



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Déardaoin, 15 Samhain 2018*

*Thursday, 15 November 2018*

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

***Paidir.***

***Prayer.***

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### **Ceisteanna - Questions**

#### **Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions**

##### **National Orchestras**

1. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the progress that has been made in respect of the transfer of the National Symphony Orchestra from RTÉ to the National Concert Hall; and if she will make a statement on the matter. [47504/18]

**Deputy Niamh Smyth:** Will the Minister provide an overview of the progress made on the transfer of the National Symphony Orchestra from RTÉ to the National Concert Hall?

**Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan):** Following the publication of the report, RTÉ Orchestras: Ensuring a Sustainable Future, that the station commissioned from independent consultants Helen Boaden and Mediatique, the Government agreed in principle that the RTÉ National Symphony Orchestra should come within the remit of the National Concert Hall. The Government also authorised the initiation of discussions on the implementation of the recommendations in the report. The overall aim of the Government decision regarding the proposed transfer of the RTÉ National Symphony Orchestra is to enable it to be established as a world-class orchestra which would, with the National Concert Hall, provide a creative and imaginative programme strategy that would greatly enhance the offering of the combined organisation to the public. The process now offers a welcome opportunity to plan a way forward for both orchestras and ensures that they can fully contribute to Ireland's rich cultural heritage.

In addition, the Government's Creative Ireland programme commits to a range of important initiatives to support culture and creativity in Ireland. The Department's ten-year national development plan envisages major capital investment in our national cultural institutions, including a major redevelopment of the National Concert Hall. Since it opened its doors in 1981, the National Concert Hall has been the home of the National Symphony Orchestra. The latter provides the backbone to orchestral music programme of the National Concert Hall. There is now an opportunity for the National Symphony Orchestra to play an even stronger role as part of these wider developments and this should greatly enhance the offerings of both organisations to the public.

An oversight group has been established, with formal terms of reference, with a view to identifying and addressing the relevant issues to enable the successful transfer of the National Symphony Orchestra from the remit of RTÉ to that of the National Concert Hall. The group has already met twice. In addition, a working group, as a subset of the oversight group, has been tasked to examine the detailed issues involved in the proposed transfer of the orchestra. At this point, it is considered that 2020 would be the earliest date for the completion of the proposed transfer. My Department welcomes the opportunity to work with all stakeholders including the members of the RTÉ National Symphony Orchestra to ensure that it can contribute to Ireland's rich cultural heritage to the fullest extent possible.

**Deputy Niamh Smyth:** That statement sounds positive. I am delighted that the oversight group has met on two occasions to see that transfer happens as seamlessly as possible. As the Minister correctly stated, the Boaden review carried out an in-depth analysis. The options facing the RTÉ orchestras ranged from outright closure to a merger to retention with full funding restored. The review concluded neither of the two orchestras should be closed. That was the most important and positive outcome of this report. The report instead suggested that both orchestras should be brought back to full strength. The authors of the review consulted widely and it became clear to them that there was widespread support for the retention of both orchestras in the orchestra sector, in all political sectors and within Government. They recommended that the National Symphony Orchestra be either established as a cultural institution in its own right or move and become part of the National Concert Hall. Flexibility will be required from orchestra members but the recommended approach provides a sustainable means of restoring the orchestra to its former strength on the basis of a new and creative vision. I am sure the oversight group will be heavily involved in this process.

In July, as the Minister stated, the Cabinet considered the review and its recommendations. The Government has decided that the National Symphony Orchestra is to come within the remit of the National Concert Hall. Will the Minister give us some more insight as to where those negotiations are at and assurances that the orchestras' provision will be protected and maintained in the interim?

**Deputy Josepha Madigan:** I note the Deputy's points on the outcomes and the recommendations of the Boaden report. These have been taken into account in the terms of reference of the steering group, which will identify the relevant issues to enable the successful transfer of the National Symphony Orchestra from the remit of RTÉ to that of the National Concert Hall, including a timeline for implementation, funding arrangements, including any interim arrangements prior to the full transfer, and any legislative changes to broadcasting Acts or the national cultural institutions.

On the issue of progress, the terms of reference of both the oversight and working groups

have been agreed. It was agreed that an independent expert adviser with relevant orchestral and concert hall experience should be identified as a means of providing independent expertise to the working group. It was agreed that there was a necessity to maintain and communicate at all times the shared vision of the project, ensuring the provision in Ireland of world-class symphonic music.

**Deputy Niamh Smyth:** The transfer of the National Symphony Orchestra to the National Concert Hall brings into the spotlight the redevelopment, and the possible extension, of the National Concert Hall. We need to focus on this and we cannot lose sight of it.

The Boaden report recommends that funding for both orchestras be brought back to full strength. I appreciate that this cannot be done overnight but we need to be supportive of this view for the sake of our orchestral sector. I hope that the Minister will bear this in mind as we approach 2020.

