I do not know how many people use the electoral register, but in its current format, it is not usable. It is a significant constraint in a democracy for candidates and public representatives who have a legitimate need to access the electoral register. I ask the Taoiseach to tell the House how he intends to proceed on this matter.

Deputy Brendan Howlin: I too welcome the publication of the report in July. While it finds that there is a low risk of cyberattacks or disinformation online in this jurisdiction, we cannot be complacent and must put measures in place when we face elections. While I understand a reluctance to proceed very overtly in the course of a presidential election, I ask the Taoiseach if he intends to follow the recommendation to regulate online advertising in place before next year's local and European elections. If that is the deadline, it is a tight one if there is to be a consultation before the end of the year, draft heads of a Bill and a clear delineation of rules well in advance of a May election. It would be naive to think there are not some elements who would like to interfere with our electoral processes in an unauthorised way. We are not so irrelevant that it would not take place.

The register of electors is a source of frustration in every single election as we always come across those who have simply disappeared off it. People who have lived in the same houses for years on end and never moved find suddenly that they have been removed when they go to vote. They do not check because they assume they do not need to having always been on the register. While we exhort people to check the online register, we need a more robust system in place to ensure we facilitate those who want to vote. That is obviously contingent on proper safeguards. A permanent electoral commission is the solution to that. We have talked about it for a long time and we need to establish one.

Deputy Micheál Martin: While the Government likes to talk the talk about being modern, its response to this issue has proceeded at a snail's pace. I appreciate the Taoiseach's comments on Deputy James Lawless, who has taken a leading role on this overall issue. However, the interdepartmental report includes nothing which could not have been put together over a couple of days by any of the many researchers and academics in our universities who specialise in online communications and security. It is a simple fact that aggressive campaigns of disinformation have become almost routine in European elections. What differs between countries is that some have adopted robust measures to identify and expose this activity. Everyone here

has experienced online abuse and disinformation and, equally, we all know that one party in particular specialises in aggressive online attacks on opponents. In a public policy context, this disinformation is deeply sinister. For example, RT has, for some reason, decided to promote anti-vaccine conspiracies, which are being retweeted here with no official pushback. The issue is whether the Government is serious about doing something, or is this another process which will simply go nowhere? Can the Taoiseach tell the House what, if any, measures will be in place at the time of next May's local and European elections? Will he, at a minimum, ask Internet companies to provide basic transparency by identifying the source and financial scale of political advertising?

Deputy Eamon Ryan: Yesterday, Facebook announced that it is changing its rules so that by the time of the next local elections in the UK all political advertisers will have to be registered and all their advertisements will have to be made public on a register to be held for seven years. Furthermore, the number of people targeted, the amount of money spent and the age, gender and location of those people will all be made public. Can the Taoiseach or his party commit to having similar rules in advance of our local and European elections, or indeed a general election? Even if we do not get the legislation enacted in time, that is the new benchmark for transparency. Will the Taoiseach commit Fine Gael to making fully public the amount of money it is spending on Facebook, Google, YouTube and other platforms? Will the Taoiseach take into account in the new legislation what Facebook said yesterday about new rules? I agree with Deputy Martin and others that such legislation must be introduced immediately and in advance of us having any election.

Deputy Alan Farrell: We have seen how certain interest groups have attempted to manipulate elections here and internationally. It is very important that we address this matter urgently. I echo my colleagues' calls on the need for this matter to be addressed in advance of the next local and European elections. It is also important to ensure the electorate is provided with certainty as to the source of the advertisements placed online, most especially having regard to their authenticity given the volume of fake news that is out there. Deputy Martin pointed quite rightly to anti-vaccine conspiracies becoming prevalent online, which is something I have researched. While there have been responses, it is a matter the House should debate. I would appreciate very much an update from the Taoiseach on the public consultation process which is under way following the report of the interdepartmental group. Can we rely on the process to be completed in advance of the local and European elections? To hone in on one other matter, I note the need for advancements on the electoral register, in particular the need to bring it online, as echoed by Deputy Burton.

An Ceann Comhairle: I suggest to Members that we take five minutes from the second group of questions, in which only two are listed, given that there are seven questions in this bunch. Is that agreed? Agreed.

The Taoiseach: I will certainly raise with the Minister of State, Deputy John Paul Phelan, the issues Deputy Burton raises on the format of the electoral register. I will ask the Minister of State to provide the Deputy with a more detailed response. All of us as public representatives want to have the register in a format which is usable as we go door to door. Some people now bring electronic devices with them as they go door to door but I know not everyone is doing so. As such, the register should be available in PDF format or another format which is accessible for people.

In response to Deputy Howlin's question, I note that it is unlikely we will have primary

legislation in place before next May. However, that is not entirely within the control of the Government and will depend on the Houses also.

As regards online advertising by political parties, I had thought every party had to set out the amount spent on online advertising in its annual SIPO returns.

Deputy Eamon Ryan: Fine Gael has actually refused to do it.

The Taoiseach: If that is not the case, we will be happy to do it on a voluntary basis. There is no difficulty doing that at all.

Deputy Eamon Ryan: That is news.

The Taoiseach: Following a public consultation process, the Joint Committee on Environment, Culture and the Gaeltacht published a report in January 2016 containing a series of recommendations for the establishment of an electoral commission. These were based largely on the joint committee's own recommendations. The Department of Housing, Planning and Local Government is currently preparing a regulatory impact analysis on the establishment of a statutory electoral commission. The analysis is examining the costs, benefits and impacts of a number of options. Once the analysis is complete, the intention is for the Minister for Housing, Planning and Local Government to obtain Government approval regarding the functions, membership, accountability mechanisms and timelines for the commission's establishment. This will be followed by a public consultation in the final quarter of this year on the Government's proposals. The outcome of the consultation will inform the drafting of heads of a Bill.

As Deputies know, a reform of the electoral register is under way to allow people to join it online and so on. It is our intention to hold a referendum next May to extend the franchise in presidential elections to Irish citizens living outside the State. That would require a new register of Irish citizens not living in the State to be established, but I am sure it could be done.

Any fundraising carried out by my party is carried out in accordance with the law. We accept no corporate donation of more than €200. In fact, we brought forward that law to break the link between business and politics-----

Deputy Brendan Howlin: With fine results.

The Taoiseach: -----ensuring no donation of more than €200 could be made to any political party. I note that Deputy Mary Lou McDonald has raised this question. It concerns me that Sinn Féin may be using partition as an advantage in that regard because, unlike other parties, Sinn Féin is established both in the United Kingdom and Ireland-----

Deputy Micheál Martin: And the United States.

The Taoiseach: -----and the rules on corporate donations in Northern Ireland-----

Deputy Mary Lou McDonald: There is nothing to stop Fine Gael from organising nationally. Both Fine Gael and Fianna Fáil should do so.

The Taoiseach: -----and the United States are very different-----

Deputy Micheál Martin: There is big money there.

The Taoiseach: -----and much looser than they are here.

Deputy Mary Lou McDonald: They are not. They are very stringent.

The Taoiseach: That creates a murkiness surrounding Sinn Féin's finances and the way in which it engages in political fundraising. What I would like to know from Sinn Féin is whether it accepts corporate donations of more than €200, which would not be permitted in this State.

Deputy Mary Lou McDonald: A Cheann Comhairle, if he does not mind, will the Taoiseach give way?

An Ceann Comhairle: Will the Taoiseach give way?

The Taoiseach: I give way.

Deputy Mary Lou McDonald: Whatever about the Taoiseach making a political charge against Sinn Féin and the way in which it operates politically, it is entirely wrong and factually incorrect to suggest there is something murky or illegal about its financing or fundraising. It is trebly regulated: in this jurisdiction, in Northern Ireland and in respect of moneys raised overseas.

An Ceann Comhairle: I thank the Deputy. She has clarified the matter.

Deputy Mary Lou McDonald: It is entirely legally compliant. I wish the matter to be clarified on the floor of the Dáil.

An Ceann Comhairle: The Taoiseach has the floor.

The Taoiseach: I was more than happy to give way in the hope Deputy Mary Lou McDonald might answer my question.

Deputy Mary Lou McDonald: Why? Is it questions to the leader of Sinn Féin now, rather than to the Taoiseach?

An Ceann Comhairle: Will the Deputy please not interrupt the Taoiseach?

The Taoiseach: The defensiveness indicates that there is something to hide-----

Deputy Mary Lou McDonald: There is nothing at all to hide, but the Taoiseach will not slander me or my colleagues with abandon.

An Ceann Comhairle: The Deputy has made her point.

Deputy Mary Lou McDonald: The Taoiseach can forget about doing so.

The Taoiseach: The question I asked was whether Sinn Féin, as a political party, accepted donations of more than €200 from any corporation. All other parties represented in this House do not. In co-operation with the Labour Party, we passed a law to ensure no party could receive a corporate donation of more than €200 in order to break the link between business and politics.

Deputy Mary Lou McDonald: All of our funding is covered.

The Taoiseach: What I want to know is whether Sinn Féin applies this rule to its fundraising by its UK arm, accepts the spirit of this law and does not accept corporate donations of more than €200. It would set it apart from the other parties represented in this House if it were the only party active in this State that continued to accept corporate donations of more than €200.

It may do so through its Northern Ireland entity, its UK entity or some kind of US entity, but there is no other party represented in this House that does that type of thing.

Deputy Mary Lou McDonald: Everything is raised in compliance with the law.

The Taoiseach: Given that the Deputy asked a question about how my party raised funds, it is only legitimate for me to ask a similar question.

Deputy Mary Lou McDonald: Which I note the Taoiseach did not answer.

An Ceann Comhairle: The Taoiseach is expected to answer questions, not ask them.

Deputy Mary Lou McDonald: I thank the Ceann Comhairle.

The Taoiseach: I shall go back to answering.

Deputy Mary Lou McDonald: That would make for a refreshing change.

The Taoiseach: The public consultation process on the regulation of online advertising was launched on 21 September and views can be submitted up to 19 October. It is planned to hold the open policy forum at the end of November, after the presidential election and the inauguration of the President, to allow sufficient time for analysis of submissions. We do not think it would be appropriate to host the forum during a presidential election campaign. That is the reason for setting the date. In September the Broadcasting Authority of Ireland launched guidelines for the coverage of general, presidential, Seanad, local and EU elections. The guidelines set out requirements to be met by broadcast companies in their coverage of elections and which apply in addition to the rules in the BAI's code of fairness, objectivity and impartiality in coverage of news and current affairs. They provide guidance for broadcasters on the manner in which fairness, objectivity and impartiality may be achieved in their coverage. They are updated periodically by the BAI in advance of elections or referendums.

Cabinet Committee Meetings

8. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee G, justice and equality, last met; and when it is scheduled to meet again. [37664/18]

9. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee G, justice and equality, last met; and when it will next meet. [39904/18]

The Taoiseach: I propose to take Questions Nos. 8 and 9 together.

Cabinet committee G was established in January this year to provide for political oversight of developments in respect of justice and equality issues, including implementation of the Government's programme of reform for the justice sector. There have been two meetings of Cabinet committee G since: one on 18 January and one on 16 April. The next meeting of Cabinet committee G will be held later this month, when the Minister for Justice and Equality will be in a position to bring to us his response to the recommendations of the O'Toole commission. The work of the committee is informed by recent reports of the effectiveness and renewal group, ERG, the Commission on the Future of Policing in Ireland, the O'Toole commission, and the Charleton tribunal, which published its most recent report this week.

Several important steps have been taken to reform the justice sector. Mr. Aidan O'Driscoll has been appointed as Secretary General of the Department and a new management team is now in place, as recommended by the ERG, which I know has a different meaning in the neighbouring state. It is clear from the group's second report that the building blocks highlighted in the first report have been established and that a strong start has been made to implementation of the necessary reforms. The third report of the group will be submitted to the Government by the end of the year.

The report of the Commission on the Future of Policing in Ireland was published on 18 September. As I mentioned, a high level implementation plan will be brought to the Cabinet committee with a view to it being taken to the Cabinet for approval in December.

The conclusions made in the Charleton report published last week will also inform the development of the implementation plan. They will also be taken into account in the Department of Justice and Equality's restructuring plan.

Deputy Mary Lou McDonald: I thank the Taoiseach for his response. To respond to his previous contribution on Sinn Féin's financing, he has his desired result because journalists are-----

Acting Chairman (Deputy Alan Farrell): I ask the Deputy to stay on the matters raised.

Deputy Mary Lou McDonald: I believe I have the floor and the freedom to speak unfettered. By all means, Fine Gael should organise in the North, but the Taoiseach already knows that.

The key finding of the Charleton tribunal is that Sergeant Maurice McCabe has again been vindicated. Mr. Justice Charleton has found that he was "repulsively denigrated for being no more than a good citizen and police officer." We owe Sergeant McCabe a huge debt of gratitude. He has done an enormous public service, as the Taoiseach has acknowledged. Mr. Justice Charleton has established that the then Garda Commissioner undertook a most disgraceful attack on Sergeant McCabe, aided and abetted by the then press officer Mr. David Taylor. As the Taoiseach knows, there is a lot of anger at the fact that it looks likely that Mr. Taylor will be able to retire on a full pension and with full entitlements and, it seems, without being subject to disciplinary proceedings, despite the findings against him. Does the Taoiseach agree that we need to look at a mechanism to appropriately sanction those who have been found by the tribunal of inquiry to have acted in the most appalling fashion?

Deputy Brendan Howlin: I wish to ask the Taoiseach about the report on the future of policing. In his initial reply he has given us the sequencing as he sees it. There is a divergence in the views taken by some members of the commission on the internal governance remit, which some members, including Mr. Eddie Molloy, with whom many of us are familiar and have worked for many years, believe must be separate from the structure of An Garda Síochána. I agree with this view. Has the Taoiseach or the Government taken a view on the recommendations of the oversight board of An Garda Síochána, the new independent complaints body that would supersede GSOC, and the new body to replace the Policing Authority and the Garda Inspectorate, the policing and community safety commission? At the heart of all of the issues of policing in recent decades has been the lack of a separate and independent oversight body. The Policing Authority is relatively new, but it has done a good job to date. I would be very concerned if its functions were to be subsumed back into a committee surrounding a Garda Commissioner.

Such a measure would indicate that we are moving back to the kind of internal system that has led to serious problems in the past. I would be interested to hear the Taoiseach's personal views on this, if he has had a chance to form them. Should we have a debate on these matters? They are at the kernel of ensuring we have effective oversight of policing into the future.

Deputy Micheál Martin: It has been quite striking that the Government's response to the Charleton report has focused on the political domain-----

Deputy Frances Fitzgerald: It has not, actually.

Deputy Micheál Martin: -----rather than on the shocking-----

Deputy Brendan Howlin: Quite shocking.

Deputy Micheál Martin: -----campaign of slander against an Irish citizen by the head of our police force. The extraordinary conclusions reached in the Charleton report are quite shattering and go to the core of our justice system. If we are honest, none of us could have comprehended that such a thing could happen. The overwhelming majority of the report focuses on that matter and on the failures of our national child protection agency, particularly the shocking manner in which it treated the McCabe family when it failed to deal with a report of rape and sexual abuse that had been completely falsely attributed to Mr. McCabe. It is quite shocking that this was left in the north-eastern police division for three years without being corrected. I think those two issues go to the core of what has emanated from Charleton so far.

I accept that the Taoiseach and others have a position on the former Tánaiste. He believes she was grievously wronged and should still be in the Cabinet. She is not still in the Cabinet. The fundamental point is that Deputy Fitzgerald claimed at the time that she had no knowledge of events of which it turned out she had clear knowledge. That was the problem. If questions that were tabled in the Dáil had been answered properly, transparently and honestly, we would not be where we are. The Taoiseach will recall that he admitted to the Dáil that it had been misled and he apologised for that. Is it now his position that it is okay for Ministers to fail to give accurate information to him or to the Dáil? The trawl that was initiated by the Taoiseach on foot of the failure to answer questions in this House led to the discovery of emails that we would never otherwise have found out about and Mr. Justice Charleton would not otherwise have received. There is nothing personal in any of this. Dáil Éireann holds Ministers to account. That is its fundamental role. As the Taoiseach knows well, the reasons I have given led to the resignation of the former Tánaiste. The issues in question were not explicitly addressed by the tribunal.

Deputy Frances Fitzgerald: That is wrong.

Deputy Micheál Martin: Most of the people who are baying at the Opposition today accepted last year that the resignation in question was regrettably necessary. The shambolic manner in which this was treated over four or five weeks is a textbook illustration of how things should not be done. That is why a group was formed to oversee the reform of the Department. At the time, the Taoiseach expressed enormous frustration about having been given wrong information, which he then had to give to the Dáil and so on and so on. I think that is something that has to be put on the record from the perspective of the Opposition. The Opposition lost confidence. This is a political domain. That is the issue.

The Taoiseach: On behalf of the Government and the House, I thank Mr. Justice Charleton

and the members of his team for the work they did on the disclosures tribunal. I think it is a really good report. The tribunal did its work in an expeditious amount of time. Mr. Justice Charleton's findings are eloquent. My first response today, which is the same as my first response last week, is to thank Maurice McCabe. I have always believed that he is a distinguished public servant. I hope the report will give him and Lorraine and their family some comfort into the future. Sergeant McCabe was in touch with me over the weekend to thank me for my support of him. I was in touch with him again to express my view that he has done enormous service to the State and to wish him and Lorraine the best into the future.

The Government's response to the Charleton report has to be about Tusla and about Garda reform. The Minister, Deputy Flanagan, is very much leading up our whole programme of Garda reform. A new Garda Commissioner is in place. He will be enabled to bring in a new management team around him. We now have additional resources for the Garda. There is more money and more equipment. There are more gardaí. We have a plan, as set out by Kathleen O'Toole in her commission report. We are very determined to follow through on what has been recommended by Mr. Justice Charleton.

The same of course applies to Tusla. The tribunal was extremely critical of Tusla's engagement with it. We discussed this at the Cabinet today. The Minister, Deputy Zappone, has written to and spoken with the chair of Tusla to express her concerns regarding the adverse recommendations and commentaries in respect of Tusla. She will meet the board of Tusla shortly to underline the need to deal with these issues and the other serious shortcomings that have been identified in the report with regard to Tusla. We believe the apology that Tusla has made to the McCabe family is the very least that can be expected. We will need to see more done to improve the situation at Tusla.

As I have said, the Government intends to respond to the Charleton report by introducing further Garda reform and by helping to fix Tusla. I believe Members of the Oireachtas need to respond to the report as well. In relation to Keith Harrison, a number of Members of this House raised false allegations in this House and in doing so gave them credibility. Those allegations were taken up by the media, which took them to be true even though they were not. That caused a lot of damage and a lot of hurt to some innocent gardaí and eventually cost the State a lot of money. The point I would make about this section of the tribunal is that some Members of this House need to correct the record with regard to what they said about Keith Harrison.

An allegation was made by a party leader that the former Garda Commissioner, Nóirín O'Sullivan, was part of a conspiracy to smear Maurice McCabe.

Deputy Brendan Howlin: That is not true.

The Taoiseach: We know the tribunal found that not to be the case.

Deputy Brendan Howlin: That is not true.

The Taoiseach: I was not referring to the Deputy.

Deputy Brendan Howlin: On a point of order, if the Taoiseach was referring to me, it is certainly not true.

The Taoiseach: I was not referring to the Deputy.

Deputy Brendan Howlin: The Taoiseach should have made that clear.

The Taoiseach: I was not referring to the Deputy. I believe the comments in question should now be withdrawn from the record of the House. While the former Garda Commissioner, Nóirín O'Sullivan, did not do everything right, the tribunal has clearly found that she was not part of such a conspiracy. I believe that allegation should be withdrawn and the record should be corrected.

Deputy Brendan Howlin: Who made the allegation?

The Taoiseach: The central charge that was made against Deputy Fitzgerald - that she was aware of the alleged legal strategy of the former Garda Commissioner and that she failed to act on it - was also false. Mr. Justice Charleton has found in his report that Deputy Fitzgerald's response to that information was considered, appropriate and correct. He has found very much in her favour in that regard. He has also found that she resigned selflessly to prevent this House and this Government falling and to avoid a general election. All I would ask of Deputies is to do what I had to do during that period. When I was given inaccurate information during that period, I came in here and I did the decent and right thing by correcting the record of the Dáil. All I would ask of the Deputies opposite is to do the decent thing by coming into the House to correct the record regarding the false allegations made by Keith Harrison, the false charges against Nóirín O'Sullivan and the unfair allegations and accusations made against Deputy Fitzgerald.

Community Development Initiatives

10. **Deputy Micheál Martin** asked the Taoiseach the position regarding the progress on the recommendations of the Dublin inner city forum. [37668/18]

11. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the work of the north-east inner city initiative. [38652/18]

12. **Deputy Joan Burton** asked the Taoiseach if he will report on the work of the north-east inner city initiative. [39679/18]

13. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the work of the north-east inner city initiative and the status of recommendations of the Dublin inner city forum. [39905/18]

The Taoiseach: I propose to take Questions Nos. 10 to 13, inclusive, together.

The north-east inner city programme implementation board, which is chaired by Mr. Michael Stone, continues to oversee the implementation of the 24 actions set out in the Mulvey report and to make progress with work on the Dublin north-east inner city initiative. The Department of the Taoiseach is closely involved with the work of the board and the local programme office. The chair of the board reports on a regular basis to an oversight group of senior officials chaired by the Secretary General of my Department. This ensures strong and active participation by all relevant Departments and agencies and deals with any structural barriers or issues highlighted by the board. From the outset of this initiative, there has been targeted community engagement and a focus on improving supports and facilities for a wide range of projects and services. One of the major aims of the initiative is to ensure the area is safe for families, residents and the people who work there. Since the start of this year, 51 new gardaí have been assigned to the area to provide reassurance to residents. A Garda community support vehicle, which is expected to

be a major asset for the community and for community policing, has been deployed. Increased patrols targeting drug dealing and anti-social behaviour blackspots have also started to make a real and noticeable difference. The board is also working hard in several other areas.

Efforts to ensure employment opportunities are maximised for local people have resulted in the establishment of a single employment engagement team composed of five staff. Another key objective is to improve the physical environment and build a sense of pride in the area. Recent improvements include the completion of a draft greening strategy by Dublin City Council, the installation of new playground equipment on Sheriff Street, and the commencement of phase 2 of the north canal cycleway, which is a very fine project.

It is also important that statutory and voluntary services work effectively together. At a recent conference held in Croke Park, we examined ways in which children and youth services could work and collaborate better, with recommendations from the conference expected in the coming weeks.

Over recent months, the board has placed an emphasis on ensuring that the longer-term actions required to make a fundamental and transformational change to the area are initiated and implemented. Community involvement and engagement are crucial to the success of the initiative and the board is committed to a policy of openness and transparency. For these reasons, the community and general public have been kept up to date with developments through the board's website, which is www.neic.ie, local newsletter drops and regular community events.

The Government remains committed to supporting and investing in Dublin's north-east inner city community and ensuring that Mr. Stone and the board have the necessary resources to help make the area a much better place for people to live and work.

Acting Chairman (Deputy Alan Farrell): I thank the Taoiseach. As we are a little behind, I ask Members please to adhere to their time.

Deputy Micheál Martin: It is seven years since Fine Gael decided to abolish what had been a successful approach to development in disadvantaged communities in general, but especially in communities hit by drug abuse. The new approach of devolving everything to local authorities has narrowed the work and there are serious signs of a lack of momentum and new pressures in many communities. I would appreciate it if the Taoiseach agreed to an independent evaluation of the new development approach versus the one that was ended in Fine Gael's first year in office. Why are so many communities feeling increasingly helpless in the face of the spread of hard drugs into new areas?

Recently, I met the chairman, Mr. Willie Dwyer, and manager, Mr. Fran Laycock, of the Seán O'Casey community centre. Their centre has been excluded from the approach to the north east by a dividing line. The community centre is fantastic and does incredible work. It was opened in 2009. To be fair, the former Taoiseach, Bertie Ahern, had a particular role and was helpful in getting it together. It has a senior citizens' day care centre and provides sporting and cultural activities, with a great theatre, but it does not have a proper stream of funding.

Acting Chairman (Deputy Alan Farrell): I thank the Deputy.

Deputy Micheál Martin: It is exactly the type of centre that I would have thought-----

Acting Chairman (Deputy Alan Farrell): I will now call Deputy McDonald. Will the

Deputy take his seat, please?

Deputy Micheál Martin: If I may just-----

Acting Chairman (Deputy Alan Farrell): No, the Deputy is over time.

Deputy Micheál Martin: You cannot-----

Acting Chairman (Deputy Alan Farrell): I warned you in advance.

Deputy Micheál Martin: We have a way of operating here. I think you need to calm down a little.

Acting Chairman (Deputy Alan Farrell): I have given the Deputy plenty of co-operation.

Deputy Micheál Martin: I just want to put the final question to the Taoiseach, if I may.

Acting Chairman (Deputy Alan Farrell): I gave the Deputy a minute and a half in the last segment.

The Taoiseach: True.

Deputy Micheál Martin: A minute and a half. People have gone for five.

Acting Chairman (Deputy Alan Farrell): Take your seat and we will move on.

Deputy Micheál Martin: Just let me put the last question. I will be finished then.

Acting Chairman (Deputy Alan Farrell): Deputy, please.

Deputy Micheál Martin: Would the Taoiseach agree that the Seán O’Casey community centre should be included in the overall funding resources that the north-east inner city initiative has made available to other groups and companies? I would appreciate it if he looked into it.

Deputy Mary Lou McDonald: The difficulty with the Seán O’Casey centre in East Wall is that the boundary for this initiative was arbitrarily drawn-----

Deputy Micheál Martin: Yes.

Deputy Mary Lou McDonald: -----and missed the dynamic between interlocking parts of the inner city. I support Deputy Micheál Martin’s observations in that regard.

The Taoiseach mentioned improvements to the physical environment, which are welcome. There are some incredibly innovative approaches being taken. My particular favourite is called “city orchards”, which is the use of derelict spaces for apple and pear trees and involves education as well as precinct improvements, all of which is good. However, the bottom line is that the main physical improvement that needs to happen in the north inner city, which I am proud to represent, is housing. May I mention the words “Ballybough House”? I could mention other blocks of flats. They are small, cramped and damp. I have placed on the record of the Dáil the fact that many families do not have a kitchen table because there is not room in their flats. They do not have a place where children can have meals together with their parents or do their obair bhaile. All of us who have families understand the disaster that that is.

This is all about housing. If we are not prepared to invest big in regeneration and housing,

we will be at nothing in the north inner city.

Deputy Joan Burton: Notwithstanding the good work being done by the initiative and the forum, much of the north inner city has too many derelict sites. While student accommodation blocks are flying up and being built, completed and opened within 18 or 24 months, too many families feel a level of helplessness and hopelessness about the fact that relatively few completely refurbished homes or new builds are coming online.

Previously, I asked the Taoiseach about one of the problems facing the building industry, in that we have a complete lack of apprenticeship places. In the north inner city, there are higher-than-usual unemployment levels, especially among young people, and men in particular. In the construction and motor trades, many young people would give their eyeteeth to get an apprenticeship, but under this Government's handling of SOLAS, the level of apprenticeships is like something out of a bygone age.

Will the Taoiseach focus on the fact that many people in the north inner city, notwithstanding the great fall in unemployment levels, are still unemployed or lacking access to training programmes?

Acting Chairman (Deputy Alan Farrell): I thank the Deputy.

Deputy Joan Burton: Will the Taoiseach do something about that? I am referring in particular to boosting significantly the number of apprentices, who would then be available to build the houses that we need.

Deputy Brendan Howlin: This is an important project - it is a demonstration project in many ways - that had cross-party support. It was strongly led by the Taoiseach's predecessor, Deputy Enda Kenny. We need to drive it.

I wish to ask about capital works that were promised. For example, €450,000 has been allocated for the Lourdes day care centre on Seán McDermott Street. That capital project is long overdue. Other major projects include the Rutland Street school, which is to be a multipurpose facility with a community base for the area; the Magdalen convent and its grounds; and the magnificent but dilapidated Aldborough House, which I understand is subject to separate planning. When will we see these projects taking shape?

Is it envisaged that this project will be put on a statutory basis in the long term or is it time-lined? Why has the only body representing the public, the North Inner City Community Coalition, not met in six months?

Acting Chairman (Deputy Alan Farrell): I thank the Deputy.

Deputy Brendan Howlin: I am good on time.

Acting Chairman (Deputy Alan Farrell): The Deputy is excellent.

The Taoiseach: As to including the Seán O'Casey community centre, I am certainly happy to have my people examine that and to ask Mr. Michael Stone what his assessment would be of doing that. As is always the case, one has to draw a boundary somewhere. No matter where one draws a boundary-----

Deputy Brendan Howlin: Someone will be outside it.

The Taoiseach: -----there will always be something on the wrong side of the boundary, but boundaries can be changed where it makes sense. I will certainly commit to Deputies that we will have that matter examined.

Regarding housing stock, there are a number of housing bodies in partnership with Dublin City Council that are working to deliver four main housing regeneration schemes in the area. These schemes are at various stages of redevelopment, with 228 units expected to be delivered.

4 o'clock They are as follows: 80 units in a mix of one-to-four-bed apartments for the refurbishment of St. Mary's Mansions by Clúid Housing, with the demolition phase almost complete and building works expected to be completed in August 2019; 72 units at the Croke Villas redevelopment, with the majority of works expected to be completed by the end of this year; 47 apartments on Railway Street by the Circle Voluntary Housing Association, with planning applications expected by the end of this year and construction completed and homes ready for occupation in the second quarter of 2021; and 29 old persons' units by Oaklee Housing, with works having commenced on this site already and the expectation being that the homes will be made available to older people living in the area in the fourth quarter of 2019, thus freeing up other properties for families on the housing list.

There will, of course, be more after this. I strongly encourage Dublin City Council to come forward with more plans to regenerate its existing housing estate. Plans such as O'Devaney Gardens, Dolphin House and Charlemont Street, where we can see old developments being-----

Deputy Joan Burton: There is not one unit yet at O'Devaney Gardens.

Acting Chairman (Deputy Alan Farrell): Deputy, please.

The Taoiseach: They have to be built first. There are 50 under construction.

Deputy Joan Burton: The Taoiseach's party has been in government for ten or 12 years.

The Taoiseach: The Deputy was in government for half of that. Let that not be forgotten, as I am sure the Deputy would like it to be.

Deputy Joan Burton: I raised it at every opportunity but the Taoiseach's party was not interested in O'Devaney Gardens.

Deputy Micheál Martin: We are getting an insight into Fine Gael's failures in government.

Deputy Mary Lou McDonald: Deputy Martin should be familiar with them.

The Taoiseach: Regarding Deputy Burton's other questions, she will be delighted to know the education budget for 2019 provides for 1,000 additional apprenticeships and the youth employment support scheme, YESS, which comes under the Department of Employment Affairs and Social Protection and is a dedicated programme targeted at the long-term unemployed. The Deputy will have an opportunity to show her support for the additional apprenticeships and additional help for the young unemployed by voting for the Appropriation Bill this year and not against it.

Written Answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Alan Farrell): 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 Seán Crowe - to discuss capacity and cross-infection risks in the haemodialysis unit in Tallaght Hospital; (2) Deputy Michael Fitzmaurice - to discuss the provision of maternity services at Galway hospital and Portiuncula Hospital; (3) Deputies Anne Rabbitte and Frank O'Rourke - to ask the Minister for Finance to come before the House and explain the proposed Revenue change to mileage relief allowances for staff who work with Waterways Ireland and to make a statement on the matter as it is impacting on staff in southern Ireland; (4) Deputy Pearse Doherty - the need for the Government to urgently extend the current DEIS scheme to allow for the addition of further schools in which children and young people enrolled are at a particular risk of or are experiencing educational disadvantage; (5) Deputy James Lawless - the overcrowding on commuter train services from Kildare; (6) Deputy Dara Calleary - to discuss coastal protection at Belmullet and along the Mullet Peninsula; (7) Deputy Robert Troy - the proposed changes by Bord na gCon which will have a detrimental effect on Mullingar greyhound stadium; (8) Deputy John Curran - the need to progress the construction works-extension at Lucan community college; (9) Deputy Fiona O'Loughlin - the issue of six students with intellectual disabilities in Newbridge still not having a place for education since 1 September despite commitments made last year; (10) Deputies Eamon Scanlon and Pat The Cope Gallagher - to discuss issues surrounding the independent review mechanism established by An Post to review the provision of post office services, and the need for the Minister for Communications, Climate Action and Environment to discuss the future of the Donegal post offices under threat of closure, as the appeals mechanism fails to reopen some post offices; (11) Deputy Stephen S. Donnelly - the need for the Minister for Health to explain the overspend in healthcare for 2018; (12) Deputies Clare Daly and Mattie McGrath - to discuss the 2017 annual report of Caranua's appeals officer; (13) Deputy Gino Kenny - the Government's proposed cannabis access programme; (14) Deputy Richard Boyd Barrett - the crisis in Yemen; (15) Deputy Margaret Murphy O'Mahony - to discuss the closure in November of the credit union branch in Drimoleague, west Cork, which will leave many people, particularly elderly people, without a banking service in the village and how such a decision can be justified when so many facilities have already been eroded; (16) Deputy Sean Sherlock - to discuss the provision of appropriate waste collection services for persons with disabilities; (17) Deputy Mick Wallace - to discuss the recommendation by the Commission on the Future of Policing in Ireland to decrease the external oversight of An Garda Síochána via the proposal of a Garda Síochána board; and (18) Deputy Billy Kelleher - the need for the Minister for Finance to outline if he is planning to carry out any review of the interest rates being applied by banks in Ireland to SMEs and mortgage holders, the impact this is having on the economy's competitiveness and domestic consumers and his view on the rates being applied by pillar banks in comparison with counterparts in other EU member states.

The matters raised by Deputies Seán Crowe, Michael Fitzmaurice, Dara Calleary and Sean Sherlock have been selected for discussion.

Pre-European Council Meeting: Statements

The Taoiseach: On 17 and 18 October, I will attend a meeting of the European Council in Brussels as well as a meeting of the European Council on its Article 50 formation and the euro summit. I will also attend the Asia-Europe Meeting, more commonly known as ASEM,

which will take place in Brussels on 18 and 19 October. On Wednesday evening, we will meet in Article 50 format to discuss the Brexit negotiations. The meeting of the European Council proper on Thursday morning will focus on migration, internal security and external relations. This is to be followed by a euro summit where we will exchange views on financial issues ahead of the December European Council. The ASEM summit will start on Thursday evening and continue until Friday afternoon. This is the 12th ASEM summit and it will bring together the leaders of 51 European and Asian countries as well as the heads of the EU institutions and the Secretary General of the Association of Southeast Asian Nations, ASEAN. President Tusk will chair the discussions which will focus on strengthening co-operation between Europe and Asia in responding to global challenges, including trade and investment, connectivity, sustainable development and climate and security.

I will focus my remarks today on Brexit and will also briefly outline our thinking on migration and the issues for discussion at the euro summit. The Minister of State, Deputy Cannon, will speak about the internal security issue in his wrap-up statement as well as the external relations items that are likely to arise.

From Ireland's perspective, the priority is of course the discussions on Brexit on Wednesday evening. The Government has been consistently firm and resolute in its response to the UK decision to leave the EU. Even before the UK referendum we started to examine the issues, engage with sectors across the island of Ireland and fully analyse our main areas of concerns. Recognising the significant economic, political and social implications for Ireland, we identified our negotiating priorities at an early stage. These are to minimise the impact of trade in our economy, protect the Good Friday Agreement and the Northern Ireland peace process, including through avoiding a hard border, maintain the common travel area, and work for a positive future for the European Union.

As Deputies are aware, negotiations on a withdrawal agreement between the EU and UK have been ongoing for well over a year. The Government has worked at both political and official level in engaging with our EU partners and the EU institutions to ensure that our unique circumstances and specific concerns are fully understood. As a result of these efforts, the EU negotiating position, as confirmed by the guidelines agreed in April, has reflected all our concerns and these have been at the very centre of negotiations with the United Kingdom.

The negotiations intensified significantly following the informal summit in Salzburg last month and particularly over the past two weeks. I am disappointed and concerned that despite these efforts, it has not been possible to make the decisive progress we so urgently need. The gaps between positions are significant and time is running out for a deal to be in place by the time the UK leaves on 29 March next year.

Obviously, discussion of the backstop was a particular focus in the negotiations which ended at the weekend. From Ireland's perspective, we have been consistent in our position and objectives. We want negotiations to succeed but this will only be possible with agreement on a legally robust backstop, which must apply in all circumstances, set out clearly in the withdrawal agreement.

In an EU-UK joint report last December, the UK committed to a backstop arrangement that would avoid a hard border on this island and agreed that this would be reflected in the legal text in the withdrawal agreement. Prime Minister May reiterated these commitments in March and again last month after the informal summit in Salzburg. The EU presented its detailed pro-

posals for the backstop when it published a draft version of the withdrawal agreement back in March. While the final text was not agreed at the time, the negotiators for both sides, the EU and the UK, accepted that a legally operative backstop for the Border, in line with paragraph 49 of the joint report, should be “agreed as part of the legal text of the Withdrawal Agreement, to apply unless and until another solution is found”.

The UK has brought other ideas to the table in the course of the negotiations, although it has not published a formal written text. In considering any proposals, we will continue to apply the tests that were outlined by Michel Barnier earlier this year. First, is it a workable solution that avoids a hard border? Second, does it respect the integrity of the Single Market and the customs union? Third, is it an all-weather backstop?

To provide the necessary certainty the backstop needs to apply unless and until it is replaced by a future relationship between the EU and the UK that makes it no longer necessary. By definition, therefore, it cannot have an expiry date. The EU side has been consistent in its position that the UK must deliver on these commitments and that the protocol on Ireland and Northern Ireland, including a legally operable version of the backstop, must be included in the withdrawal agreement, or there will not be an agreement.

The task force led by Michel Barnier, as chief EU negotiator, has been engaged in negotiations with the UK over the past year. As the date of the UK’s departure from the EU approaches, these negotiations have further deepened and intensified. While many aspects of the withdrawal agreement have been satisfactorily progressed, including the UK financial settlement, citizens’ rights and other separation issues, progress on the protocol, including the backstop, and a joint political declaration on the future relationship has been more difficult. At our meeting tomorrow, we will hear whether progress has been made in the most recent round of negotiations between the EU and UK negotiators. We will also assess whether there has been decisive progress on the withdrawal agreement, including the protocol with a solid operational and legally binding backstop.

We are all agreed that the situation in Northern Ireland is unique and, therefore, requires a unique solution, and we all acknowledge that the invisibility of the Border has been of critical importance in reinforcing the stability brought about by the peace process and the Good Friday Agreement. The EU side has been very clear that the backstop is essential to avoid any hardening of the Border. As we have said consistently, without a backstop there cannot be a withdrawal agreement, including a transition period.

The proposals in the draft protocol are practical and technical solutions to protect the gains of the peace process and keep the Border open and invisible, as it is today. They represent no threat to the constitutional integrity of the United Kingdom. It is worth saying that while we continue to insist that a legally operative backstop is an indispensable part of the withdrawal agreement, it is an insurance policy and is not our preferred solution to the question of the Border. We want to see a future relationship between the EU and UK, to be agreed, that is so close that it makes one unnecessary once the period of the transition ends. That is the best way to ensure that the backstop is never invoked. However, that outcome cannot be guaranteed. For as long as that is the case, the backstop must be there to offer full confidence that in all circumstances there would be no return to a hard border on the island of Ireland.

Of course, the draft protocol is about more than the backstop. An agreement on it would be very important for protecting the rights and freedoms in Northern Ireland and the safeguards set

out in the Good Friday Agreement. I believe that a positive outcome is still possible. However, if we are to have an agreement secured, approved and operational by the time the UK leaves, we need to make decisive progress now. At our meeting in Brussels tomorrow evening, I will thank Michel Barnier and his team once again for their commitment, their patience and thorough work. I will also thank our EU partners for their continuing and steadfast support. This solidarity was reiterated at my recent meetings in Brussels with President Tusk, Michel Barnier and the Chairman of the European Parliament's Brexit steering group, Mr. Guy Verhofstadt, MEP. The British Prime Minister, Ms Theresa May, will speak to leaders tomorrow in advance of our meeting in Article 50 format, and I look forward to hearing her perspective on how she sees progress being made. Michel Barnier will then update the 27 leaders on the details of the negotiations and offer his assessment of the state of play. We will then have a collective discussion and consider the next steps.

While I am confident that the negotiations can reach a successful outcome and can deliver a close and deep future partnership between the EU and the UK, we are of course continuing to plan for the full range of scenarios. No matter what happens, things will be different, if not from March next year then from January 2021. In addition to the actions we took in the 2017 and 2018 budgets, last week's 2019 budget includes a package for Brexit readiness to insulate Ireland from the negative impact of Brexit, including a €2 billion rainy day fund, increased staffing across State agencies and Irish embassies, and increased capital expenditure through Project Ireland 2040. Various programmes to help businesses are in place, including a €300 million Brexit loan scheme for business and a €25 million fund for the agrifood sector. The Getting Ireland Brexit Ready public awareness campaign will provide ongoing information on the latest preparedness, and the Government is doing everything it can to enable this to be a success. We have also been stepping up our contingency planning, including crisis management and possible temporary solutions which could be rapidly implemented. Following the citizens' dialogue process led by the Minister of State, Deputy McEntee, over the past year, I am satisfied that the budget also provides for the next stage of our future European strategy. It is now more important than ever that we reinforce our place at the heart of Europe and play an active role in shaping its future.

The Brexit negotiations were always going to be challenging and I have no doubt that there will be more difficult days ahead. The only way to reach a satisfactory outcome, however, is through constructive engagement on both sides. We are in the final stages of the negotiations now. Tensions will inevitably rise and it is important that we are united, both as a country and as a Union. I will update the House further next week after the European Council.

Turning to other issues, migration continues to be a concern for the Union and will be discussed on Thursday morning. Having had intensive discussions on the issue at the June European Council and more recently at the informal summit in Salzburg last month, our meeting on Thursday is likely to focus on the external aspects of migration, particularly strengthening our co-operation with partner countries, including in Africa.

Acting Chairman (Deputy Alan Farrell): The Taoiseach's time is up. Deputy Micheál Martin is next.

Deputy Micheál Martin: This week's European Council meeting marks another missed deadline in the long series of missed deadlines which we have seen since the political declaration on Brexit last December. In fact, there is a higher degree of uncertainty and a greater risk to Ireland's interests today than there has been at any point. Obviously, the root cause of all

problems is to be found in the small group of Euro-haters in London who continue to campaign against the EU with a ferocity which the last UK permanent representative in Brussels has rightly compared to the destructive frenzy of revolutionary ideologues. Quite simply, we cannot waste our time talking about them. They are willing to damage their own country and have no interest in the welfare of any others. We must focus on what we have to do in the coming months to prepare for any eventuality, but just in case anyone is foolish enough to take the spin on face value, the evidence is that Ireland today is nowhere near Brexit ready. Following this weekend's failure to reach agreement, President Tusk has written to leaders to say that a no deal outcome is more likely today than before and the process by which the main blockages may be overcome is far from clear. It remains highly likely that some form of deal will be pulled together for the most obvious reason that a no deal outcome would hurt everyone more than any of the alternatives. For Ireland, in addition to the implications for the future of our agreed political settlement, according to the only independent forecast commissioned by the Government, a hit equal to 7% of national income would result. This is on a par with the damage which would be felt by the UK.

Obviously, the first priority must be to keep pushing for a form of special status for Northern Ireland which would guarantee it full access to both the EU and the UK markets. It has been highly damaging that this was allowed to be seen as a green versus orange issue last year. Immature and ill-advised comments about righting a wrong of 1922 and moving tectonic plates have, at the very least, made the task of persuasion harder. From the very beginning of this process my party has repeatedly said that tying the future of Northern Ireland to the overall and permanent status negotiations was, at best, dangerous. Given the febrile and self-destructive nature of politics in London at the moment, linking Northern Ireland to the overall settlement was always likely to cause trouble.

Now is the time to try to calm fear and help people to understand that the offer being made by Michel Barnier and the European Union concerning Northern Ireland is both generous and potentially very exciting for Northern Ireland. It is the best of both worlds and offers a new economic dynamic for Northern Ireland which could break a cycle of disadvantage which recent London and Belfast Administrations have been unwilling and unable to tackle. It protects links that matter but also opens up radical new opportunities. Northern Ireland would have a unique economic status where it would not be obliged to pay for membership of the Single Market but would derive all of the benefits. Overnight, Northern Ireland could find itself as the preferred destination of investors who want access to both the EU and the UK single markets. As we know from the comments of British business people, there are many jobs which could relocate to Northern Ireland in the right circumstances.

Yesterday I reiterated to the leader of the DUP that none of the democratic parties in this Dáil is in any way seeking to use Brexit as a way of undermining the clear constitutional settlement in Northern Ireland. Our concern is to protect a relationship which has worked so well for all parts of this island. The special or unique economic zone status which my party has advocated provides a definite guarantee that no constitutional sleight of hand is being contemplated. It utilises principles well respected in international trade law and which, by definition, involve one part of a state being given separate and preferential status to the rest. No Government in the world is more assertive of its sovereignty than China's, and the Chinese have used special economic zones as a central part of their dramatic growth story in recent decades. During our ongoing discussions in Brussels, we have found a genuine interest in the special economic zone idea. It is a pity that a year ago the Taoiseach said he had no responsibility for trying to

persuade unionists to accept what is being proposed. In this he was taking a position that was 100% different from that of his predecessors over nearly three decades. It is noteworthy that each of the major steps in the peace process involved sustained, quiet engagement with the unionist community. I welcome his meeting yesterday with the leader of the DUP and I hope it is not too late to start a wider effort.

Tomorrow I will attend a pre-summit meeting of the Alliance of Liberals and Democrats for Europe, ALDE, group of which Fianna Fáil is a member. Eight prime ministers are due to attend for the small working session at which Brexit will be a major topic. I intend to thank them for their continued solidarity with Ireland and to reinforce the fact that there is a broad consensus in Ireland behind a status for Northern Ireland which protects both the operation and principles of the Good Friday Agreement. I will also be informing them that we have taken the initiative to ensure that even though ours is a minority Government, the ability of our Government and Parliament to react quickly to any developments in the months ahead will be protected. If, as we all hope, there is a substantive deal in the next two months, the ratification process will potentially be littered with obstacles, and I know many Deputies share the opinion that we should not risk being caught in a period of election campaigning or Government formation when quick responses will be needed to protect Ireland's interests.

As things stand, there is no clarity on what deal can either be reached or ratified. The existing law of the UK specifies both that there will be a vote of some sort by 21 January and that the UK will leave the EU on 30 March. We must be ready for all eventualities, but the growing evidence is that we are nowhere near ready. There are nearly 6,900 companies on which Brexit has the potential to have an impact, yet only one quarter have any Brexit plan in place. Key schemes for aiding planning are being awarded to a total of roughly 12 firms per month. A key loan scheme announced last year has not yet been established, while another has seen allocations of €2.5 million out of a promised €300 million. The Dutch Government has already hired and trained 1,000 officials to deal with Brexit. Our Government has just started the process of recruiting 400. The delivery deficit which is so central to this Government's policies on housing, health, broadband and other major issues is also being seen in relation to Brexit. It is long past time to put aside the overproduced videos and ministerial self-promotion and to show far more urgency in Brexit preparedness.

Of the other items on the council's agenda, President Tusk has asked members to express their support for the Organisation for the Prohibition of Chemical Weapons after the recent cyberattack on that organisation, as well as the attempt to hack the investigation into the shooting down of flight MH17 over Russian dominated areas of Ukraine. Earlier this year, there were nearly hysterical attacks from Sinn Féin and others against the decision to sanction Russia for the chemical attacks on Sergei and Yulia Skripal. Now that the identity of the would-be assassins is clear, and even the most useful fool cannot deny the link to Russia, it is clear that Ireland's decision to stand in solidarity with the UK on that issue was correct. I am often struck by the degree to which some Members in this House are in denial about the realities of Russia's power play in the world today and its involvement in activities like this cannot be condoned.

I agree with my colleague, Guy Verhofstadt, the parliamentary leader of the ALDE group, when he references the appalling situation of the journalist Jamal Khashoggi, the role of Saudi Arabia in that, and the need for the European Union to take a unified and solid position because we are witnessing, around the world, a gradual erosion of the values that liberal democracies hold dear. It is also penetrating the European Union and there is a need to be strong and resolute in opposition to that and to be firm in standing up for the values that underpin our parliamentary

democracy and the European tradition of parliamentary democracy and the absence of despotic regimes. The EU showed solidarity with Britain during that whole sordid episode and that is another demonstration of how much damage the United Kingdom will be inflicting on itself when it leaves the community of European nations that are committed to close, rules-based co-operation.

Deputy Mary Lou McDonald: I will be sharing time with Deputy Crowe. Táim buíoch as an deis labhairt ar an ábhar tábhachtach seo um thráthnóna.

Since the result of the Brexit referendum became clear, Sinn Féin has been unequivocal in stating that Brexit presents the most serious social, economic and political threat to this island in a generation. The referendum debate in Britain took no cognisance of that fact. Eighteen months on, the position of the British Government still takes no cognisance of it and the threat to our island has not dissipated. We were told, last December, that the backstop arrangement was a guarantee, an insurance policy, that there would be no hard border on our island and the interests of citizens in the North, the majority of whom voted against Brexit, would be protected. We were also told that this arrangement would be enshrined in a legal text by March, and then we were told the British Government would produce firm proposals by the June meeting of the European Council. That deadline then became October, and we all realise at this stage that this is not going to happen.

The Taoiseach said yesterday that negotiations could continue into next month or until the meeting of the European Council in December. This is a direct result of the stalling and prevaricating of the British Government and its abject failure to produce realistic proposals. With time running out, the British Government continues to show scant regard for Ireland and our rights, economy and peace agreements.

I made this point directly to British Prime Minister, Ms Theresa May, when I met her in London yesterday. I impressed upon her the need to place the Good Friday Agreement, shared progress and the unique circumstances of Ireland above any short-term political calculation. Up to now, unfortunately, her focus has been on infighting within her own party and her toxic pact with the DUP instead of coming to an acceptable negotiating position. The Tories and Ms May's Government stand guilty of an act of what I can only describe as mindless political vandalism. The British Government signed up to an agreement in December to protect the Good Friday Agreement, to avoid a hard border and to put in place a legally enforceable backstop, and that agreement must be honoured. Unfortunately, the Tories' confidence and supply arrangement with the DUP has undermined progress. The DUP has aligned itself with the most right-wing elements of the Tories, UKIP and extremist Brexiteers in not seeking to avert or avoid a hard border, but actively relishing the prospect of one. The DUP's position is utterly reckless and irresponsible.

The DUP cannot be allowed to set the pace of Brexit. It does not represent the majority of people in the North who voted to remain, and that point cannot be made often enough. We need a deal that recognises the unique circumstances of our island. The North must stay within the customs union and Single Market so that there cannot be a hard border. This is critical to safeguarding investment, protecting jobs, trade and the integrity of the peace process. The onus is on political leaders to defend our country's political and economic interests. I mean "political leaders" in a domestic, rather than international, context. This is what has guided Sinn Féin's approach to Brexit. It has never sought to play politics, as others have, with any of this, and the Taoiseach would acknowledge that. It has supported the Taoiseach's Government and the

European negotiating team, whom Sinn Féin has met on numerous occasions, in all of their endeavours and attempts to get the best deal possible. Sinn Féin wants that as the final outcome and that should be the position of everybody and every party on this island. There is an onus on the British Government to step up to the plate and on the Irish Government to defend and promote an all-island view.

The Taoiseach said, last December, we had a cast-iron guarantee to protect Ireland. Nothing less than that will be acceptable. The Taoiseach must now stand firm in defending the interests of the entire island and the rights of all its citizens. He must remain resolute in the face of British intransigence. The EU must remain true to its word that, without an agreed, legally enforceable backstop, there will be no withdrawal agreement. This is a straightforward, bottom-line message. It is the message the Taoiseach must bring with him to Brussels tomorrow.

Deputy Seán Crowe: I wish the Taoiseach well in the discussions. Brexit presents a serious social, economic and political threat to our island and the peace process, and I repeat an Teachta McDonald's call to defend the rights and interests of the entire island and safeguard the rights enshrined in the Good Friday Agreement and the potential of the Good Friday Agreement.

There will be other pressing issues on Thursday, particularly around migration. The EU's migration policies are inhumane and are clearly not working. They have turned large parts of the Mediterranean into a huge graveyard. In the past five years, 17,000 people, that we know of, have drowned trying to cross the Mediterranean Sea. Last month saw approximately 700 deaths, the highest death rate ever recorded in the Mediterranean. That is a challenge.

What has been the response of the European Council? It has been more extreme, far-right policies aimed at keeping people away from sanctuary in Europe, letting them drown in the Mediterranean, or pushing them back to the conflicts and oppression they are fleeing.

This approach is inhumane, counterproductive and wrong. Will Ireland, with its history of hunger, conflict and oppression, advocate for a different approach? Safe and legal avenues for family reunification and for those seeking refuge are needed. I think there is support for such an approach across the House. It would reduce the use of illegal and dangerous smuggling routes. Supporting a corrupt failed state's coast guard in Libya to attack boats and return people to prisons and slave markets from which they are seeking to escape is not the answer. The European Union's policy of using foreign aid money to pay off autocratic regimes to imprison humans seeking to escape war, poverty and oppression is wrong on so many levels and should be called out as such.

On external relations, as at all European Council meetings, there is space to discuss specific foreign policy issues. The issue was touched on, but I call on the Taoiseach to refer to the dire situation in Yemen to try to rally support to have Saudi Arabia's illegal embargo of the country lifted. The United Nations is warning that 14 million people in Yemen are facing starvation. It is unequivocal about who is to blame and squarely lays the blame on Saudi Arabia. It is a military coalition, led by the Saudi Arabian regime, the air strikes of which have destroyed the infrastructure of the country, killed kids going to school and targeted innocent civilians. Saudi Arabia's illegally enforced blockade is also contributing to what the United Nations states could become the worst famine in the world in 100 years, but Saudi Arabia is not acting alone. It is strongly supported and armed by the United States, Britain, France and other EU member states. We need to have a different approach. A message needs to come from the European Council that this is wrong and that calls not only for an end to the embargo but also an end to

the sale of weapons to Saudi Arabia. I echo the call made about the killing of the Saudi journalist, Jamal Khashoggi, in the consulate in Istanbul. A message should come from the Council in that regard.

Deputy Brendan Howlin: On Brexit, Ireland has three demands. They are certainty that we retain an open border on the island of Ireland; guarantee the rights of Irish citizens across the United Kingdom; and have a close east-west trading relationship between Ireland and Britain. The first two issues form part of the withdrawal agreement under negotiation. The main focus of the talks has been on how to maintain an open border. Continuity of citizens' rights, as the Taoiseach acknowledged, is vitally important for the 500,000 Irish citizens living in Britain. We are not neutral on the outcome of the negotiations on the eventual future relationship between the United Kingdom and the European Union. I think all of us in this House would prefer to see a second vote take place and the United Kingdom to remain part of the European Union. Failing that, we want the closest possible trading relationship between us and the United Kingdom.

In that context, having listened carefully to what the UK Prime Minister actually said yesterday, she reported progress on some of the technicalities. She says the United Kingdom and the European Union have agreed legal text on the implementation period, citizens' rights and the financial settlement. She claims that the terms of the United Kingdom's exit are now clear. She also says there is broad agreement on the framework for the future EU-UK relationship, with progress on issues such as security, transport and services. That is all welcome, but the sticking point is an open border on the island of Ireland. We asked the Taoiseach to avoid this scenario by getting agreement at the June summit on Irish concerns and again at the exceptional summit held in September. At the October summit it looks like the Border issue will continue to be unresolved. For the first time - I have been speaking to my European Labour Party and Socialist Party colleagues - I have heard the suggestion made that the Irish backstop issue might be postponed.

The Taoiseach: From whom?