**Deputy Josepha Madigan:** The Deputy mentioned the National Concert Hall. There will be world-class facilities under the redevelopment, with a newly refurbished and extended main auditorium, an increased capacity of 1,350 seats and improved musicians' facilities. There will be a reorganisation of public facilities such as a newly designed and enlarged main foyer with new access to the historic marble stairs, and a relocation of the restaurant, a new winter garden cafe, new guest facilities, new reception and booking offices, new lift access and upgraded mechanical and electrical services. There will be a refurbishment and restoration of the historic, and currently redundant, 1865 block which is adjacent to the main auditorium for musicians' facilities and there will be an extension of the John Field room. The refurbishment of the former medical library is also being looked at to serve as a RTÉ National Symphony Orchestra rehearsal studio.

### **Creative Ireland Programme**

2. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the number of children that have access to tuition in music, drama, coding and art; if she is satisfied that the target of ensuring that, by 2022, each child will have such access will be met; and if she will make a statement on the matter. [47505/18]

**Deputy Niamh Smyth:** This question is about the number of children who have access to tuition in music, drama, coding and art. Can the Minister give us some guidance as to where we are at with the Creative Ireland plan? It had certain targets relating to ensuring access for children in the various art forms.

**(Deputy Josepha Madigan):** The Creative Youth plan, which I launched in December 2017, seeks to ensure that every child in Ireland has practical access to tuition, experience and participation in music, drama, art and coding by 2022. Nearly one year on, we can now show some real progress towards meeting this ambitious objective. The Creative Schools pilot project for 149 schools is now up and running, reaching over 38,000 children and young people. The pilot will cover a wide range of creative activities for children and young people which could potentially include drama, visual arts, literature, poetry, film, coding and other activities.

Music Generation is moving into phase 2 of its expansion and it is planned that nationwide expansion will take place during the lifetime of the Creative Ireland programme. The

Department of Education and Skills is continuing to progress the availability of coding at both primary and post-primary levels. At post-primary level, a short course has been developed in coding for junior cycle and is available for all schools to offer. The first phase of the leaving certificate in computer science is under way, with 40 schools offering the subject. Plans are being examined with key stakeholders for the expansion of the youth theatre provision across the country and other important initiatives are being developed and piloted, such as the pilot Creative Youth partnership initiative which was launched during the summer, with the outcome to be announced shortly.

There are 73 schools participating in creative clusters and they have been grouped into 23 clusters. There are approximately 17,000 students participating, from a diverse range of school types. We are continuing to invest in continued professional development, CPD, for teachers and for artists working in partnership with teachers, which is crucial to the long-term success and sustainability of the overall plan.

Cruinniú na nÓg, the first national day of creativity for children and young people, took place on 23 June and saw over 500 free events right across the country to involve children and young people in creative activity in their own communities. I am also pleased that a number of innovative projects covering a range of activities for children and young people have come through the national creativity fund process and I am looking forward to seeing the outcome of these projects. The Creative Youth plan is ambitious and ever-developing. I hope that, by 2022, it will have touched the lives of every child and young person in Ireland.

**Deputy Niamh Smyth:** The Creative Ireland programme was launched under much fanfare and we have already had the debate on the amounts spent on advertising in the first year. The Creative Youth plan was launched in December 2017 under the Creative Ireland banner. Its ambition is to provide access to programmes for children and this is a measurable deliverable. Can the Minister give specific detail of the number of children who have access to music, drama, coding and art and what percentage of the child population this represents?

A number of pilot projects have been launched under the Creative Youth plan. The Creative Schools pilot project will serve over 150 schools but there are 4,000 schools around the country. Music Generation is not expected to be provided nationally until 2022 and only 40 secondary schools, out of 700, offer coding at leaving certificate, while the Creative Clusters initiative is only on a pilot basis. It all sounds very impressive in terms of the type of programmes on offer but how is it being measured, monitored and reviewed?

**Deputy Josepha Madigan:** I am glad that Fine Gael was in a position to help this sector. It had to be cut during the recession but it was not done by our Government. It is a core principle of the plan that the voice of children and young people be heard, in both the development and delivery of programmes. Every cent has to be accounted for and is accounted for, and I gave some of the figures for the number of children who are involved, particularly in the Creative Youth programme for schools. There are 149 schools in this and it is an open process, which was launched on 12 February 2018.

There are also a lot of early years CPD projects for teachers, such as one for primary schools and one for post-primary schools, and a Creative Schools cluster scheme for the out-of-school sector, as well as a once-off early year bursary. In order to measure outcomes and deliver best practice, there is a research programme and digital mapping will establish baseline data. There is also support for the national repository for arts and education research. All of these things

will give us measurable results for how we are delivering on the projects.

**Deputy Niamh Smyth:** The delivery of the Creative Youth plan is dependent on creative principals, deputy principals and teachers in our schools. Our schools are overloaded with initiatives in the arts and physical education. While they are all very well intentioned, these initiatives are very much dependent on an enthusiastic teacher or deputy principal within a school to take it on board. They have to apply for funding in the first place and then have to deliver on it. As the Minister said, it is important any schemes and initiatives delivered are also monitored and reviewed and that there is a measurable outcome from them. Are we measuring the enthusiasm of teachers in schools? Could the Minister comment on the link between the Creative Youth plan with the Arts in Education charter in terms of the relationship with the higher implementation group? Is there a connection or relationship between them?