Deputy Brendan Howlin: It is only a suggestion, just like the Taoiseach talks to colleagues. I believe, however, that there is strong solidarity across all parties and countries. It is important that we make it clear, as the deadline approaches, that we will not be pushed into a situation where the Border will be the pivotal issue, on which ground will be given. That is my only concern. I believe the Taoiseach will be strong on the issue and take him at his word, but it is vitally important that everybody understand these matters are of such fundamental importance to us that no ground can be given on them. Our position from the outset has been that if the United Kingdom is sincerely committed to the Good Friday Agreement, as it states it is, it must go the extra mile to preserve its benefits, including having an open border on the island of Ireland. Even in the hardest of Brexits, the United Kingdom would still have a formal commitment to uphold the Good Friday Agreement and preserve the open border. Instead, we are being told that "nothing is agreed until everything is agreed." The Border has become a central issue in negotiating the UK-EU withdrawal agreement, rather than it being about the British Government fulfilling the promise it made freely to the people of Northern Ireland to uphold the Good Friday Agreement.

The lack of a hard border between the Republic of Ireland and Northern Ireland is probably the single most tangible social and economic change people see as the real gain from the Good Friday Agreement. It drives greater economic prosperity and is the foundation of the maintenance of peace. It allows the complete expression of people's nationality. The 20 years since

the signing of the agreement have seen many roads opened and many bridges rebuilt, increasing people's ability to move seamlessly between the two jurisdictions. People can access shops and services on both sides of the Border. Business supply chains have been re-established. The fear of a hard border is not primarily one of returning to violence, although a minority would target cameras or other Border infrastructure. Instead, it is about finding an alternative to the common set of European laws that underpins and permits the seamless interaction of people and businesses in the Republic of Ireland and Northern Ireland. Any Border check would be a backwards step. In particular, it would alienate the nationalist minority in Northern Ireland which is the majority community in Border regions. When we talk about avoiding a border on the island of Ireland, we are really talking about maintaining the free social and economic interaction of people on the island of Ireland.

Mrs. Theresa May acknowledged only yesterday that the United Kingdom and the European Union shared a "profound responsibility to ensure the preservation of the Belfast Good Friday Agreement, protecting the hard won peace and stability in Northern Ireland and ensuring that life continues essentially as it does now." She agreed that the future economic partnership "should provide for solutions to the unique circumstances in Northern Ireland in the long term." She acknowledged that there could be a gap in time between the United Kingdom's withdrawal and the establishment of a settled future relationship. We can, in this House, recognise that the United Kingdom's problems on the Border can be fully resolved by a combination of the withdrawal agreement and the future relationship. We have, with good reason, sought a backstop to be part of the exit agreement, just in case the future relationship negotiated between the European Union and the United Kingdom ends up being relatively distant, like that of Canada in trading under World Trade Organization, WTO, rules. In the absence of a backstop agreement, such a trading relationship would involve a controlled border between the United Kingdom and the European Union which would simply be unacceptable if it was on the island of Ireland. The very existence of a backstop agreement and the United Kingdom's commitment to preserving stability and continuity in Northern Ireland narrow the scope of the kind of future relationship that is actually possible. If the United Kingdom keeps faith with the Good Friday Agreement, trading on WTO or Canadian terms would essentially be impossible, unless one set of rules applied to Britain and a different set applied to Northern Ireland. That would permit a wider variety of final outcomes in terms of the future relationship, but the Democratic Unionist Party has ruled this out.

The influence of the DUP is an important consideration. A number of prominent DUP politicians, including their leader, Ms Arlene Foster, have proclaimed that a no-deal Brexit is the most likely result. More fundamentally, they have made it clear that their support at Westminster for the May Government is contingent on the negotiation of a deal that is to their liking. Their resistance to relatively mundane checks on goods from Britain across the Irish Sea has narrowed the scope of possible solutions and there is a risk that they will block any deal, despite the economic consequences for Northern Ireland, in order to advance that overriding political objective. We have now reached the high-stakes moment in the negotiations. The issue now is quite simply who carries the political risk. Ireland's interests mean there must be a backstop in place. That has been the settled view of this House for a year. That means putting last year's deal in written legal text. If we in Ireland permit the Irish Border backstop agreement to be fudged in any way, such as a postponement, then we take the risk that there would be a gap in time before the UK-EU trading arrangements are agreed, and that could be a permanent gap. In either case, temporary or permanent, for whatever time, it is completely unacceptable to us that there would be a hard border.

One could ask how big is the risk. Theresa May appears to want a future relationship that keeps the UK close to the customs union and the Single Market. That is her stated position. If that is the result, the Irish Border issue will disappear. However, we cannot even say that her objective is shared by her Cabinet. It is unlikely that there is a majority in the British Parliament to back such a deal, unless it passes the six tests set out by the British Labour Party. There are those in British Parliament who would be very willing to sacrifice the Good Friday Agreement if it was the only roadblock in the way of their future aspirations, namely, to exit the EU. The bottom line is that it is not enough for the Government to wait and see. Neither is it enough for the Government to express confidence in the EU negotiation team. That is very important. I have that confidence too, but we need a rock solid guarantee that the Irish Border will remain open, and that the matter will be settled. Unfortunately, it should have been settled some time ago. We must not compromise, and I do not believe we will, on the determination that is shared across this entire House to maintain an open border on this island in any agreement that emerges.

Deputy Bríd Smith: I wish to share time with Deputy Paul Murphy.

Acting Chairman (Deputy Alan Farrell): Is that agreed? Agreed.

Deputy Bríd Smith: I assume that since the Taoiseach has left the Chamber he is probably not interested in hearing what I have to say. I guess the role of the Minister of State, Deputy Cannon, is to relate what is said and to be party to the discussion even if he is not going to Europe.

I echo what nearly everybody has said here, namely, that there needs to be a very clear, strong message sent to the European Union, the Tory party and the DUP that in no sense whatsoever will there be a hard border in this country. It is interesting to note Arlene Foster's language in that regard given that she had a special meeting with the Taoiseach and with the leader of the Fianna Fáil Party yesterday. I am not referring to the language she used in those meetings but to language she used in the past when she asserted in terms of the Border that no special arrangements should be created for the North. She described the issue as being a red line that is blood red for her party. What dangerous and alarming language to use in the context of our recent history. Nevertheless, she does not seem to care that that is the case, nor does she care if there is no deal between the European Union and Britain. She further does not care if there is huge economic disruption as a result of a no-deal Brexit. For her and for the DUP, the only question is, as always, the preservation of partition.

However, I also believe that Arlene Foster has an added incentive to ratchet up her unionist message, namely, because she is up to her neck in the cash-for-ash scheme or the renewable heating incentive scandal. Money was doled out to her supporters in the DUP in a blatant scam. Probably the best example of that is the fact her own special adviser had 11 boilers in the scheme. That added up to a hell of a lot of money. It suits her now to increase the rhetoric about the union and to warn against any special arrangements for the North. However, she has a problem given that the majority of people in the North, both Catholic and Protestant, voted to remain. It is a matter of elementary democracy that they get the arrangements that suit them, which specifically includes no hard border. In order to ensure that happens, People Before Profit in Northern Ireland will be demanding a vote on any final settlement between the UK and the EU. The European Union should be told in no uncertain terms by the Taoiseach and the Government that it will not sign up to any deal until the people are satisfied with it. That should help to ensure there is no backsliding in the final months of this endgame. In the meantime,

Arlene Foster and the European Union need to hear a strong message from the Taoiseach that is loud and clear. There should be no customs posts and no checks on the Border and any attempt to erect them will be opposed by a massive movement of people power and non-co-operation, in particular by the State.

I wish to raise another important issue that is miles away from Brexit. I refer to a serious issue that has arisen involving an Irish doctor from Mullingar who has gone to Gaza with 80 kg of special medical equipment for children. That equipment has been seized by the Israeli authorities and it is desperately needed by the people of Gaza, in particular the children of Gaza. I hope the issue will be close to the Taoiseach's heart, given that he himself is a doctor.

The Israelis are showing brazen contempt for humanitarian intervention and the number of dead and injured, including amputees among children, in Gaza beggars belief. There is a deliberate campaign to fire shots at the lower part of children's bodies to disengage them and that has led to very serious medical issues for children in the Gaza region.

There are routine seizures of medical equipment. I accept that the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, raised the issue in Brussels last May, but it must be raised again. I appeal to the Taoiseach to pressurise the European Union ambassador to Israel to ensure the release of the 80 kg of much needed medical equipment that has been brought to Gaza by an Irish doctor who has taken two weeks off work to carry out humanitarian work, and that it is given to the people of Gaza who desperately need it.

I wish to refer to what Médecins Sans Frontières, MSF, said about the injuries and deaths of children. Last May, Jonathan Whittall, the head of MSF, said that many of the children who are injured are less than 15 years old and that the majority of them are shot with live ammunition in the bottom of their bodies and many require amputation. He said they would be disabled for the rest of their lives. That unacceptable and inhumane treatment has to be opposed by the Government directly to the EU and in particular representing the interests of an Irish doctor who is carrying out a humanitarian mission. We need that medical equipment to be released.

Deputy Paul Murphy: It is very clear that this summit is extremely unlikely to result in any outcome on Brexit. Instead, in recent days there has been a ratcheting up of rhetoric about the potential for no deal, playing on the very real fears of ordinary people in Ireland, Britain and across Europe. The problem in all of this is, as it has been from the start, is that these are negotiations between vested capitalist interests on both sides. On the one hand there is the right-wing Tory Government in Britain and on the other hand the European Union, which we must restate is far from the progressive democratic social project it sometimes finds it useful to portray itself as, and instead is a neoliberal capitalist club, with such policies as fortress Europe among others, whose rules would have to be broken by any progressive left government with a socialist programme which sought, for example, to deal with the housing crisis in this State, or to invest in public services or to implement even the relatively modest proposals in Corbyn's manifesto at the most recent election.

Because of that reality, none of the potential agreements that is currently considered as an option offers a real solution to the fears and concerns of ordinary people. They are based on the continuation of the neoliberal rules that are at the heart of the European Union. It does not have to be that way. Theresa May's Government could collapse in the coming weeks or months, partly under the impact of those developments and Corbyn and the Labour Party would be presented with an opportunity of coming to power. If Corbyn, instead of seeking compromise with

the Blairites who continue to conspire against him, implemented socialist policies and based his approach on the need for those policies not only in Britain but across Europe that would open the door to a very different negotiation process and exit and would echo right across Europe and would present options for a joint struggle across Europe against a bargain-basement Tory exit, and the struggle for an alternative socialist Europe. If Brexit is carried through on the basis of Tory rule, we know that it will have a negative impact. Last week's statement from the Central Bank contained an analysis of a Chequers-style agreement. The Central Bank concluded that the proposal would have a major negative impact on the Irish economy and referred to up to 20,000 job losses. We know that there is a similar analysis for the North and that a negative scenario has been painted, with 10,000 job losses. A similar analysis for Britain refers to up to 200,000 job losses. It is obvious that a Brexit of that sort would serve as the starting gun for attacks on workers' rights in this country, especially in agribusiness and other sectors which are reliant on exports to Britain. It would be a major challenge to workers and the trade union movement. Preparations are needed to say "No" to any Brexit-shock-doctrine attack on workers' rights. There should be a conference of workers' representatives from Britain and Ireland to discuss joint action and a demand for co-ordinated action. We caught a glimpse of the power of such action in the case of Ryanair workers who resisted attacks. Any company threatening redundancies using the pretext of Brexit should be taken into democratic public ownership.

Obviously, a key question here is the Border. Catholics and Protestants in the North, together with ordinary people in the South and Britain, are in agreement and against proposed new border controls on this island or in the Irish Sea. There is much talk about the negative economic impact of such border controls. This is a view with which we agree and people are right to be concerned. Of particular concern is the increase in sectarian tensions that would result and the danger this would pose.

The problem is that in reality the Government, backed up by Fianna Fáil and Sinn Féin, have enthusiastically gone along with the European Commission in using the Border issue as a pawn in the negotiations with the British Government. The Commission is not speaking about the Border because it cares about the working class on either side of it but because the issue strengthens its hand in the negotiations. The danger in such an approach is obvious. Strategically, it may make sense for the Commission at a certain stage to sacrifice pawns. We need to say clearly that working class people are not pawns to be sacrificed. Regardless of how the negotiations go, the bottom line must be that there must be no border on this island or in the Irish Sea. The Government should not agree to anything which would see that take place, but we can have no faith in either side participating in these negotiations. Instead working people need to come together not only to fight against the attacks on our living standards but also to build a very different Europe - a socialist Europe - where, instead of rules operating to maximise the profits of the millionaires, we would have democratic rules to ensure the interests of the millions.

Acting Chairman (Deputy Alan Farrell): I understand Deputy Maureen O'Sullivan is sharing time with Deputy Clare Daly.

Deputy Maureen O'Sullivan: Yes. When the Minister for Foreign Affairs and Trade, Deputy Coveney, was speaking at the UN General Assembly in September, he made the point that the sustainable development goals present an opportunity to take common action and address the root causes of poverty, inequality and instability, as well as how all of these issues led to migration. We have heard about how part of the EU and UN funding goes towards tackling the root causes of migration. I agree that no one should be forced to leave a country because

of hunger, conflict, the abuse of human rights, poverty or climate change, but we know that climate change is fuelling several of these problems. That raises a question. When the European Council receives a report on progress in dealing with migration, will these areas be covered also? Will the meeting look at the where and how, whether the funding is being used to tackle the root causes and if it is having any effect? Will there be a progress report on what is happening in the Mediterranean, the Libyan coastguard and detention centres in Libya? There have been appalling human rights abuses by those supposedly in charge of the centres.

We cannot talk about the causes of migration without referring to the arms trade that fuels instability, poverty and famine. Let us consider what is happening in Yemen. We know about the role of Saudi Arabia and the United Arab Emirates in providing arms. We also know about the role of the United States, Britain and France in providing assistance. We know about the attacks on food supplies and the destruction of fishing boats. There is a deliberate policy of starving civilians. Is that issue going to be discussed, given that the situation in Yemen is being described as the greatest disaster? Britain and France will be represented at the table. Will they be tackled on these issues?

Other issues will be discussed at the Council meeting. Will the Rohingya be discussed? I put a question to the Minister for Foreign Affairs and Trade last week. I asked whether there would be an audit of the peace process. There are certain concerns that it is not working and that the fact-finding mission will be extended to other parts. There are concerns about transparency surrounding the memorandum of understanding with Bangladesh. Recently a small group of Rohingya have been exiled from India. These are the important foreign policy issues that need to be addressed.

The President of the European Council, Mr. Tusk, has talked about strengthening internal borders and co-operation with third countries, but there is no mention of these third countries or the issues of concern within them when it comes to human rights.

I will finish with one point on Brexit. While we are all respectful of the vote taken on Brexit, it appears that there is little or no respect for the overwhelming vote in favour of the Good Friday Agreement, which is most regrettable.

Deputy Clare Daly: Surprise, surprise: yet again this week we have a European Council meeting and the top agenda item is migration and internal security. Brexit is, of course, on the agenda, but it is not going to be allowed to interrupt the relentless pursuit of a securitisation agenda at the top levels of the European Union. The agenda peddles the lie that migrants are a threat and that the solution lies in weaponised borders and high-tech surveillance systems supplied by the arms manufacturers that are pushing their agenda at the top levels of the European Union.

As the European Council gathers to discuss more ways to keep refugees out, scant attention is paid to the reasons refugees are forced out of their homes in the first place by bombs made in EU member states and full throat EU support for war criminals like Saudi Arabia. The European Council meeting should be dominated by the slaughter in and destruction of Yemen, the famine and the targeting of civilians aided and abetted by the United States. There has not been so much as a murmur from the European Union about imposing an arms embargo on Saudi Arabia. The blockade and bombardment in Syria saw an embargo swiftly being imposed on that state, but the same does not apply to Saudi Arabia.

Back home, despite the fact that the Government could implement a presumption of denial policy unilaterally overnight with regard to the sale of arms to Saudi Arabia, we consistently refuse to do so. We are no different from Mr. Donald Trump who puts the interests of American big business and the arms industry ahead of justice and human rights. The Government is not passive in this situation. Shannon Airport is a crucial cog in the machine. On 10 July this year a National Air Cargo aeroplane on contract to the US military refuelled at Shannon Airport *en route* from an airbase in the United States. It went on to make deliveries to airbases in Kuwait and Afghanistan and a US base in Djibouti before returning through Shannon Airport on 12 July. Djibouti is just across the Red Sea from Yemen and frequently used by the US military and the CIA to launch special forces and drone strikes in Yemen in support of the Saudi attacks. On 10 October no fewer than seven aeroplanes on contract to the US military refuelled at Shannon Airport, five of which were *en route* to the Middle East. As long as the Government allows Shannon Airport to be used in this way, our neutrality is a hypocritical farce. It is absolutely beyond shameful. Whatever the supposed intention of the European Union at the start, the upper echelons are now fully arm in arm with the arms industry. We should be speaking out, not aiding and abetting it.

Deputy Mick Wallace: There was a Foreign Affairs Council meeting yesterday. Not surprisingly, there was talk about Mr. Khashoggi and his terrible disappearance from the Saudi embassy. It is in no way surprising. I am not surprised that the Saudis are misbehaving or that western media are now so exercised about the same thing. There is no excitement among the western media about what is happening in Yemen, where tens of thousands are being killed and we are looking at millions starving. The Government's line on the situation in Yemen and the narrative peddled on RTÉ yesterday hold that there is a terrible civil war in Yemen and that a coalition involving the United States, the United Kingdom, Saudi Arabia, Qatar and the United Arab Emirates is defending the rightful leader, Mr. Hadi, from the evil Iran-backed Shia Houthi movement and that all of the endless fighting is the cause of the famine. Nothing could be further from the truth. Yemen has long been the target of global capital on the rampage for cheap profits and new frontiers for investment. The plundering of Yemen intensified about 15 years ago with IMF and World Bank readjustment programmes spearheading the opening up of Yemen to global finance. Neoliberal reforms were dutifully implemented by Mr. Hadi's predecessor, Mr. Saleh.

By 2009, the Yemeni people had begun to mobilise collectively to protest the unemployment, homelessness and hunger that the so-called reforms brought. The Government responded violently and, as a result, the protest movements in the north and south gained support and momentum. In the words of the historian, Isa Blumi, "It was not civil war that befell Yemen in 2011, it was the next phase of a war of survival against the [worst] forms of finance capitalism."

Saleh was forced out and in 2012, his vice-president, Hadi, was installed as an interim leader while the country was to quieten down and prepare for elections. Instead, Hadi speeded up the liberalisation of the economy, steamrolled Yemen into the World Trade Organization, implemented crippling austerity and proceeded to privatise and literally sell off Yemen to the Saudis and Qataris. A sham referendum was held in 2012 to legitimise Hadi and his name was the only one on the ballot. In August 2014, Hadi's government breached its mandate and unilaterally declared an extension of its power instead of holding the elections that Obama promised. With widespread public support, Ansar Allah and a diverse range of allies occupied the capital, set up committees to investigate corruption by the ruling party and exposed how the pillaging of Yemen had increased under Hadi.

In September 2014, with the assistance of Jamal Benomar, the UN envoy to Yemen, Hadi signed the Peace and National Partnership Agreement with Ansar Allah and the leaders from all the major political parties, and elections were back on the agenda. However, this was not what Saudi Arabia wanted. According to the UN envoy, Saudi airstrikes began just as the main political parties were on the verge of agreeing a power sharing deal.

The Ansar Allah movement, against whom this devastating war is being waged, is a popular and representative movement of the Yemini people. It is fighting US trained and armed mercenary militias paid by the Saudis, the Qataris and the United Arab Emirates, UAE. Ansar Allah and the innocent people of Yemen are being bombed by UK and US made bombs and other munitions from the UK, France and Germany, which are dropped by US fighter bombers. They are refuelled mid-air by US refuelling planes and the targeting is carried out by the US military.

This is a war of resistance by the people of Yemen against the pillage of their country by global financial capitalism and because there is such broad support for this effort, the Yemenis have been doing well and the Saudis have not been able to quieten them down. That is why starvation has now become the Saudis' weapon of choice. With the help of the US, the UK and other Europeans, the Saudis and the UAE are bombing cows, farms, water infrastructure, food stores, food trucks, markets, agricultural banks and numerous agricultural facilities. The reason there is a famine is that our trade partners are bombing the food infrastructure of an entire country, as they try to starve the people into submission, and we are okay with that. As Deputy Daly just stated, to think that a national air cargo plane on contract to the US military was refuelled at Shannon a couple of months ago on its way to Djibouti with supplies to attack Yemen. Ireland is complicit in the destruction of Yemen. We should be ashamed of ourselves.

Deputy Mattie McGrath: I too want to speak on the pre-European Council meeting. To say that the public, including me and others, are weary of the entire Brexit issue at this stage would be the understatement of the year. It goes on and on and keeps the people in the news rooms and news print very busy.

As we are all aware, the Council and the entire EU political machine are absorbed with the issue of finalising a Brexit deal or, in the worst case scenario, a no-deal Brexit. We all know and accept how challenging that would be for the entire Irish economy. That being said, the world goes on, even in the middle of these negotiations.

I note that yesterday in public session, the Council discussed a progress report on the work carried out on the proposal for a regulation on Common Agricultural Policy, CAP, strategic plans. These will be the cornerstone of the future CAP after 2020. The President of the Council acknowledged that attempts are being made to make the new system successful, effective and sustainable and one that is simpler for farmers and national administrations. I will believe that when I see a simple system for farmers or the end users of any policy from the European Union. He also referred to a system that would be forward looking and sustainable in the interest of citizens and farmers, food security and the environment. Those are the kinds of issues that go to the heart of the reasons we need to strike a good deal on Brexit. No matter what may be the precise nature or shape of our political arrangements in a post-Brexit scenario, the world will still have to trade. We will still need to find a way to work together within the EU framework for the benefit of our largest indigenous sector.

The great fear currently is that the issue of the so-called Northern Ireland backstop will derail the entire process. There seem to be far too many competing agendas, which, despite the

best will in the world, are simply irreconcilable. It is not clear that the best will in the world even exists. Depending on the day of the week, the EU team seems to alternate between antagonising the UK and telling the British how much it loves them wants to remain friends with them. There is something bitter and deeply unhelpful about that kind of negotiating approach.

Perhaps the Taoiseach, who is not here to listen, and his team should not come back this time talking up the cast-iron guarantee and rock solid backstop as they did last December. It is clear to everyone that this entire process is far from over. I hope the Minister of State, Deputy Cannon, will bring that message to the Taoiseach. The Taoiseach, the Tánaiste and the Minister of State, Deputy McEntee, came back here and told us they had a rock solid backstop guarantee. That evaporated like snow off a ditch, which shows they are out of touch.

At the heart of this issue is whether the masters in Britain care about us in this deal. We are a small island nation off the coast of Europe. We will see where our friends are when they are asked to pony up. If Northern Ireland and Britain remain entrenched in this deeply flawed process, we will then see who our friends are. We asked Mr. Barnier and others hard questions when they came to the Houses but we did not get many answers. I have serious concerns that they have long forgotten about the needs of the ordinary people.

The reason people in the UK voted for Brexit was they were sick, sore and tired of being dictated to and bullied by the three major powers in Europe, which were trying to control everything and dictate policy to the detriment of peripheral states. That is far from what we voted for in 1973. We benefited greatly from the EU but it has got bigger and bigger. At the time of the bailout, the EU forced us to pay interest rates of almost 6%, whereas the IMF and World Bank gave us money at interest rates of 2% and 2.5%. We saw who our friends were when we needed them. We are calling on them again in this time of need.

I want reassurances from the Minister of State, Deputy Cannon, that he will pass on to the Taoiseach, who is too busy to listen to us, the message that the people are sick, sore, tired and weary of negotiations and his false and empty promises about cast-iron guarantees and backstops that he never had. The Taoiseach and Tánaiste imagined they had them but imagination is no good. It will not put bread and butter on the tables of the farmers who are supplying more than 60% of their products to Europe and to Britain and who will be badly affected by Brexit.

Deputy Michael Healy-Rae: I thank the Acting Chairman for giving me time to speak on this important issue. As the Chairman of the Joint Committee on European Union Affairs, I keep a close eye on the proceedings of the European Council. The big issue on tomorrow's agenda of the European Council in Article 50 formation is, of course, Brexit.

I commend the Taoiseach, the Tánaiste and our Ministers and officials on their diligent work on Brexit. We and our European partners are handling this issue the right way. They have gone out to Europe, talked to our neighbours in the EU and made our case. As a result of their hard work, we have seen the benefit of their solidarity on the Border issue.

All of us spoke in this House before the European Council meeting last June, hoping that there would be a breakthrough in the Brexit negotiations. Unfortunately, that did not happen. We are now in October, almost four months later, hoping again that there has been some progress. I was disappointed to hear media reports that there had been a breakdown in negotiations over the weekend in Brussels. This has turned into the ultimate game of brinkmanship. That is completely understandable considering everything at play, but very unfortunate considering

how important and central this process is to all of us.

We have known for a while now that finding a solution that avoids needing to use the back-stop is the sticking point for the British side, but time is running out. Brexit day is less than six months away. We need to have the agreement sorted sooner rather than later if we are to get it approved on time and allow people to make any necessary plans. I hope the negotiations get back on track as soon as possible and that a Brexit deal can be agreed before November if at all possible. The Joint Committee on European Union Affairs has been following the Brexit process since the beginning and one thing is clear to me and the other members. If the UK crashes out of the EU next March, it will be an absolute, unmitigated disaster. There is no such thing as a good deal, but it is important that we get the best deal possible.

While for us in Ireland the European Council meeting will be overshadowed by Brexit, it is important to note that the European Council will also be discussing migration, internal security and external relations. The committee I chair attends interparliamentary meetings with members of other national parliaments from across the European Union. We know that migration is a bigger issue than Brexit for many of our European neighbours. I think it is important that we continue to work together to find constructive solutions and help out our neighbours where we can.

It is of tremendous importance that we as an Oireachtas continue to support the Government in every way we can. The Minister of State, Deputy McEntee, has always been very forthcoming in attending meetings of the committee that I chair and engaging with its members. We have brought in many people to give evidence and answer questions over a very long period since the original vote on Brexit. We are doing our part and everybody in this Dáil, whether they are in opposition or in government, has a very important role to play. We all have to put our shoulders to the wheel and ensure that we are protecting the future generations, the young people in this country who have not been born at all yet but who will be very deeply affected by Brexit. We have to think of the people who are involved in trade, whether in farming, tourism or any of the other sectors that we represent. We have to ensure that we are all working together with the one aim of ensuring that we will not be found wanting when it comes to finding solutions for this problem which we did not create.

Am I surprised that we are where we are today? I am not. As I said, brinksmanship happens an awful lot during any dealings or negotiations. That is exactly where we find ourselves now. I hope over the coming days and weeks, and I definitely hope it will not go into months, that we will be able to come to a solution, that we will be able to get the best deal possible for the people on this island and for the people we want to continue trading with not just in England but around Europe. I commend to everyone that this is not a time to be negative in terms of Opposition and Government. This is a time for us all to be positive and for us all to work together as a united front. When the chips are down, we have to fight together.

Deputy Eamon Ryan: As the Prime Ministers meet in Council, I am sure one of the things they will be talking and thinking about, particularly as they debate migration, is the results of the elections that took place in Europe this week, in Bavaria in Germany, Brussels in Belgium and Luxembourg. Each was a historic vote. There was an incredible surge in the vote for the Green Party across Europe. It was a vote for an alternative to the far right, the positive message of politics for the future which has answers to the questions not just of how we might manage migration but also how we might give our young people a home, how we might provide our public services and how we might tackle climate change. It is incredible, looking at the figures,

how we did in Munich, Brussels and Luxembourg. It gives a real sense of hope and we will have a lot of influence on what is discussed at that Council meeting. The Taoiseach should be aware of what is going on in the rest of Europe.