**Deputy Josepha Madigan:** I agree with Deputy Smyth that evaluation is important. We need to know that the initiatives being rolled out in the pilot programme are doing what they are supposed to do, and that children and young people are enjoying them as well as there being longer term benefits for children and young people, and also for teachers and creative practitioners. The Arts Council is working on a formal process of evaluation of the Creative Schools initiative with assistance from the various Departments. The Department of Education and Skills has also built in formal education processes into the other initiatives. We will examine the outcomes of the evaluations in order to help us ascertain what works and what needs to be changed as we move forward with the programme.

Deputy Smyth also mentioned the Arts in Education charter. Creative Youth builds on the education charter. The actions in the Creative Youth plan extend to both the formal and non-formal education sectors that are being delivered by my Department, the Department of Education and Skills, the Department of Children and Youth Affairs and the Arts Council. This plan builds on the Arts in Education charter and aims to resource, fast-track and implement the objectives of the charter, as well as roll out a range of other initiatives.

### **Arts Funding**

3. **Deputy Michael Lowry** asked the Minister for Culture, Heritage and the Gaeltacht the funding allocated to organisations in County Tipperary and in other counties by her Department and agencies under her aegis between 2014 and 2017 by headings (details supplied); and if she will make a statement on the matter. [47563/18]

**Deputy Michael Lowry:** Could the Minister outline the funding allocated to organisations in County Tipperary and in other counties by her Department and agencies under her aegis between 2014 and 2017?

**Deputy Josepha Madigan:** My Department operates a wide range of funding schemes in support of cultural development across Ireland and details of the various schemes are published on my Department's website. One of the schemes to which the Deputy refers is funded by the Arts Council, which is independent in its funding decisions. Details of funding by this agency are also published on its website, and in its annual report and accounts, which are published and available in the Oireachtas Library for all the years sought, including 2017. I am pleased to inform the Deputy that total funding of €1.54 million has been provided to County Tipperary in the period 2014 to 2017, under the various schemes to which he refers. This includes funding



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of €1.3 million from the Arts Council, and funding of €233,855 from my Department under two of the three schemes listed by the Deputy in the question he tabled.

For the Deputy's convenience, I have arranged to have the breakdown of funding allocated to organisations in County Tipperary by my Department and the Arts Council sent directly to him. I am pleased to note that in relation to schemes run by my Department, funding has been allocated to Tipperary County Museum for regional exhibitions, co-operation with Northern Ireland and mobility of collections. Funding has also been provided to Tipperary County Council for Culture Night. Under capital developments, my Department has funded the Black Castle Theatre Company, the Source Arts Centre, the Tipperary Excel Heritage Company Limited, the South Tipperary Arts Centre, Cloughjordan Arts, the Nenagh Arts Centre and COSAOS Limited.

While organisations in Tipperary have not received funding to date in one of the schemes to which the Deputy referred in his question, this particular scheme has only been in operation since 2017. I look forward to seeing future applications from Tipperary under this scheme. In budget 2019, I announced total expenditure of €339 million towards culture, language and heritage in 2019. This funding includes additional funding of more than €36 million for my Department in 2019, an increase of 12% on 2018 allocations.

**Deputy Michael Lowry:** The fact that Tipperary and similar counties have been deprioritised in terms of economic development places a greater focus on the resources we have to hand. One of those resources, of which we are proud in Tipperary, is our heritage and environment as they underpin the tourism industry in the county. While the organisations and companies working in the cultural sector might not be as recognisable as others, they provide important sustainable employment in the catchment areas in which they operate, as well as attract tourists, both national and international. The quality of life and viability of many of our small towns is dependent on the heritage and arts sector that is in place. For that reason the Department's support for an investment directly through the local authorities is vital to us. Unfortunately, funding in recent years has been limited and inadequate but I am pleased to see that we have an increase in the capital budget for 2019. Could the Minister outline the additional supports that will be made available in the context of the forthcoming centenary celebrations, and how her Department intends to promote those celebrations in an inclusive way to a wider audience?

**Deputy Josepha Madigan:** I confirm that the increase in funding comprises €21 million in capital expenditure, an increase of 39% on 2018 funding and €15 million in current expenditure, which is a 6% increase.

Deputy Lowry mentioned heritage in Tipperary. He might wish to note that the Heritage Council, which is under the aegis of my Department, supports a wide range of heritage projects throughout the country through its annual grants programme. In 2017 County Tipperary received significant moneys under the structures at risk fund and the built heritage investment scheme. The Corner House in McDonagh Square received €17,000. The Thatch in Cloneen, Clonmel received €15,000 and under the structures at risk fund in 2017 a total of €17,000 was provided. The structures at risk fund for 2018 was €32,000. Some of the grants from that fund went to the Black Castle in Templemore, St. Cronan's Church in Church Street, Roscrea and Ardfinnan Castle in Clonmel.

We have an all-party committee working on commemorative events. We are moving into a very sensitive period and we must make sure that we are inclusive and respectful of all views

in order that we can properly and adequately commemorate the events that are coming up in a respectful way. I am very mindful of that.