I want to concentrate primarily on the issue of Brexit because it cannot be ignored. We are at an incredibly difficult, historic point and we have to be really considered and careful in what we do here now. I watched yesterday's debate in the British House of Commons when the British Prime Minister answered questions. I read with interest today the breaking news, coming out of the wires as we speak, that her Cabinet meeting has ended with neither division nor decision and with no real further clarity on what is their position. That holding position has been in existence for two years and is the centre of the problem that we face. They do not seem to know what they want. It was fascinating to watch the Conservative backbenchers on television yesterday in the House of Commons - the number of times I saw heads nodding or disapproving of what members of their own party were saying. They are deeply divided and that brings real instability and uncertainty to the whole process of the Brexit negotiations.

I think we are right to insist, as the Taoiseach said in his own speech, that we want an unlimited, not time-dated backstop guarantee should this whole process go wrong. It is interesting that the Tory Ministers coming out of their Cabinet meeting seemed to be fixating on that as the issue of the day. They are saying there cannot be a backstop indefinitely and that we need to define how it would end. I am not too sure why they see that as the pre-eminent, most important issue in the negotiations. My sense from a distance is that in recent weeks, had the Tories chosen to have seen it this way, some ground was yielded by Brussels in conceding the concept of some customs arrangement which would apply, admittedly on an interim basis, after the withdrawal agreement. Europe in a sense ceded somewhat to the ability of the UK economy to maintain trading relationships and to have to follow regulatory standards, obviously. They applied what was originally to go to Northern Ireland across the rest of the UK. Some people might say it is "pretend and extend", it is kicking the can down the road, but it seems even from reading about the negotiations from a distance that it was close to a deal being agreed, albeit a deal which puts off the real truth that it will not be possible for the UK to get some sort of magical trade deal with the rest of the world and still maintain easy trade relationships with the EU. I was surprised by how close we seemed to be. Why is it that the Border backstop, which all sides including the DUP agreed was going to be needed to avoid a hard border, has become, as Donald Tusk put it today, the Gordian knot within which this whole process has become stuck?

I think we have to be careful. We have to remain united in this Dáil. We have pretty much remained so on this issue for the past two years. It gives us strength. We certainly will be working with our European Green Party colleagues. I will be meeting some of them at the weekend to advocate for continued solidarity and support from the Union on the necessity of a backstop and of recognising the Good Friday Agreement. That has given us real strength. There is real risk that with the uncertainty of the UK system there may now be a crash-out, no-deal Brexit. That would be disastrous for this country as well as for the UK but I do not think we should be intimidated to ceding the necessity for maintaining as far as possible a borderless island in Ireland. On the solutions that seem to be coming from Mr. Barnier whereby in any future backstop arrangement there would be regulatory checks, not necessarily a border in the Irish Sea but something very similar to what already exists in agriculture produce and so on, there is already regulatory divergence because of the fact that we live on an island in terms of our Common Agricultural Policy and common energy market; there is a whole range of examples where such regulatory difference or divergence already exists. I do not think we should be intimidated out

of maintaining some of that or the ability to have a backstop which guarantees further regulatory divergence to maintain an island that is not divided by a hard border.

I am maintaining close contact with my own Green Party colleagues. Steven Agnew, MLA, in Northern Ireland and Caroline Lucas, MP, in Westminster have been clear in their call for a people's vote on whatever happens next. It looks like it is about to get very messy in the UK. I do not know exactly how a people's vote would work and how it could fit into possible election politics. It is up to them to decide. We very much give it our support.

Stephen Agnew, MLA, was in Brussels to meet Michel Barnier along with other party representatives. I make a suggestion which might add to what is an incredibly complex process but which may be useful. I understand that the European Union is willing to stand by the Good Friday Agreement and willing to recognise that citizens in Northern Ireland who may avail of Irish identity and Irish passports will be fully entitled to the various freedoms the European Union provides in travel, healthcare, access to Erasmus and other programmes. I understand that favourable status, as it were, may not apply for those who self-identify as British in Northern Ireland and carry a UK passport.

I am glad that Arlene Foster, MLA, was in Dublin yesterday to meet the Taoiseach. We need to maintain good relationships on the island irrespective of what happens in the coming weeks and months. In trying to break down the impasse, we should support some of those sorts of initiatives where we stand up for the rights of those who hold a British passport in Northern Ireland as well as those who might want to hold an Irish one. It is just one example of how we can box clever in standing by the principle of maintaining a frictionless border on the island of Ireland while at the same time recognising that there are two communities in the North and that we can ensure this works in a way that does not divide us unnecessarily.

We will need to wait and see. Obviously next week's Council meeting will not decide the issue. How far can it run before the process completely runs out of road? I do not know. No one knows. Certainly the Taoiseach has the support of my party and that of the European Green Party in the approach that is being taken. That has helped us to hold a line in very difficult circumstances. I look forward to hearing the outcome of the Council meeting so that we can consider further what our strategy should be.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I thank those who have contributed to the debate on what will be a very important meeting of the European Council over the next two days. While Brexit is clearly the priority for Ireland, migration, internal security and economic issues are also important for the Union as a whole.

The Taoiseach has spoken in some detail about recent developments on migration, economic and monetary union, and expectations in this area for the European Council. I will focus my remarks, therefore, on the internal security issues for discussion on Thursday as well as some external relations issues that might arise.

The EU has achieved good progress in recent years in supporting member states to ensure internal security and fight terrorism, and in strengthening our collective security. As a Union, we need to protect the public and respond intelligently to a rapidly changing security environment.

Some of the discussion on Thursday will be based on the proposals outlined in President

Juncker's state of the Union address on 12 September. These include completing the security union, new rules to remove online terrorist content, new measures to fight money laundering and to protect elections from malign foreign influence, reopening Schengen borders, and using the civil protection mechanism. The objective of these measures is to add value to existing and planned national measures, and to reinforce Europe's long-term response to new and emerging threats. EU leaders had an open-ended exchange on these and other proposals at the informal summit in Salzburg last month, and the outcome of those discussions will feed into Thursday's meeting.

While Ireland's participation in some of the current and proposed measures is limited due to our position under Protocol 21 and our non-participation in the Schengen border *acquis*, we are generally supportive of EU measures to protect the internal security of the Union and its citizens. The attacks in Salisbury and on the Organisation for the Prohibition of Chemical Weapons in The Hague demonstrate the need for vigilance. We continue to support EU initiatives, including the regional EU centres of excellence on the mitigation of chemical, biological, radiological and nuclear risks.

At the European Council on Thursday, leaders are expected to focus on the increasing complexity of the cyberthreats we face. As the Taoiseach has said, although we are not part of any military alliance, we are certainly not neutral when it comes to cybersecurity. Cybercrime has become increasingly challenging in recent years. Perhaps the most heinous form is online child sexual exploitation but other, new and innovative forms, including that relating to the integrity of our electoral systems, also continue to emerge.

Many member states have experienced disinformation campaigns in their own countries. There is strong support for efforts to protect against these and the unlawful use of personal data. Ireland established an interdepartmental group last December to consider the risks to our electoral process, including through examining recent experiences in other democratic countries with respect to the use of social media by third parties. The abuse of the online space by people promoting terrorism, whether by encouraging or directing atrocities, is also a cause of great concern. The challenge for member states and law enforcement agencies is in trying to remain proactive in these areas while fully respecting our European values, fundamental rights and freedoms, and international law.

The global nature of the Internet means that individual countries cannot tackle the challenge alone. Ireland supports the concept of a collective response mechanism for large-scale cybersecurity incidents. We must ensure that we can co-operate in combating such illegal activities effectively while continuing to promote an open, global, free, peaceful and secure cyberspace where fundamental rights and freedoms, in particular the right to freedom of expression, access to information, data protection, and privacy and security, as well as our core EU values and principles are fully applied and respected both within the EU and globally.

Another area for discussion on Thursday is the need for further strengthening of police, judicial and intelligence co-operation. This is an important element of the efforts to reform and improve the functioning of the security union. While Ireland's participation is limited, we recognise that achieving interoperability of databases will be a significant step forward in the shared European fight against crime.

Acknowledging that internal security is partly dependent on a properly managed external border, leaders are also expected to discuss proposals to enhance the European Border and

Coast Guard. We are generally supportive of the need to strengthen border protection and believe that continual high-level engagement is necessary to ensure a proper and long-lasting protection of our external borders.

Discussion of external relations is likely to include an update on the recent elections in Bosnia and Herzegovina, as well as climate change, relations with the Arab League and developments regarding Russia. We must be realistic about the challenge that Russia poses to our core values - the rule of law, democracy and human rights - which are central to our European way of life. In the long term, a strong and stable relationship between the EU and Russia is desirable as a strategic goal. Unfortunately, we see little evidence that Russia is seeking to improve its relationship with Europe. As our response to the events in Salisbury demonstrated, the European Union is strongest when it is united and when we speak with one voice. This is our strength and it is essential for us to be effective.

Nomination of Member of the Government: Motion

The Taoiseach: I move:

That Dáil Éireann approve the nomination of Deputy Joe McHugh for appointment by the President to be a member of the Government.

Pursuant to section 4(1) of the Ministers and Secretaries Amendment Act 1946, I have assigned the Department of Communications, Climate Action and Environment to Deputy Richard Bruton of Dublin Bay North.

I now request that the nomination of Deputy Joe McHugh of the Donegal constituency be approved. Following his appointment, I propose to assign to him the Department of Education and Skills.

I also inform the House of my intention to appoint Deputy Seán Kyne to become Government Chief Whip and Minister of State with responsibility for Gaeilge, Gaeltacht and the islands, and Deputy Seán Canney to become Minister of State at the Department of Rural and Community Development and the Department of Communications, Climate Action and Environment. It is, I hope, a proud day for all of them and for their families and supporters.

Deputy Joe McHugh will build on the work of the Minister, Deputy Bruton, in the Department of Education and Skills, a Department in which we will invest almost €11 billion next year. This reflects the country's changing demographics and our belief in the importance of education in changing lives. This year we will have the lowest pupil-teacher ratio ever in our primary schools and more people from non-traditional backgrounds making it to third level education than ever before. We have record levels of support for students with special needs and new schools are being built, refurbished and extended all over the country. One of his predecessors as Minister for Education, Gemma Hussey, spoke eloquently in this Chamber about the need to have more confidence in our future. Our ambitions for education show that we too have confidence in the future, we are prepared to invest in it and we are prepared to grasp the opportunities before us.

In his new role, the Minister, Deputy Bruton, will take the lead on broadband and work to secure the national broadband plan. When we came to office in 2016, only 52% of premises

in Ireland had access to high-speed broadband and today it is 75%. Despite the events of recent days, we will not be sidetracked from our mission of providing high speed broadband to 500,000 rural homes, bringing that figure to 100%. The Minister will also take the lead on climate action, one of the greatest challenges facing our planet. Under Project Ireland 2040, we will make an unprecedented investment of €22 billion in climate action over the next decade to modernise our infrastructure and decarbonise our economy. During this time, we will seek a political consensus on carbon tax and act with a long-term vision in a fair way.

Deputy Seán Kyne, who takes over as Minister of State with responsibility for Gaeilge, Gaeltacht and the islands and also as Government Chief Whip, will have a pivotal role to play as we deal with the challenges of this new parliamentary session and the tight parliamentary arithmetic. I have every confidence in his ability to do so.

Deputy Seán Canney, who replaces him as Minister of State with responsibility for rural affairs and natural resources, will have responsibility for a broad range of issues across two Departments and will bring the same skill and ability as he did to his previous role in government and the OPW.

With these new appointments, we reaffirm the mission of this Government to bring Ireland forward and build on the achievements of the past few years. We recognise that problems persist. We are aware of the scale of the challenges we face. We have plans that are working and making real progress.

Is céim mhór í ceapachán Aire nua i saol a chlann agus a chairde. Déanaim comhghairdeas leis an Teachta Joe McHugh atá ceaptha ina Aire Oideachais agus Scileanna agus táim cinnte go ndéanfaidh sé togha le dul chun cinn a mbainfidh ár muintir bród as. Déanaim comhghairdeas leis na hAirí Stáit, na Teachtaí Seán Canney agus Seán Kyne, freisin agus leis an Teachta Richard Bruton as a cheapachán nua. Go n-éirí an t-ádh leo. Molaim na ceapacháin seo don Teach. I commend these appointments to the House.

Deputy Dara Calleary: Gabhaim buíochas leis an gCeann Comhairle. Ar dtús guím gach rath ar an Aire nua, an Teachta Joe McHugh, agus ar na hAirí Stáit, na Teachtaí Seán Kyne agus Seán Canney, agus leis an Aire atá ag dul go dtí baile eile, an Teachta Richard Bruton. Guím gach rath ar a gclanna agus ar a lucht tacaíochta.

I congratulate Deputy Joe McHugh on his accession from the high chair to the senior table. He gets all of the good wishes of every Deputy in the House personally. He is somebody who has made a huge effort with every Deputy, both as Chief Whip and as Minister of State. I welcome his family, particularly former Deputy Olwyn Enright, to the Visitors Gallery. This is a huge night of celebration. Very few people have served around the Cabinet table and it is a great honour. I know it is an honour Deputy McHugh will carry very well and one he will respect. I know he will do his country, his county and his party proud in the Department of Education and Skills.

Guím gach rath freisin ar an Aire Stáit nua, an Teachta Kyne. It will be an interesting job as Chief Whip in the coming days but I am more interested in his position as Aire Stáit na Gaeltachta. Tá taithí mhór aige ar mhuintir na Gaeltachta ach caithfimid a bheith ag obair ar son mhuintir na Gaeltachta chun iad a spreagadh. Táimid faoi lánbhrú sa Ghaeltacht i láthair na huaire chun í a choimeád agus a choinneáil beo. Tá brú mór agus beidh brú mór ar an Aire Stáit nua chun é sin a réiteach le haghaidh cibé am a bheidh aige san oifig.

I congratulate Deputy Seán Canney on coming back to Government. It is a kind of Langan's ball - Canney steps in, Canney steps out again, Canney steps in again. I wish the Minister, Deputy Bruton, every success and think it is a good choice.

I wish Deputy Naughten every success. However, the events of last week have cast a great pall over the national broadband plan. It is typical that the Taoiseach did not have confidence in the Minister to continue yet he continues to have confidence in the plan. It is now up to Deputy Bruton to ensure the plan works. Every time the Taoiseach quotes rising from 52% to 75% coverage, he alienates and annoys the 25% who are further away from broadband than ever. Some 25% of people have been cynically exploited by the commercial companies, which literally will provide their neighbours with coverage and not them as they await the national broadband plan. The Minister, Deputy Bruton, will not have time to get settled in because he has to deliver on the broadband plan and he also has to deliver on our actions on climate change. Last Monday's report probably got lost in the maelstrom of the budget, Brexit and everything else, but climate change is the No. 1 issue facing our world and our country when all the other issues have passed.

We wish Deputy Joe McHugh every success in the Department of Education and Skills. We have placed education at the heart of confidence and supply in terms of our commitment as a party. We secured the return of guidance counselling and the reduction in the pupil-teacher ratio. Education is central to our country's prospects for achievement. The Minister will face challenges in dealing with the ongoing issues of new entrants, of teaching principals and the pressure on the secondary education curriculum. In particular, there is the issue of third and fourth level education, which face massive challenges in terms of our expectations and our new role as the country and the world changes, and also in terms of funding and how we match all of those together. We wish him every success in dealing with these challenges as we move forward.

Deputy Canney will take up the role of the Minister of State, Deputy Kyne, as Minister of State and we wish him success. He will bring his experience of his previous role as Minister of State. I hope he has better trust in the Taoiseach's word than his former colleagues in the Independent Alliance in terms of keeping him there, but he will have the support of everybody in the House.

This is a special day. It is special for the four men - which we note negatively - who have been appointed and a special day for their families. The hard work will start in the morning. I know Deputy Thomas Byrne will hold the Minister for Education and Skills to account in the House on Thursday evening's education questions. The four should enjoy this evening and the sense of achievement for their families, friends and supporters. Let the real and very hard work in front of them commence tomorrow morning.

Deputy Mary Lou McDonald: First, on a personal level, of course, it is an achievement for each of the four Ministers. I cite, in particular, an Teachta Joe McHugh for his achievement today. When I break the dramatic news that we will not be supporting this motion, I do not wish them to take it personally because it is not personally intended.

Since the last general election we have been subjected to the political contortion that is confidence and supply between Fine Gael and Fianna Fáil. Now, on its conclusion after the recent budget, we are presented with a period of showboating on the part of An Taoiseach and the Fianna Fáil leader, Deputy Micheál Martin, to see who can hoodwink the other into renewing

the deal first, reviewing the deal, or whatever one wishes to call it. The confidence and supply deal in 2016 was heralded as the beginning of new politics but, of course, it was anything but that. It has proven to be a scam, a political con job designed to allow Fianna Fáil to pretend to be in opposition despite propping up the Government, and which has allowed Fine Gael to operate without real accountability or sanction. It has been bad for politics, bad for citizens and bad for governance. It has given us an Administration that is inherently unstable and marked by uncertainty and incoherence.

The very real issues and crises that face citizens and communities continue to grow worse day by day. We are at a defining point in our history as we face into the challenges of Brexit, as we discussed earlier. We have a housing and homelessness crisis that is out of control. By any measure, Fine Gael's and Fianna Fáil's approach to tackling the housing crisis has failed abysmally. Rent and house prices are out of control. Tens of thousands languish on council housing waiting lists. Not a single affordable home to rent or buy has been provided over the last three years. An entire generation of young people in particular are locked out of any real prospect of homeownership ever. There are 10,000 homeless, 4,000 of whom are children, sleeping in emergency accommodation. This is the stuff of scandal. The Government has similarly failed to address the deepening crisis in our health service. Hospital waiting lists stand now at over 700,000 people. Last year alone, 100,000 people had to wait on trolleys in emergency departments. This morning, there were 542 people on trolleys in hospitals. This is hardly a record of success.

Many other challenges will be faced, including the challenge of affordable childcare and of decent work and wages. We need workable solutions to these challenges. We need clarity and stability. The Taoiseach tells us the latest drama around confidence and supply ought to conclude by Hallowe'en. Deputy Micheál Martin says it will drag on until Christmas. This is an extraordinary scenario from people who tell us stability is the goal.

Deputy Dara Calleary: How is the old Government going in the North?

Deputy Mary Lou McDonald: There is a choice here. Either Fianna Fáil can do the honest thing and cross the floor to form a coalition by agreeing a programme for Government and delivering it or we can go to the people without delay. What causes instability is uncertainty and delay. We are into just the latest episode of that. Fianna Fáil wishes to be all things to all people at all times but it has been found out. Particularly facing into the huge, historic and generational challenge of Brexit, we need a stable Government. As such, we have two options. Fianna Fáil can cross the floor and go into government. Its members should get out of their high chair and sit with the big boys and some girls at their table or go to the people. Let us have an election and a fresh mandate to let a new and progressive Government emerge.

Deputy Brendan Howlin: To be appointed a member of the Government of Ireland is a unique honour and a great privilege. It must be a wonderful day for Deputy Joe McHugh to be made one of those 15 people who are charged with the running of our Republic after centuries of struggle to have that capacity. It is a great privilege and honour for him and one which is well merited. There is no one in the House who does not appreciate Deputy McHugh's ability and his sociability as someone who can interact with everyone here. Like the leader of Sinn Féin, however, the Labour Party will not support Deputy McHugh's appointment, not for any personal reason but because we do not have confidence in the Government and never have had. That is because it is a very unusual construct. I was approached, as was everyone in the House, to cobble together the numbers but one must look at what is happening in Westminster

where there is also a confidence and supply arrangement. For the first time in several hundred years, Irish unionists are determining policy which is not in the best interests of their nation. If we turn the mirror on ourselves, we see that this is not a normal Government. While we have had minority Governments in the past, we have never had a construct like this in which a very significant minority is held in position on a grace and favour basis, in essence, by the largest party in opposition which has been waiting since the inception of the Government for the right time to pull it down.

Deputy Thomas Byrne: We could have done it lots of times but we did not.

Deputy Brendan Howlin: That cannot be an effective way to function. People talk about the new politics, if it is new politics. I remember speaking to my colleague who sits close to me here, namely, the Minister for Transport, Tourism and Sport.

Deputy Dara Calleary: That must have been an interesting conversation.

Deputy Brendan Howlin: Deputy Calleary should listen sometimes.

Deputy Thomas Byrne: Deputy Howlin should listen to the members of the Labour Party sometimes.

Deputy Brendan Howlin: The Minister, Deputy Ross, told me that there was consternation in government the first time it was defeated whereas now it is a surprise if it wins a vote. We cannot reduce the House to a glorified debating society in which its formal resolutions are meaningless. Votes used to have consequences here. The decisions of the elected assembly of the people actually had a meaning.

Deputy Mattie McGrath: Deputy Howlin banished councillors.

Deputy Brendan Howlin: Deputy McGrath will have his chance. In fact, he has had it. The truth is that at the latest count, well over 200 Bills have passed at a rate of sometimes three a week on Second Stage before entering limbo and going no further. They could have been debated by a university debating society as opposed to the national Parliament. In point of fact, I understand that this was acceptable for a period of time. All parties had to come to terms with the outcome of the last election. However, we are now facing very serious issues whereas we have debated issues in the past and following five or six votes decided to have no opinion on fundamental issues being unable to secure a majority for any point of view. That is sustainable for a while but it is not sustainable into the longer term.

In the context of the major issues we face, none more serious than Brexit, we need a stable Government. We need a Government which can command a majority in the House. That will ultimately mean some form of coalition because that is the way normal negotiations work when forming a Government. That would allow decisions to be brought to Cabinet by Ministers who know there is a chance of them getting through the Cabinet in the first place and that decisions of the Cabinet have a reasonable prospect of being enacting by the Houses of the Oireachtas. That has been the way of politics since the foundation of the State. This is a unique and unsustainable version of democracy. While I wish all of those who have got new jobs today well in their roles in the national interest, in particular Deputy McHugh who joins the Cabinet for the first time and whose appointment is the only decision we really have to make, the right thing to do now would, in fact, be to have a general election.

Deputy Michael Creed: Deputy Howlin does not really think that.

Deputy Charles Flanagan: Deputy Howlin walked away.

Deputy Brendan Howlin: We listened to the people.

Deputy Mick Barry: “I did not ask for anything in return. I am happy with the access I have to the Government and to Government Departments.” These are the words of Deputy Michael Lowry who has just winked at his colleagues sitting beside him.

Deputy Michael Healy-Rae: He is as entitled to be here as Deputy Barry.

Deputy Patrick O'Donovan: He will probably be here after the next election.

Deputy Michael Healy-Rae: When Deputy Barry has been here for 31 years, he will have something to crow about.

Deputy Brendan Howlin: Deputy Healy-Rae can make it a circus if he likes.

An Ceann Comhairle: Deputy Barry should be allowed to speak without interruption.

Deputy Mick Barry: I will tell the House another thing. Deputy Lowry has more access to the Government and its Departments than me. Does it not tell us where this Government is that it relies on the votes of Deputy Lowry to win this and other divisions? Last week, a Minister had to resign from the Government because he left himself open to accusations of crony capitalism. This week, the Government survives only with the votes of a Deputy who epitomises crony capitalism. Another Minister is not here who has questions to answer also. For this reason and others, the Dáil should not take time to appoint new Ministers this evening. Instead, it should make arrangements to end the life of this Government and name a date for a general election. This Government should go, and I am not alone in saying so. This morning we learned that 44% of people polled by Ipsos-MRBI agreed and said they too want a general election. These people are tired of the failures of this Government.

Deputy Patrick O'Donovan: What percentage support did the Deputy's party get in that poll?

Deputy Mick Barry: The Government's privatisation policies have failed utterly-----

Deputy Regina Doherty: The Deputy needs to learn to read.

Deputy Mick Barry: -----to deliver broadband to rural Ireland.

Deputy Patrick O'Donovan: Within the margin of error.

Deputy Mick Barry: The number one reason we need a general election is that the Government has failed to address the greatest housing crisis in the history of the State. It has failed to build the public housing people need while shovelling more and more cash into the private landlord sector. The Government is part of the problem, not part of the solution. The only reason to allow this Dáil to run for even one more day is the abortion legislation. This legislation must be processed as quickly as possible-----

Deputy Alan Farrell: The Deputy supports us now.

Deputy Mick Barry: -----and then the Government must go. We register our point tonight

not just by our speeches. We will call for a vote through the lobbies. It is not the time for new Ministers. They are joining a failed Government. It is the time for change. It is the time for a general election.

An Ceann Comhairle: I wish to inform the Deputy that the vote will be through the lobbies so he will not have to call for it.

(Interruptions).

An Ceann Comhairle: Please, Deputies.

Deputy Bríd Smith: I think I deserve a few seconds back due to that intervention by your good self.

An Ceann Comhairle: Yes.

Deputy Bríd Smith: The Minister of State, Deputy Breen, is missing from the Chamber. There is a wonderful attendance from Fine Gael tonight, but one of the men involved in this is missing, and everyone should know that his title is Minister of State with responsibility for trade, employment, business, the EU digital Single Market and data protection. How can anyone claim that a Minister of State with such responsibility has nothing to do with the communications industry or the broadband plan? He should at least be here to answer questions. That must happen. Otherwise, this charade is long from over.

I was struck by the Taoiseach's statement last Friday in Bailieborough. He said there was a problem because the Minister, Deputy Naughten, had dinners with one bidder for a billion euro State contract and not with all of them. This goes to the heart of the problem in this House and with this State that despite all the new rules we have brought in on transparency, etc., we have not changed much from previous days, which have been mentioned. There is a symbiotic relationship in this Parliament between Ministers, civil servants and the wealthy business elite. The decision to privatise telecoms lies at the heart of this.

I know from a reply I received to a question I asked last week, and I want to share this with the House, that €18 million has so far been spent on the competitive tendering process for the provision of broadband services. Guess what it was spent on - competitively tendering for advice on how we competitively tender for the provision of broadband services. I ask the Government to stop pretending we are not engaged in a bizarre, Byzantine process that costs public money and yields poor services and results for the State and its people. This applies to broadband, housing, health and CervicalCheck. Despite all the promises of change, this is what we get time and again. Effectively, we own Enet. It is a publicly funded outlet that exists only because we tendered for 90 towns and villages to be serviced with broadband, involving 75% of the State's infrastructure fund.

I ask the House to look at the charade of how we are refusing to deliver proper public services. I echo the call for the Government to go back to the people on all these crucial issues-----

An Ceann Comhairle: I thank the Deputy. Her time is up.

Deputy Bríd Smith: -----of housing and health, the bags it has made of this and of CervicalCheck and the fact that it is not running this country properly in a way that would service citizens.

Deputy Thomas P. Broughan: At this stage in the history of this Dáil, many of our constituents might think we are just rearranging the deckchairs on the Titanic, especially given the stream of bad news from Brussels and Westminster in recent days. Last Thursday, in a brief intervention in which I called on the Taoiseach to come before the House, I did not get an opportunity to comment on the outgoing Minister for Communications, Climate Action and Environment, Deputy Naughten. I have known Deputy Naughten since he entered Dáil Éireann. I knew his dad before that, the former Cathaoirleach of the Seanad, Liam. Particularly since he became an Independent Member in 2011, Deputy Naughten has made significant contributions to this House and I know he will continue to do so, especially in the areas of health, social care and nursing homes. Many Independents, including myself, were somewhat indebted to Deputy Naughten in the 2011 to 2016 period, the austerity Government period, when he campaigned for better access to the national media for Independents, given that at that stage we had very significant support in the polls. Even in this morning's poll we still have significant support.

Obviously, I took strongly opposing views to Deputy Naughten's on many aspects of his brief in communications, climate change and the environment, especially in respect of the regulation of household waste collection, the regulation of mobile and fixed telecoms and climate change. I accept, however, that his great ambition was finally to achieve the full roll-out of broadband for the whole of our country. Given the history of telecoms in Ireland and the disgraceful findings of the Moriarty tribunal on the second mobile licence, however, it is wrong that any meetings were held by any Minister with a party to a critical public tender. A constituent of mine who has a good knowledge of telecoms and communications recently drew attention to the fact that we lack digital independence, given that our major mobile phone and broadband companies are now all controlled by foreign enterprises, foreign entities. The decade-long failure of the roll-out of rural broadband can always be traced back, as my colleague has said, to the privatisation of Eircom by the Ahern-McCreavy Fianna Fáil Government. That sale of our telecoms network was of course enthusiastically supported by Fine Gael. This and the continuing failure on the part of Fine Gael and Fianna Fáil to use our State assets to create a national mobile and fibre-optic broadband system are another two of the disastrous ongoing impacts of the blanket bank guarantee.