**Deputy Michael Lowry:** An example of the type of work funded by the Tipperary arts office is a local group called Phoenix Productions in Thurles. Each year the group produces a cabaret performance and a full musical theatre production. The age of the cast generally ranges from 14 to 20 years of age. To date, some 400 young people from the locality have benefitted from the overall life experience of the project. Participation affords the cast members a unique opportunity to gain self-confidence in a public forum by being on stage and they have positive interaction with people of different age groups, backgrounds, schools and ability. The cultural lessons of teamwork, mutual respect, application and discipline are learned and no one is excluded. Anybody who wishes to participate is allowed to do so. This group has produced some fantastic performances in recent years and is currently celebrating its 20th anniversary. I would like the arts office in Tipperary to fund the group, through the Department, because it is finding it difficult to survive financially. There is significant voluntary effort and commitment involved and the group deserves support.

**Deputy Josepha Madigan:** I did not catch the name of the group at the start of Deputy Lowry's contribution. The Arts Council is independent in how it funds artists but it does fund artists at a grassroots level. I increased the budget this year from €68 million to €75 million. There is a scheme to support small-scale local festivals and summer schools. It is reserved for appropriate festivals and groups. The maximum funding provided is €5,000. That may well be a scheme the theatre group would fit into. I note that Tipperary has received no funding under the scheme since its inception in 2017 and that is regrettable. Only one application was made in 2018 for the Tipperary Peace Convention but it was assessed as having insufficient cultural content demonstrated on the application to merit funding.

*11 o'clock*

There will always be other opportunities for this group to apply and I hope it will be supported and nurtured in its development.

### **Special Areas of Conservation Management**

4. **Deputy Eamon Ryan** asked the Minister for Culture, Heritage and the Gaeltacht her plans to support the rewetting of peatlands which have been degraded by drainage and peat extraction in line with the National Biodiversity Action Plan 2017-2021; if such rewetting, planned or under consideration, will be incentivised and or supported by funding mechanisms in view of the restored biodiversity value, restored carbon storage and sequestration value and restored water management value; and if she will make a statement on the matter. [47566/18]

**Deputy Eamon Ryan:** In the National Biodiversity Action Plan 2017-2021, we have a plan to restore our degraded peatlands. What are the Department's plans in that regard, given the benefits we get from restoration of wildlife, storage of carbon, management of floodwaters, filtering water and creating amenities? What plans does the Minister have for her Department to engage in this hugely beneficial activity for our whole country?

**Deputy Josepha Madigan:** I thank the Deputy for his question. The National Biodiversity Action Plan 2017-2021 includes action 6.1.5, which is to implement the national peatland



strategy, and action 6.1.6, which is to implement the National Raised Bog Special Areas of Conservation Management Plan 2017-2022. That plan was published in December 2017 and sets out how the raised bog special areas of conservation are to be managed, conserved and restored and how the needs of turf cutters are to be addressed. The national restoration programme for Ireland's raised bog special areas of conservation and natural heritage areas is contained within this plan. It is intended to restore all designated raised bogs within three cycles, with the first cycle operating for the duration of this management plan. Site specific conservation objectives have been published for the 53 raised bog special areas of conservation and restoration plans have been drafted for all sites to be developed further in partnership with stakeholders, including landowners and local communities. Site-specific restoration plans for the raised bog natural heritage areas are also being developed by my Department.

To help allay concerns relating to the potential impacts of restoration on areas of land adjacent to the designated bogs, my Department is in the process of developing drainage management plans for the special area of conservation sites as part of the national restoration programme. Work on this programme has already begun with a €5.4 million project called The Living Bog which is funded under the EU L'Instrument Financier pour l'Environnement, LIFE, programme. My Department manages this project and contributes €1.352 million with the European Commission providing €4.56 million. The Living Bog project commenced in 2016 and will conclude at the end of 2020. It aims to restore favourable conservation conditions and increase the area for active raised bog by 277 ha, approximately 58%, on the 12 raised bog special area of conservation project sites. This will contribute to the national objective of achieving favourable conservation status for the active raised bog. Contracts are in place for drain-blocking works on six out of the 12 sites with the remainder of the contracts due to issue in early 2019.

**Deputy Eamon Ryan:** We had an interesting presentation from Bord na Móna recently in the Joint Committee on Climate Action. The clear consensus among the scientific and climate action community is that the restoration of bogs is one of the biggest potentials for us with regard to storing carbon and has co-benefits in protecting wildlife and so on. Bord na Móna made the case that it is only responsible for 80,000 ha and the large volume of private bogs also had this potential to provide a real return to the State. I welcome the details set out of The Living Bog scheme. As much as those 12 projects are welcome, the scale of opportunity we have here to restore habitats and store carbon must receive many multiples of the €1.352 million allocated. The Secretary General of the Department of Public Expenditure and Reform acknowledged in our committee yesterday that there needs to be a radical increase in the ambition and level of activity by the State in the area of storing carbon. Could the Minister use that to get her Department to see an increase of a multiple of the funding currently available for local, private landowners outside Bord na Móna to ramp up our activity in this regard given the critical loss of habitat, the critical state of our natural habitats and the urgency to restore bogs to store carbon. Is the Minister looking at ramping up that level of activity to learn the lessons from the pilot schemes that are in place?

**Deputy Josepha Madigan:** Bord na Móna is a commercial State body which I understand is transitioning from its original remit to develop the peat resource in parts of Ireland to more renewable and sustainable businesses. It is under the remit of the Minister for Communications, Climate Action and Environment, so I have no direct role in this regard but my Department will continue to liaise with representatives from Bord na Móna with regard to the implementation of the national peatlands strategy and the National Raised Bog Special Areas of Conservation Management Plan 2017-2022. The carbon emissions avoided by the 3,000 cutters in receipt of

compensation for that would be much more significant than the domestic emissions from the 67 cutters who have been relocated to date. There is something duplicitous about the suggestion that our Government's position on this is preposterous. On this watch, the Government has changed what we are doing. The enhanced carbon sequestration in the ten bogs being rehabilitated under the live programme and the 53 that will ultimately be saved will dwarf any limited, negligible emissions from the domestic fires of relocated turf cutters.

**Deputy Eamon Ryan:** I am not sure where the words “duplicitous” or “preposterous” came from. I did not use those words in my contribution. I am not sure what the Minister is referring to. I fully accept and made the same point that Bord na Móna is a separate issue and has a huge task. I wish it well as it sets about it. In the areas where the Minister has responsibility and the ability to scale up supports given to private landowners to engage in the sort of activity that is starting under The Living Bog programme, could she not use the opportunity we have with the renewed focus on climate change and the need to engage in carbon abatement and storage to get a more significant contribution from the State to support those private landowners to do what needs to be done to rewet the bogs? We have to be careful about how we do it, blocking drains and such. Will the Minister scale up the ambition or supports that her Department gives for that kind of activity because of the increased understanding of the benefits it would bring?

**Deputy Josepha Madigan:** We are scaling up what we are doing with the bogs. The Living Bog project provides for restoration incentives, including compensation, voluntary land purchase and management land agreements under the protected raised bog incentive scheme, which is operating on a pilot basis this year. It would also provide for sensitively designated amenities at a small number of project sites, such as walking trails and signage. There is also a review of the raised bog natural heritage area network, which was published in January 2014 and concluded that Ireland could more effectively achieve conservation of threatened raised bog habitat through focus protection and restoration of a reconfigured network. This entails the cessation from 1 January 2017 of turf-cutting on 36 existing natural heritage areas which will remain designated. This includes seven sites to be divided, with part to be conserved and part designated. I appreciate the Deputy's points. We have to do all we can to ensure that we look after this area.

### **Acht na dTeangacha Oifigiúla**

5. D'fhiafraigh **Deputy Catherine Connolly** den Aire Cultúir, Oidhreacht agus Gaeltachta cén dáta a fhoilseofar Bille na dTeangacha Oifigiúla; agus an ndéanfaidh sí ráiteas ina thaobh. [47426/18]

9. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Cultúir, Oidhreacht agus Gaeltachta cén uair a bhfuil i gceist an Bille nua Teangacha Oifigiúla a fhoilsiú; agus an ndéanfaidh sí ráiteas ina thaobh. [47219/18]

**Deputy Catherine Connolly:** Is oth liom a rá go bhfuil orm an cheist seo a chur arís agus arís. Is ceist shimplí í. Cén dáta a fhoilseofar Bille na dteangacha oifigiúla? Mar is eol don Aire Stáit, seo bliain na Gaeilge. Tá sé geallta ag an Rialtas seo agus an Rialtas roimhe go mbeidh Bille nua ann. Cén fáth a bhfuil moill air? Go díreach, cén dáta a fhoilseofar an Bille?

**Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne):** Mar chúlra, is iarracht í an Bille seo-----

**An Leas-Cheann Comhairle:** An bhfuil an tAire Stáit ag glacadh Uimh. 9 chomh maith?

**Deputy Seán Kyne:** Tairgim Uimh. 5 agus Uimh. 9 a ghlacadh le chéile. Mar chúlra, is iarracht í an Bille seo, trí na ceannuideil éagsúla, timpeallacht a chruthú ina mbeidh ról níos lárnaí ag an teanga in obair an Stáit, ina mbeidh an teanga níos feiceálaí, agus ina mbeidh fáil níos leithne ar sheirbhísí trí Ghaeilge. Agus an Bille a thabhairt chun cinn, cuireadh tréimhse fhada chomhairliúcháin ar bun leis na páirtithe leasmhara. Próiseas an-fhiúntach a bhí ann. Mar is eol don Teachta, leagadh na Ceannuideil faoi bhráid Chomhchoiste na Gaeilge na Gaeltachta agus na nOileáin agus foilsíodh tuarascáil ag eascairt as an bpróiseas seo roimh an tsamhradh. Tá an tuarascáil sin á scrúdú ag mo Roinn faoi láthair i gcomhthéacs dréachtú an Bhille.