I wish the Minister, Deputy Bruton, my constituency colleague, well in his new portfolio but I think he is a Minister from the wrong party, given its history, to address seriously the national broadband roll-out and, as I said, Ireland's total lack of digital independence. In the Minister's stint in education he made no serious impact on pupil-teacher ratios, capitation grants, the achievement of teachers' pay equality - in Darndale this morning people drew my attention to the fact that we are still struggling for pay equality - or a better-funded third level sector. The Education (Admission to Schools) Bill is perhaps the Minister's only real legacy in education. I warmly congratulate the new Minister for Education and Skills, Deputy McHugh, and wish him well. He is always a very pleasant colleague in this House, and I hope he will try to grasp those very difficult issues which his colleague, Deputy Bruton, avoided. I also wish Deputy Canney, Minister of State at the Departments of Rural and Community Development and Communications, Climate Action and Environment, well on his second stint, I think, in government, and Deputy Kyne well in his new portfolio.

Any restructuring of a Government makes us think how the Department Votes and portfolios could be better organised. For example, one of the mistakes the Government made recently was effectively to do away with the Department of Public Expenditure and Reform. I did not agree with its policies, but the system of having a Minister for Finance and a separate Minis-

ter for Public Expenditure and Reform was a good one and could have been into the future. I hope people will look at this again, probably after the general election. We have had endless discussions about the justice portfolio and whether there are actually two Departments in the current Department. I believe there are. Back in the mid-1990s, we had a Minister for Justice and a Minister for Equality and Law Reform and we could see a better organisation. Finally, in defence we have seen the recent demonstration by our soldiers, sailors and Air Corps personnel and their relatives. Over the past seven or eight years, defence has effectively not been at senior Cabinet level, we have not had a Department of Defence, and pay and conditions have fallen very sharply. Perhaps Deputies should reflect on this and how we could better organise our portfolios after the general election.

Deputy Mattie McGrath: Ba mhaith liom comhghairdeas a dhéanamh leis na hAirí nua. I welcome and congratulate the Minister of State, Deputy McHugh, and thank him for his time as Government Chief Whip. I work with him on the Business Committee. He is always helpful and cordial. We have differences of opinion but always work well together. I welcome a bhean chéile freisin. I welcome Deputy Canney back as a Minister of State and I wish Deputy Kyne and the Minister, Deputy Bruton, well in their new roles. The Minister has Tipperary connections, and we thought he might look after us better regarding the DEIS schools in Tipperary town but he has failed spectacularly. He is a safe pair of hands, however.

I note the absence of the Minister, Deputy Ross, and his colleagues from the Independent Alliance, although the Minister of State, Deputy Halligan, has arrived. It shows something about the dysfunction----

Deputy Simon Harris: The Minister of State, Deputy Finian McGrath, is here as well.

Deputy Mattie McGrath: He is very quiet. We do not see him anymore. When he was on this side, he made a lot of noise and had a lot to say. It is the height of political brass neck for the Taoiseach to come into this House and talk about bringing stability to the Government so that it can move forward with the national broadband plan. The Taoiseach knows nothing
6 o'clock about the plan. He intends to make it a personal wrap-around, like the boiler around the hot stove or the wrap-around in the hot press. It is not that intimate to him. He knows nothing about rural Ireland and he cares less. Hardly a week or month goes by without a report of internal fighting within this shambolic Government, especially with reference to the relationship between the Independent Alliance Ministers and their so-called Fine Gael colleagues. If the Taoiseach is so interested in maintaining stability to deliver on the endless promises his Government has made, why have these reports of disquiet been so consistent? My colleague from Tipperary is here a lot longer than I am. He is normally elected by the people of Tipperary at the head of the poll. Deputy Mick Barry and others who want to bring about his demise have not been elected for as long as he has been. The Deputy in question knows what kind of vote we are about to have and he does not need to be advised. He has been elected by the people of Tipperary in accordance with their right.

Deputy Patrick O'Donovan: The Deputy must want to Hoover up the No. 2s.

Deputy Mattie McGrath: Gabh mo leithscéal. I did not hear what the Deputy said. Anyway, it is all the one. The Deputy should look after Limerick and not mind us in Tipperary.

Deputy Sean Sherlock: He said that the Deputy must want to Hoover up the No. 2s.

Deputy Mattie McGrath: It appears to me and many others that the Taoiseach treats his

so-called political partners with contempt. This means it is a matter of political luck that the Government has not collapsed already. Any prospect of delivering the national broadband plan would collapse with it.

The former Minister, Deputy Naughten, has been criticised. I want to compliment him as a diligent and hard-working Deputy and Minister. He was the only Minister who kept in touch with us. Our colleagues in the Independent Alliance can vouch for this. He briefed us regularly. I thank him and his staff for that. I wish him well. He did his best to advance the broadband process. If anything, he was too anxious to get something delivered. He understands rural Ireland and cares for it deeply. I think he summed up matters very well last week when he said that the Taoiseach is more interested in “opinion polls than telecoms poles” and in “optics than fibre optics”. That has been the problem with this Government since its inception. We know about the €5 million that was spent on spin. The dysfunctional nature of this Government was on full display in October 2016, when a row about judicial appointments broke out between Fine Gael and the Minister, Deputy Ross, and his Independent Alliance colleagues. In October 2017, another row between the parties related to the freezing of the assets of senior bankers involved in the tracker mortgage scandal. We know who lost that one - the unfortunate people who are suffering with their mortgages. The Independent Alliance did not win it. There was another example of this instability just last month, when reports emerged that Fine Gael Ministers were privately blaming the Independent Alliance for being responsible for a major part of the health budget overspend.

Deputy John Halligan: Did they do that?

Deputy Mattie McGrath: Who will the Minister for Health blame next? He has no bother finding €12 million for the Health (Regulation of Termination of Pregnancy) Bill 2018, but we have to wait for everything else. All of this suggests that political crisis has been avoided by mere chance up to now. Despite the changes that are being made today, the Government is on its knees. It would be no great sorrow to say goodbye to it, as long as it does not mean the end of the national broadband plan. The Government does not care about broadband or ordinary people. As it proved in this month’s budget, it cares about the bankers and the big people. It missed the opportunity to tax the fat cats, to tax AIB on its huge profits, to tax the new landlords in Tipperary who are wreaking havoc on us all, to have any meaningful impact or result and to show that it cares about ordinary people. It can move the deckchairs, as Deputy Broughan has said, but the *Titanic* is well rattled and well shook. The only reason the Government is sticking together is to pass the dastardly Health (Regulation of Termination of Pregnancy) Bill 2018 with the help of the main Opposition party and the other Opposition parties. This purely regressive legislation goes far beyond anything that is in place in England or anywhere else. It is shameful. That, and nothing else, is the glue that is keeping the Government together.

Deputy John Halligan: We will get it through.

Deputy Finian McGrath: More hot air from Deputy Mattie McGrath.

Deputy Eamon Ryan: The Ministers and Ministers of State who are being appointed to new positions today are four capable men. They are good-humoured in everything they do. They are good men. The only problem is that none of them is a woman.

Deputy Catherine Martin: Hear, hear.

Deputy Eamon Ryan: It is a terrible pity that Olwyn Enright and others with her scale of

talent could not be here today to be appointed as Ministers. Deputy McHugh's forthcoming appointment as a Minister is a huge honour for him and his family. We wish him the best of luck. As Deputy Howlin said earlier, to sit at the Cabinet table for the first time is a unique honour in our Republic. I am quite sure that Deputy McHugh will be good at it. His colleague, the Minister, Deputy Bruton, will need more than luck. The Joint Committee on Climate Action, which is chaired by Deputy Hildegard Naughton, who is sitting at the back of the Chamber, has revealed in real under-the-bonnet detail that our climate policy is in utter disarray. Last week's special report of the Intergovernmental Panel on Climate Change referred to this as the biggest challenge of our time and emphasised that we need to act quickly. The Government was hammered for cutting carbon tax measures from the budget, but I fear that when the Taoiseach looks at today's polls he will notice that its poll ratings have not dropped or dipped. I emphasise to him that I think the Irish people care about this issue. They will come to understand the scale of incompetence that is evident in our climate policy at the moment and the need for change. The Joint Committee on Climate Action has to finish its work by the end of January.

I agreed with almost everything Deputy Howlin said, but I disagree with him in one respect. This Dáil has done some things well when it has worked collectively. It has presented the Sláintecare plan. It managed the abortion referendum and now it needs to pass the Health (Regulation of Termination of Pregnancy) Bill 2018. We have worked collectively on Brexit. Some people have said we should go to the people immediately, but I am not so sure. I would love an election because I do not have confidence in the Government. As much as I have high regard for the four gentlemen who are being appointed to new positions, I cannot vote in favour of this proposal. I cannot express confidence in a Government that is performing so poorly on some of the core issues I am interested in. I am not sure it is in our interests to dive into an election just before the UK Government is about to fall. I think we would be better served to hold our counsel and to go to the people after March when we have seen how Brexit finally breaks. I do not think the election date will be much longer after that, to be honest, because the Government cannot hold. I think everyone in this House has done some service to the State by keeping the thing going through this incredibly difficult time. One of the lessons we can learn from this is that politics works when politicians work collaboratively, which is what the four gentlemen whose positions we are considering do. I hope that in the six months or so - maybe less - that are left before the election, we will work well together. I wish the Ministers and Ministers of State the best of luck in their work. I have every confidence in them. I have no confidence in the Government.

The task faced by the Minister, Deputy Bruton, is to work with Deputy Hildegard Naughton and the joint committee to come up with a climate plan for this country. As I said earlier today, this is something we have to do by law. Nothing has been prepared. The Minister's work starts tomorrow. The scale and urgency of the change is beyond belief. The benefit that can result from doing this work is the creation of a republic of opportunity. The Government is currently presiding over a republic of missed opportunity. That has to change.

Deputy Seamus Healy: Last week's development involving the former Minister, Deputy Naughton, has put back the delivery of rural broadband to 540,000 homes and businesses by up to five years. He was the third Minister to announce a national broadband plan with great fanfare. Pat Rabbitte and Alex White did so before him, but none of the three delivered. Rural broadband is absolutely essential for the economic and social life of rural Ireland. This infrastructure is as important as the electricity, road and rail networks. Rural dwellers are absolutely entitled to the same broadband facilities as their neighbours in cities and large towns. This plan

started to collapse when the former Minister, Deputy Naughten, decided to allow Eir to cherry-pick the delivery of broadband to 300,000 of the more easily reached rural homes. ESB and Vodafone pulled out quickly after that decision was announced. Eir pulled out not long after they did so. The privatisation of Telecom Éireann has bitten back. When it was privatised by Fianna Fáil in 1999, it left the State without control of the telephone network. This has made the roll-out of rural broadband more expensive and more difficult and has put the State at the mercy of the private market and the profit motive. It is now widely accepted that the privatisation of Telecom Éireann was a huge mistake, but that is not the full picture. The privatisation of Telecom Éireann by a Fianna Fáil Government, and the maintenance of this policy by successive Governments, was a deliberate political decision that must be reversed. I have absolutely no confidence in this Government.

An Ceann Comhairle: Tá orm anois an cheist a chur de bhun ordú na Dála inniu.

Question put:

<i>The Dáil divided: Tá, 58; Níl, 34; Staon, 29.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Barrett, Seán.</i>	<i>Brady, John.</i>	<i>Brassil, John.</i>
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	<i>Browne, James.</i>
<i>Bruton, Richard.</i>	<i>Burton, Joan.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Collins, Michael.</i>	<i>Byrne, Thomas.</i>
<i>Byrne, Catherine.</i>	<i>Connolly, Catherine.</i>	<i>Cahill, Jackie.</i>
<i>Canney, Seán.</i>	<i>Crowe, Seán.</i>	<i>Calleary, Dara.</i>
<i>Cannon, Ciarán.</i>	<i>Daly, Clare.</i>	<i>Casey, Pat.</i>
<i>Carey, Joe.</i>	<i>Doherty, Pearse.</i>	<i>Cassells, Shane.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ellis, Dessie.</i>	<i>Curran, John.</i>
<i>Creed, Michael.</i>	<i>Healy-Rae, Danny.</i>	<i>Donnelly, Stephen S.</i>
<i>D'Arcy, Michael.</i>	<i>Healy-Rae, Michael.</i>	<i>Fleming, Sean.</i>
<i>Daly, Jim.</i>	<i>Healy, Seamus.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Deasy, John.</i>	<i>Howlin, Brendan.</i>	<i>Kelleher, Billy.</i>
<i>Deering, Pat.</i>	<i>Kelly, Alan.</i>	<i>Lawless, James.</i>
<i>Doherty, Regina.</i>	<i>Kenny, Gino.</i>	<i>McConalogue, Charlie.</i>
<i>Donohoe, Paschal.</i>	<i>Kenny, Martin.</i>	<i>McGrath, Michael.</i>
<i>Doyle, Andrew.</i>	<i>Martin, Catherine.</i>	<i>McGuinness, John.</i>
<i>Durkan, Bernard J.</i>	<i>McDonald, Mary Lou.</i>	<i>Moynihan, Aindrias.</i>
<i>English, Damien.</i>	<i>McGrath, Mattie.</i>	<i>Moynihan, Michael.</i>
<i>Farrell, Alan.</i>	<i>Mitchell, Denise.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Fitzgerald, Frances.</i>	<i>Murphy, Paul.</i>	<i>Murphy, Eugene.</i>
<i>Fitzpatrick, Peter.</i>	<i>Nolan, Carol.</i>	<i>O'Callaghan, Jim.</i>
<i>Flanagan, Charles.</i>	<i>O'Reilly, Louise.</i>	<i>O'Keeffe, Kevin.</i>
<i>Grealish, Noel.</i>	<i>O'Sullivan, Jan.</i>	<i>O'Rourke, Frank.</i>
<i>Griffin, Brendan.</i>	<i>Ó Broin, Eoin.</i>	<i>Ó Cuív, Éamon.</i>

<i>Halligan, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Scanlon, Eamon.</i>
<i>Harris, Simon.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Smith, Brendan.</i>
<i>Harty, Michael.</i>	<i>Penrose, Willie.</i>	<i>Troy, Robert.</i>
<i>Heydon, Martin.</i>	<i>Ryan, Brendan.</i>	
<i>Humphreys, Heather.</i>	<i>Ryan, Eamon.</i>	
<i>Kehoe, Paul.</i>	<i>Sherlock, Sean.</i>	
<i>Kenny, Enda.</i>	<i>Smith, Bríd.</i>	
<i>Kyne, Seán.</i>	<i>Wallace, Mick.</i>	
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Maria Bailey and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Mattie McGrath.

Question declared carried.

Saincheisteanna Tráthúla - Topical Issue Debate

Hospital Services

Deputy Seán Crowe: The good news can wait.

An Ceann Comhairle: We are nearly ready.

Deputy Seán Crowe: This Topical Issue matter relates to the dialysis unit in Tallaght Hospital. The HSE and the Dublin Midlands hospital group agreed in 2017 that the building of a new unit would proceed, but inexplicably in January this year that proposal was cancelled. The existing unit is operating above capacity and cannot cope with the numbers attending. Clearly, there are problems in the delivery of the service.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputy for raising this very important issue and giving me the opportunity to address the House on behalf of the Minister for Health.

The Minister wishes to acknowledge the distress overcrowding in the dialysis unit at Tallaght Hospital may cause to patients, their families and the front-line staff working in very challenging conditions. Improvements in healthcare delivery have resulted in the improved survival of all patients, particularly those with diabetes and suffering from hypertension. This, coupled with the increased prevalence of both diseases, has led to a progressive rise in the numbers of patients presenting with end-stage kidney disease who require dialysis. The Minister accepts that the haemodialysis service in the dialysis unit at Tallaght Hospital is under increasing pressure to meet the new level of demand and ensure the provision of timely, safe and effective care for patients.

The dialysis unit at Tallaght Hospital was designed in 1985 and the Minister is aware that there are challenges in complying with current clinical guidelines and concerns about infection control. The dialysis unit is operating at full capacity and there is no scope to increase capacity because of infrastructural issues. In the short term, to address the requirement for additional haemodialysis service capacity, consideration is being given to providing additional funding to enable the hospital to outsource additional haemodialysis sessions to satellite dialysis units. The Deputy will be aware that in the longer term the development of a new facility to replace the existing dialysis unit is planned. The importance of the project is acknowledged as it reflects a long-standing need to upgrade dialysis facilities. Detailed designs have been completed and planning permission has been obtained for the project. The Minister understands that in December 2017 the hospital invited contractors to tender for the works and that the tenders have been evaluated. He further understands from the HSE that its directorate recently approved the award of the contract for the project and that this will be formally communicated to the hospital in the near future. The hospital will continue to work with the HSE to complete the project.

Deputy Seán Crowe: While I welcome the good news that the project will go ahead, I have a difficulty because similar news was relayed previously to the hospital authorities and the patients who use the facility. In that context, I am seeking an assurance from the Minister of State that the project will definitely go ahead. The dialysis unit at Tallaght Hospital is clearly not fit for purpose, given the number of patients being treated and the pressures on staff. There is also a danger of cross-infection because the beds are so close to each other. The HSE is spending

over €4 million on private dialysis services and a further €1.2 million on patient transport services. What is happening does not make sense on either health or financial grounds. Clearly, if a commitment is given to go ahead with the project, it must be honoured. As I said, it was agreed to in 2017, but inexplicably the proposal was pulled in January this year. There is no problem with planning permission and the building of the new unit would not have a negative impact on the hospital or patients. It can be built quite readily and is badly needed to increase capacity. The Dublin Midlands hospital group is supportive of the project which forms part of the Government's national service plan. While I welcome the announcement made by the Minister of State that the project is to go ahead, my worry and that of everyone associated with the dialysis unit at Tallaght Hospital is that the development might be cancelled again. I have raised the matter on numerous occasions by way of a Topical Issues debate and parliamentary questions to the Minister. I have also written to the HSE about the matter. It is welcome that things have moved on, but the next step is critical.

Deputy Finian McGrath: I totally accept the points made by the Deputy, particularly about the €4 million being spent on private dialysis services and the €1.2 million being spent on patient transport services. The number of dialysis treatments at Tallaght Hospital has increased to more than 30,000 per year. The dialysis unit had been designed to provide 9,000 treatments per year but had to provide 13,000 per year. The remainder were provided in the aforementioned satellite dialysis units. This level of activity is more than double the national average. However, the Minister accepts that satellite dialysis units cannot manage complex medical disease cases. He is fully aware of the overcrowding in the dialysis unit at Tallaght Hospital and monitoring the position closely. The Department of Health, the HSE and the hospital are working to address the capacity issues in both the short and medium term and taking measures to improve the position. The award of contract has been approved. I will push the issue very strongly and assure the Deputy that work will continue and that developments will be closely monitored.

Maternity Services

Deputy Michael Fitzmaurice: It has emerged in the past week from minutes of meetings of the executive of the Saolta group that consideration is being given to merging the maternity services at Ballinasloe and Galway. Mr. Eoghan Murphy of Shannonside Radio obtained the minutes of recent meetings by way of a freedom of information request. The information has caused concern in County Roscommon and north Galway because the maternity service at Portiuncula Hospital in Ballinasloe is a very valuable asset. Is a downgrading of maternity services at the hospital envisaged? What is the status of the services and what does the reference to a merger in the minutes actually mean?

Deputy Finian McGrath: I thank the Deputy for raising this very important issue. I know that he cares passionately about health service provision and the delivery of maternity services, in particular, in counties Galway and Roscommon.

The ongoing, progressive development of maternity services is an important part of the development of the health service and something to which the Government remains committed. As the House is aware, Ireland's first national maternity strategy, *Creating a Better Future Together*, 2016 to 2026, was published in 2016 and is being implemented on a phased basis by the national women's and infants' health programme in the HSE. Realising the vision of the strategy requires a fundamental restructuring of maternity service delivery, as well as significant

investment over the lifetime of the strategy. A detailed implementation plan for the strategy was published in October 2017. It provides a clear roadmap for the development of maternity services into the future. This year the Government provided additional development funding of €4.55 million to progress implementation of the strategy and improve waiting times for gynaecological services around the country. In 2014, the chief medical officer's report on perinatal deaths at the Midland Regional Hospital, Portlaoise, recommended that managed clinical maternity networks be established within each hospital group. That report recognised that smaller maternity units should not operate in isolation as stand-alone entities and should instead be supported through formal links to larger units. The establishment of maternity networks within hospital groups and the sharing of expertise within and across those networks will improve the operational resilience of smaller units and support those units to provide safe, quality services.

The establishment of a maternity network across the Saolta hospital care group was further recommended in the clinical review of the maternity services at Portiuncula hospital, conducted by Professor Walker and published earlier this year. That report also concluded that a maternity network is a requirement to ensure the delivery of high quality, safe and standardised maternity care across the entire hospital group. It is prudent therefore to remind the House that the establishment of maternity networks across our hospital groups represents Government policy and, as such, is a key priority for the Minister for Health. However, to be clear, the development of the Saolta maternity network, and the other maternity networks across our services, does not represent a plan to close any services. Maternity networks are about supporting smaller units to deliver their services in a more standardised and safer manner. The establishment of a maternity network is being progressed within the Saolta hospital group and, as a first step, that network will initially comprise University Hospital Galway and Portiuncula University Hospital. These new governance structures will provide the framework for the delivery of maternity services in the Saolta hospital group to ensure that the needs of women, their babies and their partners are being met, and that a consistently safe and high quality standardised maternity service is delivered across the group.

Deputy Michael Fitzmaurice: On the face of it, I welcome what the Minister of State said. He clearly stated there is no intention to close any services but that services will work together. I would like him to state there is no intention, over the coming years, to downgrade any services.

It needs to be understood that Portiuncula hospital, Ballinasloe, is a valuable hospital for maternity services for north Galway and Roscommon. Everyone agrees on the importance of hospitals working together to ensure the best outcomes are achieved for expecting mothers and best practice is always adhered to.

In light of the way it was worded in the minutes of the meeting, there was much uncertainty and uneasiness in the area in case there was something going on behind the scenes without the people in the area knowing it.

I welcome the Minister of State's comments that Galway and Portiuncula hospitals will work together and Portiuncula hospital's maternity services will continue to be available in Ballinasloe and nothing will be downgraded. Will the Minister of State confirm that no service will be downgraded?

Deputy Finian McGrath: I again thank the Deputy for bringing this important issue to the attention of the House. I will bring his concerns to the Minister for Health, Deputy Harris. I also accept his point on uncertainty, which we cannot have with regard to maternity services.

The establishment of maternity networks is a central tenet of the national maternity strategy, being key to progressive development of maternity services in the future. Their establishment across the hospital groups is Government policy and is a key priority for the Minister for Health. The full establishment of maternity networks, not just in Saolta but across all hospital groups, will build on the substantial good work already under way in the development of maternity services and will underpin Government arrangements by providing quality assurance and ensuring equity of access to maternity services for women. The key phrases here are “quality assurance” and “equity of access to maternity services for women”.

Any other concerns Deputy Fitzmaurice has will be raised with the Minister for Health.

Flood Prevention Measures

Deputy Dara Calleary: I thank the Minister of State, Deputy Kevin Boxer Moran, for being here.

Last Friday morning, Belmullet and Erris were hit particularly hard by Storm Callum, which caused considerable damage in Belmullet town. In particular, the sea wall in the town was breached and the Mullet peninsula was cut off from emergency services for a time, although it was quickly repaired. The staff of Mayo County Council and local people did a fantastic job to ensure far greater damage was averted. If the Minister of State wants to see the extent of the damage, Senator Keith Swanick shared some stunning footage on Twitter which will give an example of how bad it was.

This has shown there is a need for far greater flood defences in Belmullet. We are not talking about high walls, because this is a very scenic area, but greater investment in strengthening the defences that are in place. The defences have, in many cases, been in place for 40 or 50 years and have taken a battering over that time. There is also a need for greater investment in erosion prevention in the Erris area. Mayo County Council does not have the matching funding necessary to invest in erosion prevention. This issue needs to be faced up to. The changes in places like Ceathrú Thaidhg, Gaoth Sáile and Ceann Dhumha Thuama on the Atlantic coast show the impact erosion is having, not just on Erris, but on Achill and right up the Atlantic coast. Greater resources need to be invested in erosion prevention to equip us to better fight storms.

The Minister of State has brought great energy to his brief since taking up the position and has advanced many projects. We need far greater attention paid to erosion defence and defence of our coastal towns which are at the cusp of any storm, particularly as we look into what may be a difficult winter ahead.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I thank the Deputy for raising this important topic. My colleague, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, has overall responsibility for Government policy on coastal strategy and local authorities on identifying works to protect the coast in their respective areas. My office, through the minor flood mitigation works and coastal protection scheme, provides a funding mechanism to support works to protect coastal communities, particularly those at risk from flooding. The management of problems of coastal protection in the area indicated by the Deputy is primarily a localised matter and, as such, it is for Mayo County Council to identify an appropriate, sustainable and viable solution to the problems in Belmullet.

A full report has been requested from Mayo County Council where high spring tides combined with a storm surge and waves associated with Storm Callum resulted in some flooding and the temporary closure of roads in Belmullet over the past week. Mayo County Council provided sandbags which served to provide protection from the extreme event. Following storms early in 2014 the then Department of the Environment, Community and Local Government contacted all affected local authorities regarding the cost of repairs to damaged coastal protection and flood defence infrastructure in the county. The amount made available to Mayo County Council for coastal protection repair works was €4.2 million. I am advised that the council has undertaken repairs of walls at a number of locations in Belmullet, County Mayo, at a cost of €180,000. It is important to note that funding was allocated to immediately assist local authorities for these repair and restoration works to existing coastal protection and flood defence systems and not for new infrastructural projects. It remains open to Mayo County Council to apply for funding in connection with this location and it is a matter for the council to prioritise works in its administrative area.

Deputy Dara Calleary: I acknowledge that good work has been done since 2014, particularly along the Mullet peninsula, in strengthening roads and raising bridges. This is directly related to Belmullet town and I will encourage Mayo County Council to submit an application for a minor works grant and I assume, from the Minister of State's remarks, any such application will be given a good hearing in his Department. Is ceantar Gaeltachta é freisin. Tá sé tábhachtach go bhfuil toradh an-mhaith i gceist le haghaidh na ndaoine atá ina gcónaí sa Ghaeltacht. Tá deacrachtaí i gceist dóibh siúd a chónaíonn sa Ghaeltacht. Tá sé tábhachtach go dtabharfar gach tacaíocht dóibh siúd atá ina gcónaí in Eachléim agus atá ag coimeád an Ghaeltacht agus an teanga beo.

The Departments of the Minister of State and of the Minister, Deputy Eoghan Murphy, need to look at the issue of erosion. Money is being allocated for erosion but because local authorities do not have the matching funding necessary, it is not being spent. There is constantly an underspend in the erosion budget in local authorities. Meanwhile, our Atlantic coast is changing in front of our eyes. Our natural defences against floods are being weakened and there needs to be a very serious discussion within the Minister of State's Department and the Department of Communications, Climate Action and Environment about how we protect our natural coastal defences in a stronger way.

Deputy Kevin Boxer Moran: I could not agree with the Deputy's comments more but I advise that we are coming to budget times in local authorities and, where local authorities have issues with regard to cutbacks, they know that the Minister, Deputy Eoghan Murphy, and I have money at our disposal. If they apply for the schemes, they should have backup funding. They are in areas with coastal erosion. They fully understand that councillors need to step up to the mark to provide that money and we will make the matching funding available. Neither the Minister's Department nor my Department have been found wanting in supporting all local authorities, particularly in the past year and a half. I have been very vigilant on the ground in meeting people and looking after areas. If Mayo County Council comes to our Department, we will look at trying to do works.

An Ceann Comhairle: That seems like a very valuable invitation. I thank the Minister of State.

Dáil Éireann
Waste Disposal

Deputy Sean Sherlock: I raise the issue of the €75 support, which was announced by the former Minister, Deputy Naughten, on 27 June 2017, when he stated that an annual support of €75 would be introduced for persons with lifelong or long-term medical incontinence and that this support would help people to meet the average annual cost of disposal of incontinence products. That was the Minister's announcement. There was a further significant speech on 5 July 2017 when the Minister stated, when he was announcing some changes to the waste disposal regime, that the final change was to provide a Government-supported €75 per year to assist persons with medical incontinence. This was based on the average cost of disposal of 650 kg of incontinence products and was developed in consultation with industry and patient stakeholder groups.

Fast forward to September 2018, and there are a number of cases, including a specific case of a young person in my constituency who has a long-term need. I seek clarification from the Government as to the status of the €75 support which was announced by the Government in 2017 and further reinforced in 2018. Is this €75 available? Perhaps I have missed something in despatches. I do not think that I have. I need to be able to report back to my constituents whether this is happening. A sum of €75 is a significant amount of money, especially when the annual cost of waste for an average household is quite high. This would give untold support to such families who are in desperate need.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): The Department of Communications, Climate Action and Environment is continuing the work of developing, with a number of stakeholders, a mechanism to provide a €75 support for persons with lifelong or long-term medical incontinence to help meet the average annual cost of disposing of medical incontinence products. Unfortunately, this process has taken far longer than originally envisaged. This delay is due to a number of issues. In particular, data protection issues have arisen since the introduction of the general data protection regulation, GDPR. The proposal relates to persons with lifelong or long-term medical incontinence. As the Deputy is aware, any information that relates to the physical health of a person is sensitive personal data and must be treated very carefully. I understand, however, that there is a commitment to introducing a support, as soon as practically possible, in conjunction with relevant agencies and stakeholders.

As outlined by the Deputy and as announced in mid-2017, mandatory per kilogram charging was not introduced for bin collection. Instead, a range of charging options were allowed, which encourage householders to reduce and separate their waste and provide flexibility to waste collectors to develop various service price offerings that suit different household circumstances. As a community, we need to keep our focus on the prevention and segregation of waste to protect our environment and to make the transition to a resource efficient and circular economy. We need to ensure that we are compliant with the targets set under EU waste legislation. This includes the new ambitious target of reducing the level of landfilling of municipal waste to less than 10% by 2035. It is important to be clear that, as a country, we have no spare landfill capacity for the disposal of household waste. The ban on flat-rate fees was necessary to incentivise householders further to recycle and compost more and to send less waste to landfill.

To assist householders, the Department has invested €3 million in education and awareness in what goes into the recycling bin and how to use the brown bin effectively. A household

waste collection price monitoring group, PMG, was established in 2017 to monitor pricing developments for household waste collection services during the phasing out of flat-rate fees. The PMG has considered 13 months of data to date. While fluctuations in prices and service offerings have been observed, the overall trend is relative price stability.

The Competition and Consumer Protection Commission, CCPC, recently concluded a study on the operation of the household waste collection market. It made three main recommendations, which are to review the existing national waste policy; in that context, to establish an economic regulator for household waste collection; and to ensure that all the State's resources are co-ordinated to deliver optimal outcomes for this market. The CCPC report, combined with the ongoing work of the PMG and the finalisation of the European circular economy waste and plastics legislation framework, will inform the development of a future national waste management policy, including our environmental goals. Notwithstanding all that progress on the waste management front, there is, unfortunately, further work to be done on delivering that €75 support raised by the Deputy. It is intended, however, to progress this issue as a matter of absolute urgency in conjunction with all the relevant agencies and stakeholders.

Deputy Sean Sherlock: I thank the Minister of State for his response and I appreciate that he is taking this on behalf of another Department. It is not his own line Department. This was announced in July 2017. We are far along the road now. The GDPR issues could have been anticipated because that was coming down the line from Europe. Raising the issue of data protection is a bit of a diversion at this stage. I do not think that is an insurmountable issue. Myriad Departments handle personal detail about individuals. One could easily administer a scheme that would give €75 to every family that has an issue relating to long-term medical incontinence. It would have a massive impact on those families with regard to reducing their waste disposal costs.

I implore the Government to come back to me at some stage with a solution and timeline for this. I am not buying the argument that data protection is an issue. It is very easy to design a scheme, given the innovative nature of this country, that would easily meet the needs of the people that we are all trying to represent here. There is not a Member of this House
7 o'clock who does not have this issue and who does not have a family in his or her constituency who would benefit from this €75 support which was announced in 2017. I ask the Minister to consult his colleagues with a view to ensuring that we can at least follow through on something that was announced and get over these hurdles, such as the data protection hurdle. I do not believe that is an issue which cannot be dealt with a little bit of energy on the part of the Government.

Deputy Ciarán Cannon: I am aware that in seeking to put this payment in place, the Department has engaged with Family Carers Ireland, Age Action, Spina Bifida Hydrocephalus Ireland, the Irish Wheelchair Association, the Disability Federation of Ireland, the Alzheimer Society of Ireland, the National Disability Authority, the National Waste Collection Permit Office, the regional waste management offices, the Irish Waste Management Association, the Department of Health, the HSE, and the Data Protection Commission.

All the stakeholders, including the Department, wish to progress this issue as a matter of urgency. I understand the Department is committed to introducing the support as soon as practically possible. Having said that, I will pass on Deputy Sherlock's concerns to the relevant persons in the hope that the electronic payments system can be put in place as soon as possible.

Health (Regulation of Termination of Pregnancy) Bill 2018: Second Stage (Resumed)

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

Deputy Mary Lou McDonald: I am particularly pleased to rise to my feet in the Dáil for this Second Stage debate on the Health (Regulation of Termination of Pregnancy) Bill 2018. For a very long time I did not imagine that this legislation would materialise, much less that I would be a parliamentarian speaking here in the Dáil on it. I welcome the opportunity to contribute to the debate and underscore the importance of the legislation to past, present and future generations of women and their families. That cannot be overstated. For decades, thousands of our women faced a lonely and traumatic journey to England and Wales to access abortion services. The shame imposed on those women and girls by the church, politicians and conservative elements in society was wrong and cruel. Since 1983, a momentum against the deeply oppressive eighth amendment to the Constitution grew in scale and support. In truth, repeal was a campaign decades in the making. As with so many other big social changes, a long and arduous journey is often followed by rapid social adjustment and change. As is often the case when it comes to civil and human rights, the truth is that the people led and the politicians followed.

I take this opportunity to again record my admiration and appreciation of all of those activists, women and men, north, south, east and west, who were to become Together for Yes, to all of those who fought the good fight and who led from the front. This may have been the first big political campaign for young activists. I commend their youthful advocacy and their optimism, energy and vision for their country. I also commend the veterans, if I can use that term, people who for decades had taken a stand for women, for our bodily integrity, right to choice, right to healthcare and right to safety in maternity hospitals. There is no doubt that for a very long time those advocates and campaigners walked a very lonely path. For they and for our youthful advocates the introduction of the legislation is momentous. We divide on many things in this Dáil and I am often rightly a critic of the current Administration but I commend the Government on bringing forward this legislation.

On 25 May this year, 1,429,981 million people voted to repeal the eighth amendment of the Constitution, yet today women will still travel to Britain for an abortion and their journey will still be unduly harsh despite the collective support expressed to them by the Irish people. Members of the Oireachtas now have a dual responsibility to those women. We must ensure that abortion services are available in Ireland from January next year, and that this legislation will vigorously uphold those fundamental rights the people voted for in May.

We must continue to hear the concerns raised by women, their families and the medical profession on the shortfalls of this legislation. We should be open to a constructive and informed conversation. We should also be open to amendments that will strengthen the Bill in the interests of women and the medical practitioners who care for them. This legislation will shape abortion services in Ireland for decades to come. In practical terms, this is a new strand to healthcare delivery so we must get it right.

This legislation will require very careful thought and deliberation on Second Stage and, more crucially, on Committee Stage. It is my hope that on Committee Stage all Members will have a capacity to listen to, comprehend and translate expert opinion, be it medical or otherwise. I hope that, if it proves necessary or useful and helpful, the experiences of women will again be considered as we craft the legislation. In the course of the debate on repeal, the expe-

periences of women and their families who were faced, for example, with a fatal foetal anomaly, were crucial in setting the tone of the debate and deliberations. It is important that real human experiences do not get lost in a technical exercise of legislative text and amendment.

To get it right we must act in good faith and with goodwill. I know there are different views on abortion across this House, and I respect that deeply, but we also know that the people, collectively, have spoken. When they repealed the eighth amendment, they did not do so in a vacuum of knowledge. The debate was well informed and created light as well as heat. In the course of the debate, Irish public opinion was aware of the general shape of the legislation that would follow. As we debate and deliberate, and as we put forth our view as democratically elected representatives, on our behalf and on behalf of our constituents, I believe goodwill demands that the legislation is allowed to proceed. I ask that we have a full, deliberative and frank debate but I appeal to colleagues not to abuse the rules, regulations and latitude of the Houses of the Oireachtas to delay legislation which already carries the democratic *imprimatur* and approval of the people.

It is important that we are inclusive of all women. I wish to include trans persons and those who identify as non-binary. For some, those are new concepts and terms, but they describe very real human beings. Regardless of income or where they live, women must be able to access services equally. There are a number of specific areas within the legislation that demand further attention and I will refer briefly to them.

Section 13 provides for a consideration or waiting period of three days from when a medical practitioner certifies a woman for a termination to when she can have it. I am conscious that last month doctors, in evidence to the Joint Committee on Health, described the three-day waiting period as unnecessary and told us that it did not have a medical rationale. The decision to impose this provision within the legislation is, therefore, perhaps more political than medical. Perhaps we might reflect on the fact that it is a product of a paternalistic mindset of Governments and legislative drafters of old, a mindset that we had hoped had been set aside. This provision must be considered carefully. We must ask ourselves whether it will prove to be a barrier for women living in rural Ireland or the North of Ireland who will have to access services for the time being across the Border. The Minister and his Cabinet colleagues know that many women will not feel comfortable in seeking medical care close to home. The people may have voted to repeal the eighth amendment, but let us be realistic: there is still stigma. I want this provision to be considered and weighed very thoughtfully.

I draw attention to the offences section at the front of the Bill. I note that it features ahead of the sections dealing with medical care and that bothers me. The offences section can and will create a chilling effect. The message to women's doctors is that criminal sanctions must be their first concern and perhaps the care of the women merely secondary. That cannot happen and any impression to that effect must be set to rest. I cannot imagine that this sits well with the Government. My colleague, Deputy Louise O'Reilly, has outlined Sinn Féin's view. We do not agree that medical professionals who invoke a conscience clause can be exempt from referring patients to receive the necessary medical treatment they seek. Those involved in the medical profession have raised a number of additional concerns with the Minister about the legislation and they must be listened to.

We now have an opportunity to address associated areas of medical care. I welcome the Minister's commitment that abortion services will be provided free of charge. This commitment must be extended to women living in the North of Ireland who continue to be denied fun-

damental rights that have been secured here in Ireland and Britain. It is also time to consider equitable access to contraception for women and girls. This, too, must be free of charge. The Committee on the Eighth Amendment of the Constitution recommended the introduction of a scheme to provide contraception free of charge for all persons who wish to avail of it within the State. Committee members voiced a particular concern that personal costs of contraception could be prohibitive. They acknowledged a finding of the Central Statistics Office's general population survey in 2010 in which 18% of respondents had found the cost of contraceptives to be an issue.

The discriminatory language used in the legislation must be addressed. The trans community played an important role in the repeal campaign, as did non-binary people. As communities who campaigned alongside each other for the varied rights the State has historically denied us, our struggles are interwoven. The language used in the Bill needs to reflect the diversity of society and must be absolutely inclusive in its intent. I, therefore, urge the Minister to reflect on the demands made by transgender and non-binary activists and medical professionals for the inclusion of gender neutral language. If this matter is not addressed now, we know that it will be addressed in the future after long campaigning for a right to which we already know the people concerned are entitled.

I commend the appointment of Dr. Peter Boylan to assist in the implementation of arrangements for termination of pregnancy and related services. Dr. Boylan has been a tremendous champion for women's healthcare and I am sure undertook this role during the repeal campaign at some considerable personal cost. We are eternally grateful to all of the medical practitioners who campaigned alongside us, the Irish abroad who supported us, the women who shared their deeply personal stories in order that wider society could truly understand the cruelty of the eighth amendment and the new generation of activists who have emerged. The final Bill must reflect the rights secured by the people earlier this year.

An Leas-Cheann Comhairle: Deputy Mick Barry is in the next slot. I understand he is sharing time with Deputy Paul Murphy.

Deputy Mick Barry: It is welcome that we are debating legislation aimed at providing for abortion rights in Ireland. I thank the 66.4% who voted "Yes" on 25 May for making this possible. I also thank the 64% who voted "Yes" in my constituency of Cork North Central for helping to make it possible. In particular, I thank all of the campaigners, including women's rights campaigners, repeal campaigners and left activists, who campaigned in the years and months leading up to 25 May for making it possible.

I do not have time to give all of my views on the proposed legislation, but I will make a number of points which I will preface by saying I am a supporter of free, safe and legal abortion services for all women and pregnant people who need to avail of such services. I will continue to campaign until such time as this is the full legal position in the State. While welcoming the arrival of the legislation, I have some criticisms of it. Unfortunately, I do not have time to go into all of the detail. Instead, I will concentrate on two important shortcomings of the legislation and the associated changes that I believe need to be made.

I wish to make a number of points on the question of health. The Committee on the Eighth Amendment of the Constitution supported the right to a termination where the life or health of a woman was at risk. However, the Minister's proposed legislation states something quite different. It states a termination can take place where there is a risk to the life or a risk of serious

harm to the health of a woman. I put it to the House that there is a significant difference between permitting abortion on the grounds of serious harm to health and permitting it on grounds of health. This represents a significant watering down of the committee's proposal and what people voted for on 25 May. This watering down flies in the face of expert medical advice heard by the committee. The expert medical advice indicated that the person best placed to decide on the level of risk she was prepared to take during a pregnancy was the pregnant person based on medical advice and personal circumstances.

Applying a legal standard of risk to a medical determination of actual risk is neither practical nor in the best interests of the pregnant person. Furthermore, what constitutes "serious harm" is open to interpretation. Given the potential for criminal sanctions under the legislation, it is more likely to be open to a conservative interpretation in the hands of medical professionals. The tragic instance that put the issue of abortion rights and health into the national conversation – the death of Savita Halappanavar – shows the dangers of a conservative interpretation of rigid law-making. All references in the proposed legislation to risk of serious harm to health should be removed and replaced with the words "risk to health".

I want to deal with the proposed three-day waiting period. According to the World Health Organization, there is no evidence that waiting periods are medically necessary. The evidence indicates that they will not change people's minds because they have already made up their minds but will create practical and psychological hardship for women. That is the reason France decided in 2015 to remove the waiting periods that had applied up to that point. They had had no impact, other than a negative one on women and pregnant persons. As I said, opposition to waiting times is the position of the World Health Organization and was also the position of the Citizens' Assembly that considered the issue.

I raise a question to which I would like the Minister to respond because it is unclear to me in reading the legislation whether the limit of 12 weeks includes the three-day waiting period. Is it the intention of the Minister that the window in which a woman or pregnant person can have a termination is 12 weeks minus the three-day waiting period or is it 12 weeks and three days, minus the three-day waiting period, in other words, a total of 12 weeks? I will be concerned and opposed to it if it is the case that that waiting period effectively makes it eleven and a half weeks, rather than the 12 set out in the legislation.

This is positive legislation and it is welcome that it is being debated. It is down to the campaigning work done by many over many years, in particular, the women and young people of Ireland and all those who came out and voted "Yes" on 25 May. It is not, however, without significant shortcomings. The issues of health and the three-day waiting period need to be debated and the legislation amended and changed to make it better.

Deputy Paul Murphy: I will be brief in following my colleague, Deputy Mick Barry. This will be the last speaking slot to be taken by Solidarity-People Before Profit in the Second Stage debate because we are very anxious to see the legislation progress and take effect as soon as possible, particularly in the light of the Government's precarious position.

I will make a few brief general points and two specific points to complement what Deputy Mick Barry said. I register the historic nature of the legislation we are debating and the victory it represents, not for any of the establishment parties but for a movement and all those who fought for decades and, in particular, since the death of Savita Halappanavar, for large elements of it. Those who did it are the ones who marched, organised, mobilised, canvassed, distributed and

made accessible abortion pills which showed that the existing legislation could no longer hold, as well as all those who came out to vote. The scale of the victory is seen in contrasting what has happened with the debate that would have been taking place a year or two ago which would have seen this legislation as completely unrealistic and the legislation of radicals, whereas it is legislation that is far more in line with international norms than the restricted legislation anticipated in the earlier stages of the debate. Until a year ago, all of the discussion was about fatal foetal abnormalities, rape and what, possibly, was seen as the most developed position, health only grounds. Those of us who were fighting for the right to choose were seen as off the wall and jeopardising the possibility of repeal of the eighth amendment. This really is an historic victory and a very important step towards the full right of women to choose. On the one hand, it is a victory for those sections of the population which mobilised, in particular women, young people and LBGQT people, but, on the other, it is a defeat for the conservative forces in the State who believed or liked to pretend to believe they had a silent majority on their side, which clearly they did not. It is a defeat for the Catholic Church and leads to all of the other struggles that are needed to have full separation of church and State, take the church out of the areas of education and health and provide them as public services free of church influence and control, while respecting the right of every persons to practice whatever religion he or she wants.

It is also part of a global women's struggle that has emerged particularly strongly in the past few years which had its counterpart in massive protests in Argentina in fighting for abortion rights, where, unfortunately, the conservatives held on and won the vote in the Senate. However, that movement is regrouping, will grow again and, ultimately, will win a victory in that country. It also has a counterpart elsewhere in Latin America, in Brazil, where there is now an all-out struggle by women, workers and left organisations to try to defeat the possibility that the far-right candidate, Mr. Bolsonaro, will come to power in the presidential election. We express our solidarity with all those involved in that struggle.

I want to raise two specific issues for the Government to which I would like it to respond. They relate to the more oppressed sections of the population that will be seeking to access abortion services under this legislation. The first which seems, on reading the legislation, to be very problematic concerns transgender men and non-binary people who will be seeking to access abortion services. The word "woman" is used throughout the Bill in referring to who can access abortion services. The Bill states: "'Woman" means a female person of any age". When read in conjunction with the Gender Recognition Act, it seems that this will create a real problem where transgender men have the capacity to become pregnant, as do non-binary people, who under a restrictive Bill will be unable to access abortion services. I would like to hear the response of the Government on whether it accepts that this provision presents a legal problem. Even if it states there is no such legal problem, that the matter will be covered, etc., to use transgender and non-binary inclusive language, it should simply replace the word "woman" with "pregnant person" throughout the Bill.

The second issue is criminalisation because a 14-year prison sentence for those who assist persons in accessing abortion services outside the framework of the Bill will remain in place. This is contrary to the recommendation of the committee on the outcome of the Citizens' Assembly on the eighth amendment and international best practice for two reasons, one being that the existence of a draconian 14-year prison sentence, a hangover from the eighth amendment and the Protection of Life During Pregnancy Act, will have a chilling effect on doctors operating even within the framework of the legislation. They might be very concerned, for example, that they are going over the 12 weeks limit and this will inhibit them in their actions. The second

reason is that it will criminalise those such as friends or relatives who are assisting someone in a crisis pregnancy to access an abortion outside the framework of this legislation. Only reckless or dangerous abortion should be criminalised, just as a reckless medical procedure or whatever would currently be criminalised. It seems to be very dangerous to maintain this provision as it currently stands. The Government should follow the advice of international experts and the Joint Committee on the Eighth Amendment of the Constitution and have decriminalisation of abortion and whatever new law is necessary in that regard.

An Leas-Cheann Comhairle: The next slot belongs to Independents 4 Change. Deputy Wallace is sharing time with Deputy Connolly.

Deputy Mick Wallace: A number of Deputies in their Second Stage contributions have claimed that the people voted in the referendum earlier this year with the heads of this Bill in mind and that, therefore, we should stick to the draft legislation that was published before the referendum. While some, or even a majority of people, may have voted with the heads of the Bill in mind, we have no idea to what extent this is true. What we do know for certain is that the people voted overwhelmingly to repeal the eighth amendment. We also know that in doing so, they gave elected Members the power to legislate on behalf of the people. Our job now is to scrutinise the Bill, as initiated, and to propose and defend amendments as we see fit. I do not want to delay this legislation, but we would not be doing our jobs properly if we did not address some of the serious problems that we see in the Bill in its current form. It is important that we get it right.

One of the main problems with the Bill is that it does not fully decriminalise abortion. In fact, it creates a new offence in section 5(4) of helping another person to have an illegal abortion. The Bill also retains a 14-year prison sentence for performing an abortion “otherwise than in accordance with the provisions of this Act”. As such, doctors will still worry about prosecution. This fear of prosecution will inevitably cause doctors to interpret the legislation conservatively and will have a negative effect on facilitating access to abortion, which is surely not what the Bill should be about. This means that the serious historical problems we are trying to move away from will, in fact, be replicated.

The Bill states that abortions, examinations and certifications must be carried out by a “medical practitioner”. However, a “medical practitioner” is defined in section 2 of the Bill as a medical practitioner who is registered with the Irish Medical Council, which lists only doctors. This means nurses or midwives will not be allowed to examine or certify or provide abortion care in early pregnancy. I appreciate that in terms of assessing risk to the health or life of a pregnant person, a registered doctor should be required, but the World Health Organization safe abortion guidelines advise that “abortion care can be safely provided by any properly trained health-care provider, including midlevel (i.e. non-physician) providers.” There is no provision in the Bill, for example, for nurses and midwives to certify or provide abortion care in early pregnancy, even though nurses and midwives are perfectly capable of performing these functions.

I also have concerns about the assessment of risk in sections 10 and 11. Given that the report of the Joint Committee on the Eighth Amendment of the Constitution did not recommend the qualification of harm as serious or otherwise, why are we inserting this into the Bill? Previous abortion law created major problems in assessing what constitutes “real or substantial risk” and this Bill repeats the same mistake. We should not define or qualify risk in legislation. Medical risk should be considered in a clinical setting, in real time, by medical specialists. I made exactly the same point in this Chamber when debating the referendum Bill as a reason to

repeal the eighth amendment and it is strange to be back arguing the same point again in respect of legislation that is supposed to facilitate abortion services. Have we not learned from past mistakes? Risk can escalate quickly, and because of this it is actually extremely dangerous to qualify risk in legislation.

Experts at the committee warned against using the term “serious”. It introduces uncertainty for doctors and therefore creates a chilling effect, and it also creates an access barrier for proper, timely intervention. The committee report specifically states:

The advice to the Committee is that the assessment of that risk is best considered in a clinical setting rather than being fixed in legislation. The Committee accepts this.

The report also accepts that it is especially difficult to grade or assess risk in the case of women who present with mental health issues. We need to amend the relevant sections of the Bill or more women may die.

Section 12 refers to a “condition likely to lead to the death of the foetus within 28 days”. There was no mention of 28 days in the heads of the Bill and the committee report makes no such suggestions. Surely this kind of clinical or medical specificity has no place in legislation. Again, this will create a problematic lack of clarity for doctors. How can a doctor be expected to come up with such an exact prediction? Problems like this in the Bill will have a debilitating effect on doctors instead of empowering them to provide a proper medical service to women who need it. These problems in the Bill still frame and present abortion services in a negative way.

Many Deputies have referred to the 72-hour waiting period. This provision should be removed. The World Health Organization has said that waiting periods like this demean women as decision makers. Waiting periods will only lead to delays in accessing treatment. The UN Committee on the Elimination of Discrimination against Women has also recommended the elimination of medically unnecessary waiting periods for abortion as they pose a barrier to access. This legislation is supposed to facilitate access to abortion services. There is no medical basis whatever for this waiting period. It will particularly hit poorer people, isolated people, people living in rural areas and also people who are in abusive relationships.

Section 13 provides that a pregnant person must be examined prior to certification. This requirement was not part of the draft legislation and was not recommended in the committee report. Where is the medical evidence for such a requirement? Does it specifically mean a physical examination? Presumably it does, and it will have to be conducted in person, rather than over the phone. Again, like so many sections of this Bill, this is yet another barrier to care. We should replace the phrase “having examined the pregnant woman” with “having consulted the pregnant woman”, which would facilitate a telephone consultation. We should be clearing the pathway to care and eliminating delays, but instead the Bill seems to be creating some obstacles. There also seems to be a poorly concealed moral or ethical distrust of abortion in its drafting.

The Southern Taskgroup on Abortion and Reproductive Topics, START, is a collection of general practitioners, obstetricians, public health doctors and psychiatrists. It has highlighted serious problems in a likely path to care based on the legislation due to the requirement in sections 10, 11 and 12 that the termination of pregnancy is carried out by the same doctor who certifies that the pregnancy has not exceeded 12 weeks. START argues that it is not workable

in practice if the legislation requires that the same doctor who certifies must be available three days later to facilitate the abortion by prescribing medication in primary care or arranging the termination in hospital. According to START, it is obviously entirely possible that the same doctor will not be available when the mandatory 72-hour period after certification has elapsed. This doctor might be unavailable for various reasons. He or she might work part time, may be on leave of some sort, or may have other work commitments at the time.

Even assuming everything goes well and according to plan and there are no conscientious objections, 12 weeks, which is actually nine weeks in practice, is unlikely to be enough time for many women. It is not clear that the time limit is workable based on the Bill, as initiated, which means we will continue to see women travel or rely on the use of unsupervised abortion pills. This will defeat the purpose of this legislation. There is no medical reason for this requirement and it poses a serious risk to the implementation of abortion services in clinical practice. START argues that there are numerous examples of well-established protocols in primary and secondary care which allow the hand-over of care from one doctor to another so as to ensure continuity of care for patients. Surely similar protocols could be used for abortion services.

Section 12 states that a termination may be carried out where the pregnancy has not exceeded 12 weeks. This period may need clarification. How are we to interpret it? Does the 12 weeks mean 84 days, full stop, or could it mean 12 weeks plus four, five or six days, but obviously not seven. It might be a simple thing but it may need some clarification.

I am not trying to be critical. I am trying to make it better.

Deputy Catherine Connolly: Cuirim fáilte roimh an mBille seo. Táimid tagtha go dtí an pointe seo tar éis turas fada. Le linn an thurais sin, d'fhulaing a lán mná agus fuair cuid acu bás. Is í seo an chéad chéim chun é sin a cheartú agus chun seirbhísí a chur ar fáil do mhná ar bhonn atá bunaithe ar chearta daonna.

I welcome the Bill. It has been a very long journey to get here with unnecessary deaths and suffering, repeated condemnation by various international courts, including the European Court of Justice and the European Court of Human Rights, UN committees and people power on the streets.

It is possible, of course, to start that journey at different significant points depending on one's viewpoint and experience. We could start with section 58 of the 19th century Offences Against the Person Act, the Victorian legislation. As a result of my own experience I will start with the death of Sheila Hodggers. I pick her, as I have done on other times when I have spoken on the subject in the Dáil, because her death on 19 March 1983 happened prior to the eighth amendment being inserted into the Constitution. She died unnecessarily after giving birth to a premature baby who died almost immediately after birth. She died because she was refused treatment for cancer. I will not go into the details of that case. I mention that because that was prior to the eighth amendment and this country then went ahead and inserted that article into the Constitution, using black and white terms, knowing well that it was a complex matter and that difficulties would ensue.

We had the X case in 1992. The Supreme Court judgment laid out exactly the difficulties, almost ten years after the passing of the eighth amendment. Sometimes the facts of that case are lost and I will not go into them. I am sure they are very painful for the family to hear repeated. It is important to say that we are talking about a 14 year old girl pregnant as a result of rape.

Those facts were not even discussed in Irish society, as represented by those who took High Court action to prevent her from travelling. That was of more concern to them, rather than the circumstances of the rape.

I am only picking a few of the cases. In 1998 we had *A and B v. the Eastern Health Board, Judge Mary Fahy and C*. We are talking about a 13 year old girl under the care of the Eastern Health Board who was raped and again prevented from travelling.