Beidh sé mar chuspóir sa Bhille go mbeidh 20% de na daoine nua a earcaítear don tseirbhís phoiblí ina gcainteoirí Gaeilge, go mbeidh gach oifig phoiblí atá lonnaithe sa Ghaeltacht ag feidhmiú trí Ghaeilge agus go mbeidh comhlachtaí poiblí in ann freastal ar an éileamh ón bpobal ar sheirbhísí trí Ghaeilge. Is í an earcaíocht croílár na ceiste, agus táim dóchasach gur féidir tógáil, ar bhonn chéimíúil, ar líon na bhfostaithe le Gaeilge agus ag eascairt as sin, go mbeimid in ann feabhas a chur ar sholáthar seirbhísí trí Ghaeilge, mar is cóir.

Ó mo thaithí féin, ag déileáil le pobal na Gaeilge agus na Gaeltachta agus ón bhfianaise atá ar fáil ó thaighde ó Oifig an Choimisinéara Teanga, ó na heagrais Ghaeilge agus grúpaí eile, creidim go bhfuil éileamh ann i measc an phobal, ar sheirbhísí a bheith ar fáil i nGaeilge. Ní hamháin sin, ach tá an pobal ag súil go mbeidh na seirbhísí a bheidh ar fáil ar chomhchéim leis na seirbhísí a chuirtear ar fáil i mBéarla.

Tá mo chuid oifigigh ag obair faoi láthair i gcomhréir le hOifig an Ard-Aighne chun Bille na dTeangacha Oifigiúla (Leasú) a dhréachtá. Ag an am céanna, tá comhairliúcháin ar bun ag mo Roinn leis na Ranna Stáit ábhartha, leis an gCoimisinéir Teanga agus le páirtithe leasmhara eile le cinntiú go mbeidh an Bille is fearr agus is éifeachtaí againn le tabhairt os comhair an Oireachtais.

Tá an Bille seo san áireamh i gclár reachtaíochta an Rialtais le bheith foilsithe le linn sheisiún an fhómhair agus an gheimhridh de chuid na Dála.

Tá sé seo pléite agam le na hoifigigh i mo Roinn, leis an Ard-Aighne é féin agus leis na feidhmeannaigh in Oifig an Ard-Aighne. Tá ionadaí ón Roinn Cultúir, Oidhreacht agus Gaeltachta ag obair ar an mBille seo agus táimid ag déanamh chuile iarracht go mbeidh sé foilsithe roimh dheireadh na bliana. Tá obair ar bun. Tá a fhios agam go raibh na feidhmeannaigh ón Roinn ag obair ar chuid de na Ceannuideil seo i rith an deireadh seachtaine. Tá an t-eolas sin curtha ar fáil do Oifig an Ard-Aighne agus tá siad ag brú ar aghaidh leis an obair.

Aontaím leis an Teachta go bhfuil moill air agus táimid ag déanamh chuile iarracht é a bhrú chun cinn.

**Deputy Catherine Connolly:** Cá mhéad ama atá againn?

**An Leas-Cheann Comhairle:** Bomaite.

**Deputy Catherine Connolly:** Tá an cúlra go léir againn. Tá cur síos déanta ag an Aire Stáit ar an gcúlra arís ach tá a fhios againn cheana.

Is í an ceist ná cén dáta a fhoilseofar an Bille. Dúireadh linn go bhfoilseofaí an Bille roimh an samhradh, ansin go bhfoilseofaí é tar éis an tsamhraidh agus anois táimid ag cloisteáil go

mbeidh sé le linn an seisiún seo. Tá a fhios agam go bhfuil an tAire Stáit ag déanamh a dhícheall ach ní féidir glacadh le tuilleadh moille. Tá cearta daonna i gceist leis an mBille seo.

Rinne na daoine a tháinig os ár gcomhair i gComhchoiste na Gaeilge na Gaeltachta agus na nOileáin an t-uafás oibre agus chuir siad in iúl dúinn go soiléir cad a bhí ag teastáil. Tá a fhios againn faoi sin agus tá an méid oibre sin uilig déanta ag na heagraíochtaí éagsúla a tháinig os comhair na coiste. D'fhoilisigh muid tuarascáil chuimsitheach agus ní thuigim cén fáth go bhfuil tuilleadh moille. An bhfuil easpa foirne sa Roinn i gceist? An bhfuil easpa daoine ann chun dul i ngleic leis an mBille a fhoilsiú? Tá dáta ag teastáil.

**Deputy Seán Kyne:** Beidh an Bille foilsithe nuair atá sé réidh. Tá siad ag brú ar aghaidh leis an obair. Tá daoine a bhí ag plé leis an mBille amach tinn faoi láthair agus tá le tamall. Tá stiúrthóir na Gaeilge é féin ag obair ar an mBille seo. Mar a dúirt mé, bhí sé ag obair i rith na deireadh seachtaine air agus tá sé ag déanamh chuile iarracht an t-eolas go léir a chur chuig Oifig an Ard-Aighne ionas go mbeidh sí in ann dul ar aghaidh leis an obair. Táimid ag cur chuile bhrú ar chuile dhuine mar tá an Bille seo tábhachtach agus beidh sé foilsithe comh luath agus is féidir. Níl mé in ann dáta díreach a thabhairt don Teachta ach mar a dúirt mé, táimid ag déanamh chuile iarracht go mbeidh sé foilsithe roimh an Nollaig.