I jump to 2011 because there are so many cases where women and children suffered as a result of the eighth amendment and as a result of certain sections of society dealing with complex issues in a black and white manner. In 2011, the *A, B and C* case went to the European Court of Human Rights, which ruled no effective remedy was available to the women in theory or in practice. As a result of that case, Michelle Harte came forward. She had become unintentionally pregnant when she had cancer. Her doctor quite sensibly recommended a termination but a subsequent hearing of an *ad hoc* ethics committee in the hospital determined she could not have a termination. She had to be helped onto the plane.

Still the Governments in power took no action. It took another death in my city, that of Savita Halappanavar, a 31 year old woman who was 17 weeks pregnant and died on 28 October 2012. I accept there was a basic lack of care in that hospital, which continues to have serious issues with the service it gives. One of the major issues was a refusal to consider a termination for her. That tragic death, which should not have happened, led to the introduction of the 2013 legislation. That legislation was to implement the Supreme Court judgment of 1992. It took the deaths of those women and that suffering to introduce that limited legislation where we still persisted in criminalising women who had an abortion or those who helped them. Unfortunately we are still doing it in this Bill.

It continued right up to 2016 with Amanda Mellett going to the UN Human Rights Committee, followed by Siobhán Whelan in 2017 and still we did not learn. It took people power on the streets with people of every age coming forward to force us into holding the referendum on 25 May of this year when 2 million people cast their votes. There was a landslide victory for “Yes” with a majority of 66.4% to 33.6%. However, all the while women have had to continue travelling outside this country. It must be remembered we help people onto a plane, including in the case I mentioned, to go over to England because we have refused to provide those services. Most significantly all of those women are excluded from the health service and continue to be excluded from the health service. Therefore, this Bill is extremely important because for the first time we have been forced to bring it forward.

I thank the Minister of State present and the Minister, Deputy Harris, for introducing this Bill. Finally we are at the stage of doing our job as legislators and this Bill is the first step in that important process. We have a duty to ensure that the legislation enacted is robust, fit for purpose and actually capable of dealing with the myriad of challenges and problems facing a pregnant woman at any given time. These include a woman suffering from cancer and a pregnant woman with a diagnosis of a fatal foetal abnormality.

It is, of course, essential to highlight that no woman takes a decision to terminate a pregnancy easily. It is also vital to recognise that the Bill is to provide a health service. We need to move away from the patronising and patriarchal language, and we need to trust women. If we have learned anything from the cervical smear scandal and all the other scandals, it is to trust women and give the maximum information to empower them, to put them at the centre of every

decision-making process. With that we will have a much healthier society.

I generally welcome the Bill. However, a number of problems need to be teased out. I hope they will be teased out on Committee Stage. I do not sit on the committee, but I will certainly keep a careful eye on the Bill and look at amendments. It has to be woman centred. There is a contradiction in a Bill providing a health service while at the same time providing for penalties. I do not believe offences or penalties have any place in the Bill. If the Government insists on providing for penalties, it should be in separate criminal legislation and not in a health service Bill. It gives contradictory messages and does not help. The woman needs to be at the centre of the decision-making process.

The definition of health must be as broad as possible. I would recommend, as the organisations on the ground have asked us to recommend, the very comprehensive definition provided by the World Health Organization.

As has been mentioned, the waiting period has no medical rationale other than a patronising, patriarchal attitude that a woman really does not know her own mind and that we need to give her more time so that she comes to her senses. I do not hold with that type of logic. If the Government insists on putting in the three-day waiting time, it is very difficult to know when that begins. If it begins from certification, what about the delay in getting that certification? What about the delay if the initial doctor refuses that certification? These are practical problems on the ground that need to be teased out.

The storage of information and the right to access information in regard to a decision made or not made by a medical practitioner, as well as the review of that, is an issue that has to be looked at. With regard to the early pregnancy section, whereby one is allowed to have a termination up to 12 weeks, if a doctor refuses, what is the position and what are the consequences for that doctor? Does the pregnant woman have to go from doctor to doctor to try to get a doctor who will give her permission? The make-up of the review panel has to be scrutinised and a much broader range of professions and experience brought into it. I have no difficulty with conscientious objectors but the result and consequences for a doctor refusing must be tied down.

We also need to clarify who is entitled to this service. I welcome that it is free, although I should not say “free” because everybody pays taxes for services, one way or another. Nonetheless, I welcome that the service is being provided as a universal service without extra cost. In regard to medical guidelines, like others, I welcome the appointment of Professor Peter Boylan because we are going to need robust medical guidelines in regard to many of these issues, which will be dealt with better under medical guidelines rather than in legislation.

Deputy Danny Healy-Rae: The right to freedom of conscience is a fundamental right protected by the Irish Constitution and the European Convention on Human Rights. No person should be required by force of law to take innocent life. Irish doctors, nurses and midwives entered their professions to protect life, not to take it. For the first time in Irish history, a Minister for Health is proposing to force doctors to refer women for abortions. Forcing doctors to become involved in the abortion process against their conscience is deeply unjust. There is growing anger among nurses, in particular paediatric nurses, doctors, midwives and pharmacists because they were never consulted. It was said wrongly that this was GP-led. However, there was a GP poll and of the 900 GPs who responded, 75% said they do not want to participate. Theatre staff and gynaecology ward staff will be forced, and bullied, I believe, to do this job when they never entered the profession thinking this was what they would have to do. How

can a nursing staff manager take over a 12-hour shift where the nurse leaving says there are three terminations of pregnancies going ahead, when the second nurse does not want to be involved in that? She is going to be forced into it. Indeed, two Scottish nurses lost their jobs for the same reason in 2014. I can see this is what will happen in our country down the road and we are not addressing those issues.

Most GPs have no ultrasound service available to them and most of them are not trained to operate an ultrasound machine. If a girl presents and says she is nine, ten or 11 weeks pregnant, how can he be sure it is not 14, 15 or 20 weeks when he does not have that ultrasound service available to him? Where a girl presents up to 24 weeks on mental health grounds, and something happens with the father of the child and she is in a very bad state, what is the definition of “mental health grounds”? This will allow for the abortion of a 24-week old baby. Only the other day I had the pleasure of seeing and meeting a baby who was born at 22 weeks, and he is perfect, a lovely little boy. The people I am talking about came into the profession to save lives, not to kill.

What happens the babies who are born alive? Are they going to be saved once they are outside the womb? I met a woman of 39 years of age across the road from here last year. She was aborted and thrown into a bucket, and a conscientious nurse heard her moaning and saved her. She was perfect last year, 39 years later, across the road from here.

With regard to foetal abnormality, we understand the case of the baby that has no hope of surviving outside the womb. To be honest, everyone felt for that situation, as I did. That should have been addressed on its own, aside from any abortion Bill. The Bill refers to a foetal abnormality up to nine months. How much of a disability are we talking about? This has never been explained or defined. Is it some child with a cleft palate? Who is going to decide that? If a baby that is in the womb for nine months is going to be aborted for no good reason, to me, that is murder and it should not be allowed. There are many Deputies here who have an awful rush on them to get this Bill through the Dáil. I believe the Taoiseach does not want to allow pre-legislative scrutiny, which is wrong because this is very serious.

An awful lot of people around the country will be very hurt when they see and understand what is happening in the case of an abortion, and what happens to a little baby. I believe that once a baby is in the mother's womb, it is alive. Although it is constantly being referred to as a foetus, I refer to it as a baby. We are talking about this happening up to nine months. A couple of days later it is a baby outside the womb whereas a couple of days before that, or even hours before that, it is called a foetus and can be aborted. It is very wrong.

Our abortion laws will be the most liberal in Europe. I respect the vote of the Irish people but they relied on us in this House to do what is right. If we are going to rush this Bill through the Dáil, I do not think that is right. On every little aspect I have raised here, I had only ten minutes to speak. This should be gone through in minute detail, not rushed through. The people out there are depending on us to legislate properly for abortion. We must ensure the doctors, midwives and paediatric nurses, who were never consulted, are consulted and talked to in order to see how this will be carried out. It is all right for the Minister to say, “There is €12 million there. Do it.” That is not the way it should be done. We should go through it properly and ensure plenty of legislative scrutiny is given to the matters I have raised here tonight because it is very important.

Many healthcare professionals have called on the Government not to force doctors to refer

women for abortions. The legislation must be amended to remove the obligation on doctors to refer women for abortions.

Debate adjourned.

Criminal Justice (Victims of Crime) (Amendment) Bill 2018: Second Stage [Private Members]

Deputy Jim O’Callaghan: I move: “That the Bill be now read a Second Time.”

I intend to share time with Deputies O’Loughlin, Scanlon and Butler.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Jim O’Callaghan: I welcome the opportunity to commence the Second Stage debate on the Criminal Justice (Victims of Crime) (Amendment) Bill 2018, the purpose of which is to provide greater support to victims of gender-based violence, sexual violence and violence within close relationships. It is important to have this debate in the context of the information available to us on the victims of sexual offences in Ireland. We have learned from the recent statistics on crime which were publicised by the Central Statistics Office, CSO, that there has been a 10% increase in the number of sexual offences reported in the second quarter of 2018. There was also a 10% increase in the first quarter of 2018. While we cannot state definitively what the reason for the increase in the reporting of sexual offences is, it may be because the victims of sexual offences have become more self-confident and feel better about reporting the fact that they have been the victims of such offences to An Garda Síochána. Hopefully, that is the reason for the increase. It may also be the case, however, that the increase is the result of an increase in the incidence of sexual offending in Ireland. If that is the case, it is an extremely worrying development. However, we do not know the cause of the reported increase in sexual offences. As such, I am sure the Minister of State, Deputy Stanton, will agree that it is very important to carry out further research in this area. The Government committed a number of months ago to commission a new sexual abuse and violence in Ireland, SAVI, report to determine the incidence of sexual offending in Ireland and whether it is on the increase or simply the case that people are more confident about reporting offences. Tomorrow, I will have the opportunity question the Minister for Justice and Equality as to when that report and further research will be completed.

One of the things that makes one realise how distinct sexual offences are is the unacceptably low level of reporting of them. If a person is the victim of a burglary or a standard assault, he or she will, in the vast majority of cases, report the offence to An Garda Síochána. Unfortunately, people, particularly women, who are the victims of sexual violence, gender-based violence or violence in close relationships do not report those offences to the same extent. Those offences are not reported to the extent they should be. I read the report published by the One in Four organisation, which does a great deal of good work to represent the interests of people who are victims of sexual abuse. It is estimated in the report that only 15% of victims of sexual abuse make complaints to An Garda Síochána. As legislators, we have a responsibility to take legislative steps to improve those statistics. It is not acceptable to state that there is not much we can do about it because it is simply a tradition that these types of offences are not reported to the same extent as others.

Part of the reason for the low rates of reporting of these offences is that victims can find the

legal process and the criminal justice system very intimidating. I am not suggesting that the principles of a criminal trial should be radically subverted, that we depart from the principle that someone is innocent until proven guilty or that an accused person should not have full constitutional rights before a court when prosecuted in respect of a criminal offence. However, we must do something to make the criminal justice process more acceptable and comfortable for the victims of sexual violence. One of the factors identified by complainants in prosecutions for sexual offences is that they are not aware of what is required of them in the criminal justice process. The purpose of the legislation is, therefore, to amend section 17 of the Criminal Justice (Victims of Crime) Act 2017 to provide that any person who makes a complaint of sexual assault or gender-based violence is given advice, information and assistance from the outset by a solicitor funded by the State. If an individual is prosecuted for such an offence, he or she has the protection and advice of a lawyer from an early stage provided by the State under the criminal legal aid scheme. Similarly, when a woman makes a complaint about a sexual offence perpetrated upon her, she should be informed at the very outset of what the investigation will involve. She should be told what gardaí will do to accumulate evidence, what statements gardaí will have to put together from persons with relevant evidence, that those statements will be provided to the accused, what rights the accused person will have in any prosecution, that the complainant will have to give evidence in court in public in respect of the complaint made and that she will be subject to cross-examination. She should be told what that cross-examination will involve and what protections exist in respect of cross-examination under the current legislation, particularly in the amendments enacted through the Sex Offenders Act 2001 to the Criminal Law (Rape) Act 1981.

If the Bill is enacted, it will not lead to a remarkable increase in the number of people coming forward. However, it will be part of the solution. It will send a message to women in particular who are the victims of sexual abuse and assault that the State will provide protections to them in the criminal justice process. It will make them aware that they are not alone and that they will be apprised at an early stage of what the process involves. While people have suggested at times that the victims of sexual offences should have legal representation in court, it is important to note that section 34 of the Sex Offenders Act 2001 amended section 4 of the Criminal Law (Rape) Act 1981 to provide that in certain circumstances a complainant in a rape trial is entitled to be heard in respect of an application and for that purpose to be legally represented during the hearing of the application. I am not suggesting anything that is a fundamental departure from the principles of a criminal trial wherein the prosecution is represented by one prosecutor who makes the claim against the accused. I am suggesting, however, that we do something through this legislation to provide greater support to women in particular who have been the victims of sexual violence, gender-based violence or violence in close relationships. We have to do something to encourage those women to come forward to a greater extent. We must let them know they have the protection and support of the State when they do so.

Deputy Fiona O'Loughlin: I commend my colleague, Deputy O'Callaghan, on bringing the Bill forward. Fianna Fáil is proud to bring this legislation forward because there is no doubt that it would, if enacted, provide victims of sexual violence with greater support and protection in the criminal justice process. The existing process does not support survivors adequately. In fact, it treats them poorly. That is not only important for survivors, it is also important because of the message and signal it sends to society about how sexual violence is viewed. We must send a very strong message about this issue.

It is frightening to look at the crime statistics published at the beginning of October by the

CSO. They reveal that the trend of increased incidents of rape and other sexual offences is continuing. The number of recorded incidents of sexual offences was up over 10% for the second quarter of 2018 when compared with the same period the previous year. This trend has emerged over the past number of CSO releases and shows no sign of abating. The figure for the previous year was 16%, the figure for the year before that 10%, and the figure for the year before that 14%. Since 2014, therefore, the figures have increased significantly. While these figures are shocking, they are only for reported crimes. A survey conducted by Plan International Ireland and published last week, on 11 October, found that more than one third of women in Ireland have been physically harassed in public, which is shocking.

There were shocking reports in the national media at the beginning of the academic year on the numbers of students presenting to rape crisis centres reporting having been raped or sexually assaulted. The *Irish Examiner* ran a front-page story on 25 September stating that since the commencement of the academic year, three college students in Cork had reported to the rape crisis centre that they had been raped. Very sadly, they felt they could not go to the Garda Síochána because of the circumstances. They felt it was their own fault as alcohol was involved. Two out of these three women have reportedly dropped out of college. Similar reports appeared in the media of students in Galway, where almost 50 students have reported incidents of rape and sexual assault in the past six months alone.

There are very many worrying features of these stories, and it is high time something was done to address the issues. Despite the statistics we have from the CSO, the fact remains that sexual offences are grossly under-reported. Sexual assaults are the most under-reported crime in the country and, as we know, many victims do not make a complaint to the Garda. The failure of Fine Gael to commission an updated SAVI report means it is difficult to ascertain the level of under-reporting, but a recent report in the UK found that 80% of sexual assaults there are not reported, and we have no reason to believe it is any different here. This under-reporting is undoubtedly due in part to a perception that the trauma of the attack can be compounded by a gruelling criminal justice process that does not provide sufficient supports to the complainant. Reasons for not reporting are often rooted in fear: fear of disbelief, of impact on family or community, of unjustified blame or of being let down by the system or hounded through it and the media. We have seen a lot of the latter within and outside this country in the past 12 months. What do we need to do? We need to empower survivors to be informed and to be fairly treated participants right throughout the criminal justice process. The legislation my colleague has introduced aims to do a lot to achieve this.

One final comment I will make concerns sexual assault treatment units. There are six units in Ireland and they provide specialist care for women and men aged 14 years and older who have been sexually assaulted or raped. Specialist staff provide medical and psychological support to victims and help gardaí with the collection of forensic evidence. Unfortunately, there have been media reports of victims of sexual assault having to travel significant distances because the closest units have been closed or could not facilitate examination of the victim. It is completely wrong that a person subjected to a significant assault of this nature would then be expected to travel some distance to be examined. At a very minimum, the only unit in Dublin, the Rotunda, should be open on a 24-hour basis, seven days a week.

Deputy Eamon Scanlon: I am glad to have an opportunity to speak on this issue. I commend my colleague, Deputy O’Callaghan, for bringing forward the Bill. As the previous speakers have said, we have read the story in the *Irish Examiner* about three young women who were raped and did not feel they could go to the Garda. I do not know what is wrong. Perhaps

they felt guilty because there may have been alcohol involved. That is a sad reflection because young women like that should not be afraid. They should be encouraged at all times to go to the Garda. We also read in the newspaper about Galway and the fact that 50 students there have reported having been raped or sexually assaulted in a period of six months. My God, I do not know what is happening. Is it a fact that this has always gone on but was never reported? I do not know. Then one considers the percentage increase in the number of offences that have been reported. In 2008 there were 1,268 while in 2017, there were 2,885. That is an amazing increase, and something needs to be done to address what is happening here. We all have family members who go away to college in different towns and cities right across the country. It is hard to think they could find themselves in such vulnerable situations and that, for one reason or another, they could be afraid to report this. As I said, everything should be done to encourage every young person who has any such difficulty to go immediately to gardaí and make them aware.

At present we have six sexual assault treatment units in the country. There is one each in Dublin, Cork, Letterkenny, Galway, Mullingar and Waterford. I feel there should be a centre in Sligo as well. My colleague referred to the distance people have to travel to be tested. When an assault happens, it is very unfair that on top of all the distress these people suffer, they must take a long journey and travel, in the case of Sligo, to Letterkenny or perhaps Dublin. It depends whether it is a weekend or whatever. That is not good enough.

I commend my colleague, Deputy O’Callaghan, for bringing this Bill to the Dáil. It should be widely supported, and I hope young people out there will be aware that this will help them if anything happens to them in the future.

Deputy Mary Butler: I also commend my colleague, Deputy O’Callaghan, on bringing forward the Criminal Justice (Victims of Crime) (Amendment) Bill 2018. This legislation will give greater support and protection to victims of sexual violence through the criminal justice process, and the most important word in that line is “victims”. It is timely that we are here tonight to discuss this. It is disappointing to look around the Chamber and see so few Deputies to discuss the victims of sexual violence.

We were all shocked to see the crime statistics published at the beginning of October by the CSO. They reveal the trends of increased incidents of rape and other sexual offences. There were shocking reports in the national media at the beginning of the academic year on the number of students presenting to rape crisis centres reporting having been raped or sexually assaulted. The *Irish Examiner* ran a front-page story stating that three students, having started in university in Cork earlier in the year, reported to the rape crisis centre that they had been raped. Unfortunately, the women felt they could not present to the Garda. They felt it was their own fault as alcohol was involved. We must remember that many of these students are in first year and away from home for the very first time. We must consider the absolute horror of being sexually assaulted, the fear, the absolute shame they experience and the feeling that they cannot go the Garda because people will judge them and will ask if they were drinking and what they were wearing. Can they confide in anyone? Who can they turn to? We are all very fast to pass judgment, but when a young girl is really desperate and should be turning to the Garda and she feels she cannot, it is very timely that we see a Bill of this nature to try to help people who are in a distressed state. There are many worrying features of these stories. I am glad something is being done to address the issues.

The Bill seeks to afford greater support and protection to victims of alleged offences involv-

ing sexual violence, gender-based violence or violence in a close relationship. Tonight's debate is a necessary one. There is no doubt that the level of under-reporting is partly due to the perception that the trauma of the attack can be compounded by a gruelling criminal justice process that does not provide sufficient supports to complainants. Our goal is to empower survivors so that they can be informed participants in the criminal justice process who are fairly treated throughout that process. This legislation aims to do something to achieve this goal. Every victim should feel encouraged and adequately supported by the State to pursue justice. This essential legislation will ensure victims of sexual offences and gender-based violence are given all relevant support and State-funded legal advice at the earliest stage of the criminal investigation.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

I thank Deputy O'Callaghan for introducing the Criminal Justice (Victims of Crime) (Amendment) Bill 2018. He has raised a number of important points. The Government and the Minister for Justice and Equality share his aim of providing greater supports for victims of crime. The Government is committed to ensuring victims of crime are given the information and supports they require. Interacting with the criminal justice system can be very daunting for victims of crime. The Government has worked hard to introduce measures to alleviate the difficulties that victims face when they interact with the criminal justice system. The Minister, Deputy Flanagan, and the Government are conscious that the judicial process should not be a source of further trauma to anyone involved with respect to the rights of victims and accused persons. Victims must feel confident that they are part of a system that is sensitive and responsive to their needs and does not cause them further harm.

This Bill seeks to amend the Criminal Justice (Victims of Crime) Act 2017 to provide for a solicitor, funded by the Minister for Justice and Equality, to provide relevant information and legal advice to victims of sexual and gender-based violence on the processes and actions required for criminal proceedings to be brought. The Minister for Justice and Equality understands what the Deputy is seeking to achieve with this proposal. There is merit in those aims. I believe this proposal should be viewed in the context of existing supports that already provide for some of these aims. The 2017 Act already requires the Garda Síochána to provide every victim of crime with information on the criminal justice process and the role of the victim within it. The proposed amendment would require this information to be given to the victim a second time by a solicitor. I remind the House that a number of legal advice and legal aid services are already available to victims of sexual violence. The Legal Aid Board offers an advice service to victims who wish to seek advice in cases involving a prosecution for rape or aggravated sexual assault. This is separate from the provision of legal representation for a victim in a case in which his or her prior sexual history is raised by the accused. Both of these services are available without a means test and are free of charge. Late last year, legislation was put in place to abolish the requirement for a financial contribution by applicants for civil legal aid in domestic violence cases in the District Court.

The Government is committed to improving the supports and protections available to victims of crime, particularly victims of sexual violence and domestic violence. This commitment was evident in a number of Bills which passed through these Houses in recent times. The Criminal Justice (Victims of Crime) Act 2017 explicitly recognises, for the first time in Irish law, the rights of victims of crime. This Act gives victims the right to comprehensive information on the criminal justice system, including their role within it, as well as information concerning the progress of the investigation and any court proceedings. The Act provides for every victim to have his or her needs individually assessed to determine what specific advice and supports he

or she would benefit from during the investigation and trial process. The Domestic Violence Act 2018 significantly enhances the legal protections available to victims of domestic violence. Among other measures, it criminalises non-violent coercive control in an intimate relationship, allows for an emergency barring order to be applied for in a case in which the victim lives with the adult perpetrator and enables a court to prohibit a perpetrator from communicating electronically with the victim. The Criminal Law (Sexual Offences) Act 2017 has strengthened the law to protect children in our society. This Act enhances and updates the laws combatting sexual exploitation and sexual abuse of children. New provisions introduced in the Act include new offences regarding child sexual grooming and measures to tackle child pornography.

These three Acts have introduced a number of measures to better protect victims during the trial process and to provide for special protection measures for victims where this is deemed appropriate. These measures include greater potential for the use of screens and video evidence. Provisions to regulate for the prevention of cross-examination by an accused person have also been introduced for victims of sexual offences and domestic violence, with new rules provided for the disclosure of third-party counselling records in sexual offence cases. To further assist victims during the trial process, victims under these Acts are entitled to be accompanied in court by support workers. To maximise the benefit for victims from these legislative reforms, the Department of Justice and Equality is providing €1.712 million in 2018 to fund services to victims of crime. This is administered by the Department's victims of crime office. In addition, Tusla, which is the primary State funding agency in this area, is providing €23.8 million to support services for victims of domestic and sexual violence. Among these services, Tusla provides funding for rape crisis centres and refuges.

Following the recent considerable legislative reforms in this area, new structures and arrangements are being put in place across the criminal justice agencies to make the system more victim-oriented. A victims' support group, chaired by the Department of Justice and Equality, is in place to co-ordinate the work of the various criminal justice agencies in progressing towards the full implementation of the EU victims directive and the related victims of crime legislation. One of these new structures is the Garda victims' service office in every Garda division, which is responsible for communicating with victims and prioritising their needs. These offices ensure each victim of crime is kept informed of the progress of his or her case and of the supports which are available to him or her. These offices are staffed by dedicated and specially trained personnel who operate to a standard operating procedure.

In addition to the Garda victims' service offices, the work of the Garda national protective services bureau and the roll-out of the Garda divisional protective service units will significantly strengthen the Garda response in dealing with domestic, sexual and gender-based crime. These new units, which are part of the wider Garda modernisation and renewal programme, will be staffed by gardaí with specialised training and expertise to provide advice, guidance and assistance to gardaí who investigate specific categories of crime. These units will work to ensure a more professional and consistent quality in the policing service in supporting victims of these crimes. The units are being rolled out on a phased basis, starting with three divisions - Louth, Dublin metropolitan region west and Cork city - and the full expansion of these units to all divisions is expected by the end of next year. Victim liaison supports are in place in the Prison Service, the Probation Service and the Office of the Director of Public Prosecutions.

On the courts side, new customised victims' facilities have been introduced as we have been upgrading and modernising our courts infrastructure. As part of the second national strategy on domestic, sexual and gender-based violence, a national awareness raising campaign has been

under way aimed at attitudinal and societal change to support the prevention of domestic and sexual violence. This campaign utilises a high-impact media approach to reach and inform a national audience about these issues. I was interested in what Deputy O’Callaghan said earlier about increased reporting. We need to do some research here to see whether this awareness campaign has had an impact in this regard. There is a need for a high impact. It may well be the case that people are coming forward and reporting because of this campaign.

While a great deal of work has been done to enhance protections and supports for victims of crime, the Minister for Justice and Equality recognises that more improvements are needed. To that end, the Minister has established a working group to review the adequacy of the mechanisms available in law and practice to protect vulnerable witnesses during the investigation and prosecution of sexual offences. Mr. Tom O’Malley, who is a senior lecturer in law at NUI Galway and a member of the Law Reform Commission, has been appointed to chair this working group, which consists of experts from relevant areas including the Office of the Director of Public Prosecutions, the Courts Service, the Probation Service, An Garda Síochána and the criminal law reform division of the Department of Justice and Equality. The terms of reference for the review have been published. They include, among other things, the provision of practical supports for victims through the reporting, investigation and trial processes and an examination of the provision of additional legal supports to witnesses during the court processes. This expert forum is considering the issues raised by this Bill. I understand that its report should be available by the end of this year.

As I have said, the Government agrees with Deputy O’Callaghan’s aims. The enhancement of protections and supports for vulnerable victims is very important to the Government and, I take it, to everyone in this House, including the Minister for Justice and Equality. While the Government is not opposing this Bill, I encourage all Members of this House, including Deputy O’Callaghan, to await the outcome of the review that is under way on the protections that are available to victims of sexual offences and to take that review into account as this Bill makes progress through the Houses. The consultative nature of that review and the expertise available will help to ensure the additional supports we provide for victims are those which will be of most benefit to them. I expect the report to be available shortly.

The House’s debate is adding to this important subject and we are interested in hearing what colleagues have to say on this issue.

Deputy Louise O’Reilly: I welcome the Bill, which will have my support and that of my party. The Bill seeks to provide greater support to the victims of sexual violence, something that is much needed and sought after. It will allow victims who have been subjected to a sexual assault, gender-based violence or violence in close relationships to be afforded free legal advice, giving them the opportunity to receive the best advice on how to proceed in a legal as well as a personal sense.

Sexual assault, or any crime of a sexual nature, is a serious crime that should carry one of the highest penalties. I need not go into the detail of the psychological and physical scars that assaults leave on victims. While not perfect, the law around sexual offences is ever changing and we can and should do much more in our efforts to protect victims of sexual offences, be that in their treatment by the courts or by increasing funding for services that deal with them. I include the services of sexual assault treatment units in that regard. I had the great honour to represent some of the forensic nurses working in such units. The service they provide is invaluable first and foremost to the victims, but also to gardaí.

More broadly, it is important that the Garda records data accurately, as it has a knock-on effect on the wider system and on how we as a society deal with offences, in particular sexual assaults. There are issues in the Garda about the culture around and understanding of the importance of accurate data, the current system it is using not being fit for purpose and its IT systems being in dire need of upgrading. These matters were touched on by the Commission on the Future of Policing in Ireland. The Minister must address them as a matter of priority.