**Deputy Éamon Ó Cuív:** Tuigim go bhfuil dhá chéim sa phróiseas anois, na Ceannteidil den mBille a chríochnú agus ansin obair na ndruchtóirí parlaiminte. An mbeidh an tAire Stáit in ann insint dúinn cathain a mbeidh na Ceannteidil réitithe agus an bhfuil sé i gceist iad a fhoilsiú? Beidh sé an-dúshlánach ar fad é a bheith déanta roimh an Nollaig mar níl an oiread sin smacht ag an Aire Stáit ar an ndruchtóir. Bheadh sé an-úsáideach fios a bheith againn cathain a bheidh na Ceannteidil foilsithe.

**Deputy Seán Kyne:** Tá obair déanta ar thrí cinn de na Ceannteidil le déanaí agus tá siad seolta chuig Oifig an Ard-Aighne so tá siad ag obair ar na Ceannteidil sin faoi láthair ó thaobh seirbhísí sa chúirt agus rudaí mar sin. Tá an obair sin ag dul ar aghaidh anois ag an ndruchtóir. Níl mé in ann a rá go díreach cén uair go díreach a bheidh na Ceannteidil go léir críochnaithe nó cén uair a bheidh an céad drucht den mBille ann ach má tá an t-eolas sin agam go luath, beidh mé in ann é a chur in iúl don Dáil.

Ó thaobh an sceidil atá san Acht faoi láthair ó thaobh na comhlachtaí poiblí a thagann faoi scáth an Achta, ní dhearnadh aon uasdátú ar an sceideal sin ó 2006 agus tá athrú mór tagtha ó shin ar ndóigh ar líon agus nádúr na gcomhlachtaí poiblí atá ag feidhmiú sa lá atá inniu ann. Caithfidh dul i ngleic leis seo. Tá oifigigh mo Roinne tar éis dul i gcomhairle le comhleacaithe sna Ranna Stáit eile ar mhaithe le sceideal nuashonraithe a dhruchtú. Tá dul chun cinn suntasach déanta leis an obair seo le cúpla mí anuas agus tá siad ag súil go mbeidh siad in ann an sceideal nua den Acht a fhoilsiú gan moill.

**Deputy Catherine Connolly:** Tá a fhios agam go bhfuil an Roinn faoi bhrú ach níl i gceist anseo ach Bille a chur síos ar chearta atá thar a bheith bunúsach. Glacann an tAire Stáit leis sin agus nach bhfuilimid ag lorg an iomarca. Bhíomar thar a bheith cúramach agus an t-aon rud a bhí ag teastáil uainn ná go mbeadh an Bille soiléir agus go mbeadh spriocdátaí ann comh maith. Is é sin an t-easnamh is mó a chonaiceamar. Tá mé thar a bheith buartha anois go bhfuil na spriocdátaí ag sleamhnú tharainn an t-am uilig ón am roimh an samhradh, go dtí tar éis an tsamhraidh go roimh an Nollaig agus anois tá an Teachta Ó Cuív ag rá go bhfuil sé ró-uaimhianach a bheith ag caint faoin mBille a bheith foilsithe roimh an Nollaig.

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Ní féidir glacadh leis sin. Tá gá le Bille na dTeangacha Oifigiúla (Leasú) anois. Táimid ag fanacht leis na blianta. Tuigim go m'bhféidir go bhfuil deacrachtaí ó thaobh fóirne de agus nílím ag iarraidh tuilleadh brú a chur ar aon duine ach tá gá leis an mBille agus ní féidir glacadh le tuilleadh moille, go háirithe nuair a táimid ag caint faoi chearta bhunúsacha.

**An Leas-Cheann Comhairle:** Beidh ceist deireanach ón Teachta Aindrias Moynihan agus ansin bogfaimid ar aghaidh chuig an Teachta Clare Daly.

**Deputy Aindrias Moynihan:** Teastaíonn uainn go mbeadh an Bille seo-----

**Deputy Clare Daly:** I am sorry I have to go back to the committee-----

**An Leas-Cheann Comhairle:** We are not moving on. Deputy Ó Cuív has given a supplementary question to Deputy Aindrias Moynihan under Standing Orders. We will be ready in one minute.

**Deputy Clare Daly:** I am sorry but the witnesses are at the committee-----

**An Leas-Cheann Comhairle:** We will facilitate the Deputy when she comes back.

**Deputy Clare Daly:** That would be great.

**An Leas-Cheann Comhairle:** I am sorry about that.

**Deputy Aindrias Moynihan:** Teastaíonn uainn go mbeadh an Bille seo ag brú chun cinn chomh tapaídh agus is féidir. Mar atá ráite, tá an coiste tar éis é a phlé agus anois tá sé leis an Aire Stáit. Tuigim go bhfuil an foireann ag obair air faoi láthair. Nuair a cuireadh ceist ar an Aire Stáit mar gheall air an seachtain seo caite, bhí sé ag rá go mbeadh sé ag súil leis thart ar an Nollaig. An é anois go bhfuil an t-am sin ag sleamhnú? Cén fáth atá leis sin? Cad atá tar éis athrú ón tseachtain seo caite?