Sexual offences are especially intrusive and inherently violent and leave long-lasting damage. Legal support for anyone who is taking a case is vital and it is welcome that, under the Bill, this would be at the expense of the Minister.

According to the Garda, we have seen an increase of 20% or so in the reporting of sexual assaults in 2017. The latest publication of CSO figures confirms this spike. I echo the questions asked by the Minister of State in this regard, as I am interested in knowing whether the spike is being driven by a media campaign or something else. More research is needed if we are to figure out what we are doing to encourage victims to come forward. I hope that the spike is not the result of an increase in sexual-based violence. If it is, then it is concerning, but it may also be up as a result of more people coming forward. We need to examine this situation. Neither is objectively very positive, since one sexual offence is one too many, but we wish to see more cases reported and it is welcome that people feel encouraged and safe to report, given the extent to which sexual offences generally go under-reported.

A better and more comprehensive approach to reform of sentencing where it relates to sexual offences has to do with sentencing guidelines. I understand that these will be brought forward in the Judicial Council Bill 2017. Where does that Bill stand and how quickly does the Minister of State expect it to be progressed, given the clear public appetite for such guidelines? It is important that the public has confidence that the courts will hand down sentences that are appropriate and proportionate to the crimes committed. Unfortunately, that is often not the case. There are wide disparities in a number of areas, including sexual offences. Some sentences have drawn considerable comment and, indeed, anger from some quarters.

The Bill before us would certainly go some way towards giving those affected the best advice available to them before proceeding with any trial, but they must also have the confidence that justice will be served when the case is done. The reform of how trials are conducted is something that the Department is exploring. My party is looking forward to working constructively with the Minister for Justice and Equality in this regard with a view to giving the best supports possible to any victim who is taking a case to court.

Time and again we have seen sentences handed down that are inadequate. There are undoubtedly issues relating to inconsistency and leniency. Research conducted on judicial sentencing habits has shown sentence lengths ranging from 14 days to five months in an assault case while sentences in theft cases range between 30 days and nine months and between two and 12 months in road traffic and burglary cases. As a result, the public does not trust the justice system to deliver punishments that fit the crime. As legislators, we have a duty to address what is a considerable issue in sentencing. It is my party's belief that collating, publishing and providing these parameters to judges is the best way to ensure consistency in sentencing.

Domestic violence is a crime that is repeated day after day and night after night, often for years or, in some cases, decades. We frequently express shock and outrage about one-off incidents when violence is inflicted on a victim, and rightly so, but we should never turn a blind eye

to domestic violence. Why do we have an inherent tolerance for sustained attacks on human beings just because the violence occurs behind closed doors or is initiated and inflicted by a perpetrator who is known to the victim? What does that say about our society and us as legislators? The Domestic Violence Act 2018 was a welcome step in the right direction by the Government, but more must be done to protect those who find themselves in such a situation and to tackle the culture of silence that surrounds these crimes.

The lack of alternative accommodation is one of the main barriers facing victims. It ranges from the shortage of refuge beds to the lack of transitional housing to spiralling rents. Women and children who are fleeing domestic violence must be exempt from the red tape and bureaucracy that surrounds housing applications. The woman may be the joint owner of the house, but if she is fleeing for her life, then she can hardly call it her home. To this end, all housing officers should have domestic violence training in order to truly understand the dangers and dynamics of the situation of the women who are sitting before them.

Gardaí must be allowed to apply for out-of-hours barring orders to an on-call judge. The return date would be the next sitting date in the nearest available court. This would enable those victims of domestic violence to be protected out of hours and strengthen the power of gardaí who often try to deal with domestic violence without having the legislation they need to do the job they want to do and ensure the safety of victims. I hope this legislation can go some way towards that. Gardaí must be empowered to deliver safety and barring orders as a matter of course. The practice of the person who is suffering the abuse having to deliver the order to the perpetrator is absurd. We know that the most dangerous time for a woman is when she is trying to leave.

The practice of the perpetrator, who could be barred from the house, having unsupervised access to the family's children is nothing short of terrifying. It is imperative that the risk posed by that person to the children and the impact of such abuse on them are assessed and that immediate interim measures be taken to protect the children.

I understand that, although we have barring or restraining orders, they do not cover contact being made by the abuser. While this is in a way harassment, no-contact orders could be a better way of legislating against such harassment. A particular example that was in the media recently showed how victims could be consistently contacted by their abusers without the abusers being in breach of any law despite it being a form of harassment and potentially quite intimidating to those on the receiving end. The Domestic Violence Act was probably the best place to deal with such a scenario, but stakeholders were keen to get it across the line at the time and this issue was not prioritised as a result.

The Women's Aid Impact Report 2017 highlights the barriers and dangers women face when trying to leave an abusive partner, including inconsistent decisions and responses from the legal system and the Garda. We must endeavour to ensure that all victims of domestic violence are protected adequately in future, and the establishment of such an order could only complement existing protections. Most importantly, this legislation must be underpinned by additional resources for front-line services and complement current services. Sinn Féin supports this legislation and we acknowledge the work of the Deputies who have introduced it.

With the few minutes remaining to me, I wish to make a point about the language we use. We are discussing victims. As in this debate, Deputies are at times capable of being very kind in the language we use, particularly towards women. In the blink of an eye, though, our language

can become extremely judgmental and harsh towards them. We saw that during the course of the debate on the recent referendum, and the double standard it revealed did not reflect well on us. If we are going to have a conversation about supporting victims of crime, in particular women, who represent the majority in this context, we need to be mindful of our language. We should not be judgmental of a woman who has been the victim of rape. We should give her all the support, services and care she needs. We should not judge her for the choice she will make about her own future.

I commend Deputy O’Callaghan on bringing forward the legislation. Sinn Féin looks forward to working constructively with him and with the Minister of State.

An Leas-Cheann Comhairle: The Independents 4 Change group has the next speaking slot. I call Deputy Connolly.

Deputy Catherine Connolly: I thank Deputy O’Callaghan for introducing the Bill. It is a short Bill and proposes only one amendment to the existing Act. I thank the Minister of State for acknowledging that he will not be opposing the Bill. That is a welcome development. He asked us to wait for the outcome of the review, which is sensible. However, there is no need to delay the measure. I am sure it will form a parallel process. I would like to know what led to the review being instigated. Was it Deputy O’Callaghan’s Bill, which was published in June? When was the review commissioned and when will it be completed? More importantly, the Minister of State set out the make-up of the group. I thank him for his frankness. There was no mention of representation from a woman’s group on it. The Minister of State highlighted that it comprises representatives from the Office of the Director of Public Prosecutions, the Courts Service, the Probation Service, the Garda Síochána, the criminal law reform division of the Department and so on. There was no mention of a representative from Women’s Aid, Rape Crisis Network Ireland or the many other women’s organisations. The Minister of State might examine that matter further.

This Bill is limited in scope. I am delighted the Minister of State is not opposing it. The Bill seeks to ensure that information and legal advice will be provided to a very restricted number of people in a very restricted way. To understand the context of the proposed amendment to the Act and to put it in perspective, we must consider a number of matters. The SAVI report has been repeatedly mentioned and I will highlight what it involved. It was published in 2002, which is a long time ago now, and it contained eight recommendations. It would be great if the Minister of State could confirm that I am wrong about this and state that those eight recommendations have been implemented. Recommendation 7 states, “That a systematic programming of Irish research is needed to inform, support and evaluate developments in addressing sexual violence in the coming years.” That did not happen. I and other Deputies have repeatedly asked for an update of the SAVI report. The estimate provided in respect of the cost impact of such abuse was €1 million. In last year’s budget, €5 million was provided for a spin unit but the Government could not provide €1 million to update the SAVI report. I imagine the Government would get much better publicity from providing money to update that report in order to enable us to have updated statistics. The National Women’s Council has made this point. It stated, “The collection of data and analysis around domestic and sexual violence in Ireland is at crisis point.” Orla O’Connor, its director, stated that because official statistics do not detail the level and depth of violent crime against women, it is impossible to determine the extent of the problem. She also indicated that our current system is archaic and not fit for purpose. The fact that my time is limited prevents me from quoting the other organisations which have also highlighted the inadequacy of the research and the fact that the absence of research means that

policies are being formulated in a vacuum.

Some 3,120 participants were involved in the study that informed the SAVI report. An interesting aspect of this is that it had a 71% participation rate. We found that 47% of those who disclosed experience of sexual violence - that includes men and women - had never previously disclosed such information. They did it as part of this research, which was somewhat unusual. That highlights the quality of the research and the manner in which it was undertaken. It was based on quality rather than quantity. The study showed that the prevalence of abuse among men and women was shocking. It examined the position from childhood through to adulthood. Four in ten, or 42%, of the women reported some form of sexual abuse or assault in their lifetime. Over one quarter of men reported some sort of sexual abuse. The details of that are provided in the report.

I draw the Minister of State's attention to what is even more interesting about the SAVI report - I have referred to this previously - namely, that it was revisited by the Dublin Rape Crisis Centre in 2005. The latter stated that the SAVI findings have provided an impetus for policy-makers and service providers in this field since it was launched. Importantly for me, it went back to ascertain the long-term effects of disclosing to the SAVI researchers and it stated that the effect of reliving the experience of abuse could be particularly notable for those who said it was their first time disclosing. They said that the research was the prompt needed for doing so and that it was a positive experience.

In addition to the SAVI report, I want to point out that we have obligations under the Istanbul Convention, which we have signed but not ratified. Again, we cannot ratify it because to do that, we have to show we have a gold standard of data collection. We have signed the Istanbul Convention but we cannot ratify it and the major reason we cannot is that we do not have an adequate data collection system. At the very least, the SAVI report needs to be updated in order that we can formulate policy.

At the risk of boring people who are listening, I have repeatedly pointed out the cost of not treating domestic violence and gender violence. It is an matter to which I return with each budget. The figure given at a conservative estimate is €2.5 billion, which is the direct cost of not dealing with domestic and sexual violence. The consequences of not dealing with that include a lack of productivity, people not going to work, having to go to hospital and so on. On every level, therefore, it makes sense to empower women and men to ensure that they can deal with being abused and then continue to live their lives.

I welcome the Government's approach to this Bill. I hope the Minister of State's request that we wait for the outcome of the group that has been set up will not delay this process because we have no choice but to deal with this issue on a psychological, economic and human level. This Bill is simply scratching the surface in respect of giving support to a very limited group of people.

An Leas-Cheann Comhairle: The Rural Independents have the next slot. I call Deputy Harty.

Deputy Michael Harty: This Bill proposes a small but important amendment to the 2017 Act. I support the principles for which it proposes to provide. I hope the fact that the Bill will involve a charge on the State will not be used as a means of obstructing its passage.

The Bill deals with sexual crime. Such crime is abhorrent and women who are the victims

of it are extremely sensitive. Sexual assault does not just involve a physical assault, it also involves a deep psychological assault. The latter has life-changing consequences for the women involved and can deeply affect her future relationships, particularly if the crime has been carried out by somebody she knows or who is close to her. It is very important that women be encouraged to bring closure in respect of assaults they have endured in order that they can carry on with their lives. Sexual crime has a deep psychological effect on women and can affect their lives far into the future. It is very difficult to quantify the psychological effects of rape. As a result, it is very important that women be allowed to achieve closure.

The fact that assaults are often carried out by friends or partners of the women makes such events even more traumatic. However, many assaults are opportunistic and violent, thus women need the maximum support possible. The Bill endeavours to provide legal information and advice to victims of sexual crime.

I hope the Bill will give more victims the confidence to come forward and report sexual crime. There is a difficulty in that regard. In light of the sensitivity of this issue, many women will not come forward because they are afraid of both the consequences and of judgment being passed upon them unfairly. Victims often feel isolated and unsure of their rights, including the lack of support in reporting and initiating legal proceedings. This Bill would offer additional official State support. In its pre-budget submission the Dublin Rape Crisis Centre called on the Department of Justice and Equality to provide adequate legal aid and advice for victims of sexual violence in their dealings with the criminal justice system and this Bill obviously addresses that. Victims of sexual assault feel very vulnerable regarding the level of scrutiny of their private lives to which they will be subjected when reporting sexual crime and carrying through to legal proceedings. They should be assured that their rights will be protected in any court proceedings and they should be informed at every step of the legal process.

This Bill, though short, is very important. If we are going to offer terminations to women who become pregnant as a result of rape, then we should also offer them every legal support in taking proceedings against the perpetrator.

Deputy Mattie McGrath: I am happy to speak briefly on this Bill and salute Deputy O'Callaghan and his office for highlighting this matter. Deputy O'Callaghan informs us that the purpose of this legislation is to give greater support and protection to victims of sexual violence, gender-based violence or violence in a close relationship in circumstances where they make a complaint to An Garda Síochána. It will also seek to amend section 17 of the Criminal Justice (Victims of Crime) Act 2017 in order that where victims of sexual violence make a complaint, they will be provided with relevant information and legal advice by a solicitor funded by the Minister. I am sure this is a proposal we can all support once the mechanics of how it is implemented are strictly defined. If it is to be State-funded we certainly do not want to see a repeat of the scenario where it amounts to the sums provided by Government to cover the costs associated with civil and criminal legal aid. Our intentions may be honourable with this Bill but things have a habit of developing a life of their own where legal costs and solicitors' fees are involved. I am not having a go at Deputy O'Callaghan when I make that point.

The Minister for Justice and Equality, Deputy Flanagan, confirmed to me in a parliamentary reply that over €605 million has been allocated for legal aid since 2011. This was in a time when Garda stations were being closed left, right and centre, Garda overtime was cut and some areas did not even have proper patrol cars. During this period, supports for women's refuges like the excellent Cuan Saor refuge in my home town of Clonmel were being drastically re-

duced. I have been highlighting this issue since at least 2013 when the scale of the crisis among such groups and refuges trying to offer shelter first emerged. Lack of funding is putting the welfare of women and children at serious risk. Cuan Saor's core funding has decreased by €110,000 since 2010 despite the increase in referrals to the service. In some years Cuan Saor has been unable to accommodate up to 212 women and 256 children, which is staggering. In light of these figures how can the Government's response, which has been to further slash funding, be seen as anything but reprehensible hypocrisy? These refuges do extraordinary work and I salute the staff members who regularly go beyond the call of duty in providing care and shelter when they can. Unfortunately, thanks to the absurd lack of funding, all of that is in direct danger of collapse. There was a huge fundraiser recently - Music Day Under the Arches, which is held every year - which raised approximately €17,000. The people at Cuan Saor have enough to do in looking after the most vulnerable women and children and should not have to get involved in fundraising too. The Minister must pony up and provide the funding required rather than making hypocritical statements.

A lack of places in refuges is not the only problem to be faced, however. Under the 2011 housing regulations, women who are joint owners of a home are not deemed to have a housing need unless they are divorced or formally separated even if they have fled the home because of violence. This means they cannot be added to housing lists and are unable to get rent supplement. This causes huge levels of difficulty for women and their families who are trying to break the link with an abusive partner. This is also an issue that needs to be urgently addressed, on top of the issues raised by Deputy O'Callaghan's Bill, which I am happy to support.

Deputy Michael Healy-Rae: I very much support Deputy O'Callaghan's Bill and appreciate the opportunity to acknowledge the great work that is being done. Over the years as a politician, I have unfortunately dealt with people who have been living in abusive relationships and who have had terrible ordeals and tough times. I acknowledge the great work that is being done in my own county by those involved with the Kerry rape crisis intervention centre and in the women's refuge. Great services are provided by both at a critical time in people's lives. We are talking about women in very bad relationships whose lives and those of their children are in danger. I also want to acknowledge the work that is done by the housing agencies, the local authorities and homeless agencies when dealing with people who are extremely vulnerable and in many cases terrified. That is why this Bill is so important, as making sure we have the necessary funds in place to deal with whatever situations arise is important. The last thing we want is for people to need help and safety and to need the agencies of the State to be there to support them, only for funding to be an issue. Funding should not be an issue in those circumstances. As Oireachtas Members, we must make sure the tools are in place to take care of people at vulnerable and dangerous times in their lives. That is so important.

The people who work in this area and who take care of people and assist them are the unsung heroes. Their job is extremely stressful. The minute the phone rings or the knock comes to the door, they know they may be dealing with people fleeing from terribly bad situations. The more experienced Members of this House who have been involved in politics for a lot longer than me have seen all types of sad things happening. That is why Deputy O'Callaghan and his very worthwhile Bill deserve to be supported by everyone in this House. I thank the Leas-Chéann Comhairle for giving me the opportunity to contribute to the debate.

Deputy Eugene Murphy: Like my colleagues, I thank Deputy O'Callaghan for his work in this area. This is a most welcome Bill and I have no doubt it will enhance the respect and protection given to victims of sexual violence in the criminal justice process. I also welcome

the statement from the Minister of State, Deputy Stanton, that the Government will not oppose this Bill. This, coupled with the support from all sides of the House for this Bill, demonstrates the seriousness with which all Deputies take this issue.

We must try to stem the increased incidence of rape and other sexual offences. The latest CSO figures are a cause for grave concern. In the period from 2008 to 2017, there was an increase of more than 100% in reported incidents of sexual assault. There may have been under-reporting for many years. That could be a factor or perhaps we have a major crisis on our hands. In one way, I hope the increase can be explained by under-reporting. Attacks of this nature are vile and appalling and it is up to us as legislators to deal with this situation. It is so important that we encourage people to report such incidents.

I wish to bring rural Ireland into this discussion. We must consider people who are living in isolated areas. Where do they go if an attack takes place, particularly at night? In many cases they do not have a local Garda station any more and can be many miles away from any Garda unit. This issue must be considered and reforms introduced in that regard. There are six sexual assault treatment units in Ireland that can provide specialist care to victims of sexual assault.

That is not enough. I want to reflect back to the issue of isolation for people in rural areas. There are many issues to address and the matter needs to be taken seriously. I am confident that what Deputy O'Callaghan is doing here, and the support the House is showing for it, is the right way to go. I welcome that and hope we all work together to deal with the issue as a matter of urgency.

Deputy Anne Rabbitte: I also welcome the opportunity to speak on the Criminal Justice (Victims of Crime) (Amendment) Bill 2018 and compliment Deputy O'Callaghan on identifying the anomaly in the 2017 legislation. It is only a one-line amendment, but it has a huge, empowering impact on victims coming forward. Victims need to know their rights and what is ahead of them. They need to know the State is there to support them and that is the real thrust of this amendment, hence the support from the Minister, our colleagues across the House and all Members here this evening.

As spokesperson for children, I conducted research as to how this might impact children. The Children's Rights Alliance launch a score card every year and it gave a grade of C-plus to the Government when the Criminal Justice (Victims of Crime) Act was announced last year. The Children's Rights Alliance also pointed out there were certain provisions of the Bill that it would like to see amended to do with the voice of the child. Those amendments are probably no different from what Deputy O'Callaghan is looking at doing this evening, to ensure the voice of the child is reflected and represented and victims who are minors have similar rights because the consequences for a child are no different from those for an adult. It is as traumatising for them.

Those observations are on pages 84 to 88 of the Children's Rights Alliance report card for 2018 in the section on child victims of crime and I would ask the Minister of State to look at the Children's Rights Alliance recommendations.

I attended the joint policing committee, JPC, meeting in Galway yesterday, an organisation of which the Minister of State, Deputy Cannon, was a member before his elevation to office. The chief superintendent announced the protected services unit, which I welcome. We will have two detective sergeants and ten detective gardaí in new Garda buildings in Galway, which

is welcome. It is a recognition of the increase in the numbers reporting incidents of rape and sexual assaults and will give the gardaí on the ground the ability to support the student body, where there have been 50 such reports in the past six months. When setting up such a unit, we should row in behind the gardaí in that unit and keep the same numbers on the beat on the ground.

I am very supportive of what has been recommended here this evening.

Deputy Jackie Cahill: I compliment Deputy O’Callaghan on bringing forward this amending legislation. I listened to the debate in my office and it was heartening to hear support from the entirety of the House for the amendment.

This legislation is designed to support and protect the victims of sexual violence through the criminal justice process. The crime statistics published at the beginning of October by the Central Statistics Office reveal the trend of increased incidents of rape and other sexual offences is continuing. Reported incidents of sexual offences were up more than 10% for the second quarter of 2018 when compared with the same period the previous year.

There were reports in the national media at the beginning of the academic year concerning the numbers of students presenting to rape crisis centres and reporting rapes or sexually assaults.

The *Irish Examiner*, on 25 September, ran a front page story stating that, since the commencement of the academic year, three college students in Cork had reported rapes to the rape crisis centre. Two of those three young women have reportedly dropped out of college. Similar reports appeared in the media about students in Galway, where almost 50 students reported incidents of rape and sexual assault to the rape crisis centre in the past six months alone.

There are many worrying features of these stories and it is high time something was done to address the issues. Despite these statistics, the fact remains that sexual offences are grossly under-reported. Many victims do not make a complaint to An Garda Síochána. Survivors need to be empowered, informed and fairly treated throughout the criminal justice process. This legislation hopes to do something to achieve this. The main provisions of the Bill are that, during an investigation into offences involving sexual violence, gender-based violence or violence in a close relationship, the victim should be provided with relevant information and legal advice. This information will be provided by a solicitor funded by the Minister for Justice and Equality through support networks that already exist. It would help the victim identify the necessary steps and actions he or she would have to take should a complaint proceed to a prosecution on indictment.

The purpose of section 2 is to provide relevant information and legal advice to the victim at an early stage of the investigation and inform him or her of the nature, extent and likely timeline of the investigation and that the victim and others with relevant evidence will have to provide statements to An Garda Síochána. Victims will also be informed that the accused is entitled to disclosure of all relevant documents and evidence in advance of a trial and that victims will be required to give evidence and face cross-examination in respect of alleged offences and the likely timeline for the hearing and determination of any criminal proceedings.

We need to send a clear message that anyone who is a victim of a sexual crime will be listened to and supported throughout the criminal justice process. It is vital that society is clear in its attitude to sexual crime and perhaps then any fear a victim may have about the criminal

justice process will be dispelled. This amendment will go a long way towards achieving that.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): The Minister of State, Deputy Stanton, and I have listened to the points raised by Deputies this evening and the Government is committed to providing greater supports and protections for victims of crime and ensuring victims are provided with all the information and assistance they need when interacting with the criminal justice system. The Minister of State, Deputy Stanton, has spoken this evening of the considerable recent legislative reforms in this area. The Criminal Justice (Victims of Crime) Act 2017, the Domestic Violence Act 2018 and the Criminal Law (Sexual Offences) Act 2017 have all significantly improved the supports and protections offered to victims, including measures to better protect victims during the trial process. All these Acts were widely supported, and indeed improved, in this House, which demonstrates the common purpose in our approach to vulnerable victims generally.

In addition to legislative changes, there has been a welcome increase in funding available through the Department of Justice and Equality and Tusla to support services for victims of crime and victims of domestic and sexual violence in particular. Further practical supports have been put in place in the Prison Service, the probation service, the Office of the Director Public Prosecutions and An Garda Síochána.

The Minister for Justice and Equality, Deputy Flanagan, has acknowledged that more still needs to be done, which is why he has established the review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences. That review will examine many of the issues raised in this Bill and in the House today.

Deputy Connolly raised specific queries and I can confirm that the review arose because of concerns raised at the time of the Belfast rape trial and the review was established following consultation with victim support and women's rights groups, all of whom will have the opportunity to make submissions to the review. In addition, those carrying out the review will engage directly with the aforementioned groups. I understand there may be some degree of duplication between the proposals in the Bill and the existing information and legal advice schemes already available. For this reason, the Minister would like to see these proposals considered not in isolation but within the wider context of the review. This review, as the House has already heard, is currently ongoing under the expert chairmanship of Tom O'Malley and is due to report to the Minister by the end of the year.

I reiterate what my colleague, the Minister of State, Deputy Stanton, said earlier in the debate, that Government sees merit in the proposals and will not be opposing the Bill. I encourage Deputy O'Callaghan, as he takes this Bill forward, to consider his proposals in light of any recommendations made by the review group.

Deputy Jim O'Callaghan: I thank all the Members who contributed to the debate. It is apparent from listening to all of them that every Member in the House recognises that we, as legislators, need to try to do more for the victims of sexual assault or sexual abuse. As the Minister of State, Deputy Stanton, said, legislative changes have been brought in by the Government which have improved the position. He referred to the Domestic Violence Act and the other legislation introduced, including the Criminal Justice (Victims of Crime) Act and the Criminal Law (Sexual Offences) Act, which have recently been introduced. We need to recognise that we still face a considerable problem in this country, which is that victims of sexual violence are still hesitant about coming forward to report crimes. That is a problem which we would

not tolerate with any other offences and which we would not have with any other offences. As legislators, we need to be guided by the knowledge we have and the best research available to us. It is important that further research is done in this area so that we can be fully aware of the extent of sexual violence that exists in this country. Without that level of knowledge, in many respects, we as legislators are acting a bit in the dark.

One thing we can all be very clear on is that people who are the victims of rape, sexual assault or sexual abuse experience a very traumatic and long-term impact. We need to recognise that part of the problem and reason there is under-reporting of these offences is probably because of the fact many of the victims know their assailants. It is not like a situation exists where the majority of rapes in Ireland are by people jumping out on individuals who they do not know. Most people who are victims of rape or sexual assault know their attackers. That may be part of the reason people are so hesitant about coming forward.

The Minister of State made a number of points in his speech to which I wish to reply. He noted that at present, under the Criminal Justice (Victims of Crime) Act 2017, An Garda Síochána is required to provide victims of crime with information on the criminal justice process. That is correct but I think what we know from the current situation is that people are still hesitant about coming forward to members of An Garda Síochána. They know that they have to go to the gardaí. We need to encourage more people to do so. I believe that if we had a statutory entitlement of an individual to get independent legal advice from a solicitor, it would provide greater support to those persons. The Minister of State referred to how the Legal Aid Board provides service for victims where there is a prosecution for rape or aggravated sexual assault. It is important that we put support systems in place before a decision is made as to whether there should be a prosecution. When an individual makes a complaint, there should be support available from an independent solicitor. There was also a reference to the crucial role played by the rape crisis centres. If this legislation was enacted, support by way of advice from a solicitor would be provided through the structures of the rape crisis centres. I do not believe it would involve a very large cost for the Exchequer. It could be done by increasing the level of financial support that is paid to the rape crisis centres, which play an invaluable role. The Minister of State also referred to the work being done by Mr. O'Malley in NUI Galway. I respect what the Minister of State has said about that. It would be beneficial to await the outcome of his report and I am happy to do so.

Deputy Catherine Connolly said that the Bill is limited. It is limited and there is no one solution which we will be able to come up with that will encourage people to come forward in significant numbers to make complaints about sexual abuse or sexual assault but we need to start identifying small steps that will have an impact.

I conclude by thanking all Members for their support. We need to recognise that although there has been an increase in the reporting of sexual offences, many of us think that is due to the fact that people, particularly women, are becoming more self-confident about reporting these offences. We have to be careful because there is another potential explanation which is far more worrying. My colleague, Deputy Eugene Murphy, referred to it a few moments ago. We have never seen young people grow up in a society where they have been exposed to the levels of pornography on the Internet that young people are exposed to now. We have always had pornography in societies but we have never had the level of exposure that young people have to it. We have never had young people having their attitudes about sexuality developed by an Internet presentation which is really separate from reality. It presents women in a very submissive and malleable role and gives young people a very distorted view of their own sexuality and how

sexuality should operate. We have to be very conscious of this. Hopefully, it is not the case but it could be the case that sexual offences are increasing because young people are developing a distorted and warped view of sexuality from what they learn on the Internet.

I thank Members and will take on board what they said in their contributions.

Question put and agreed to.

Criminal Justice (Victims of Crime) (Amendment) Bill 2018: Referral to Select Committee [Private Members]

An Ceann Comhairle: As this is a Private Members' Bill, it must, under Standing Orders 84A(3)(a) and 141 be referred to a select committee. The relevant committee for this Bill is the Select Committee on Justice and Equality.

Deputy Jim O'Callaghan: I move:

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

Question put and agreed to.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Wednesday, 17 October 2018.