An bhfuil an tAire Stáit tar éis measúnú a dhéanamh ar cé chomh mór is atá an t-ualach atá le déanamh agus má tá, an bhfuil an t-am ann? Cad iad na constaicí atá roimh an Aire Stáit nó cad atá ag cur moill air? An é go bhfuil easpa foirne ann agus cad atá an tAire Stáit ag déanamh mar gheall air sin chun é a bhrostú ar aghaidh?

**Deputy Seán Kyne:** Mar a dúirt mé, tá daoine a bhí ag obair agus ag plé leis an gceist seo amach tinn le tamall. Tarlaíonn na rudaí sin. Tá an stiúrthóir Gaeilge ag obair air faoi láthair. Táimid fós dóchasach go mbeimid in ann é a fhoilsiú roimh an Nollaig. Dá ndéanfadh sé aon difríocht, bheadh mé sásta cruinniú sciobtha a eagrú leis an Teachta agus le Sinn Féin agus páirtithe eile chun é seo a phlé an tseachtain seo chugainn. Bheadh Teachtaí in ann é a phlé le stiúrthóir na Gaeilge. Táimid ag déanamh chuile rud. Táimid fós dóchasach go mbeimid in ann é a fhoilsiú roimh dheireadh na bliana. Nílím ag cur aon mhoill air. Cé go bhfuil na ceannteidil foilsithe le tamall, tá chuile Bhille casta. Táimid ag obair air. Nílím ag cur aon mhoill ar an Bhille seo. Tá sé ráite agam ag an Oireachtas coicís ó shin go gcaithfimid brú a choimeád orainn féin laistigh den Roinn Cultúir, Oidhreacht agus Gaeltachta agus laistigh d'Oifig an Ard-Aighne. Tá sé ar bharr mo liosta é a bhrú ar aghaidh agus a fhoilsiú.



*Dáil Éireann*  
**Ceisteanna Eile - Other Questions**

*Question No. 6 replied to with Written Answers.*

**Artists' Remuneration**

7. **Deputy Mick Wallace** asked the Minister for Culture, Heritage and the Gaeltacht to outline the measures she plans to take to address the recent figures published by the Central Statistics Office, CSO, which show that while average earnings here have increased by 7% in the five years to June 2018 earnings for those in the arts sector decreased by 3.5% in the same period; and if she will make a statement on the matter. [47437/18]

**Deputy Mick Wallace:** Figures published recently by the CSO show that while average earnings increase in Ireland by 15.7% in the five years to June 2018, earnings for those who worked in the arts sector decreased by 3.5% in the same period. The 13.5% increase in arts and culture spending overall in the budget this year is welcome. The Taoiseach has given a commitment to double arts funding by 2022. A greater increase will be required year-on-year to meet that target. We are working from a chronic low base due to under-investment in the past decade in the arts sector.

**Deputy Josepha Madigan:** I thank the Deputy for his question. I am aware of the issues raised by him and the report published by the CSO based on the earnings and labour costs for the first quarter of 2018. The CSO report shows variations in earnings across the sectors as categorised under various statistical groupings, including arts, entertainment, recreation and other service activities. The report states that in the five years to the second quarter of 2018, average weekly earnings rose by 7% from €695.65 in the second quarter of 2013 to €744.08. There were large differences in the changes to average weekly earnings across individual sectors over this period, ranging between from an increase of 15.7% in the accommodation and food services sector and a decrease of 3.5% in the arts, entertainment, recreation and other service activities sector. It should be noted that this category is far wider than simply the arts sector. It includes gambling and betting activities as well as sports, amusements and recreation.

In budget 2019, funding for the arts and culture sector in 2019 supported by my Department was increased significantly by €22.6 million to almost €190 million. This represents an increase of 14% on 2018. Budget 2019 includes an increase to the Arts Council of almost €6.8 million or 10% to bring Arts Council expenditure to a total of €75 million. This increase was more than double the increase in 2018 and was warmly welcomed by the sector.

The Creative Ireland programme of my Department will receive funding of €7.15 million, representing an increase of €1.15 million, to support local authorities and the continued roll-out of the creative youth programme. A total of €6 million is being provided for the European Capital of Culture - Galway 2020 while the €4.1 million provided for Culture Ireland will continue to support the development of Irish artists on the world stage. Overall, the increased funding for the arts and cultural sector secured in budget 2019 clearly shows that the Government is acting on the commitment to double funding for arts, culture and sport by 2025.

**Deputy Mick Wallace:** We are out of synchronisation with European Union norms for arts funding. The arts continue to be funded at barely above austerity levels. The National Campaign for the Arts movement represents artists and art workers. The movement's pre-budget



statement this year asked for the Government to provide a detailed roadmap on how the Taoiseach's commitment to doubling arts funding by 2022 will be delivered. We are now in the second year of the seven-year commitment but the arts community in Ireland has no clear plan or evidence of how this doubling of funding will be achieved. Is the Government producing a roadmap to detail and put shape and structure on where it is going? That would give the arts community something to work off and some confidence that things will improve in this area.

**Deputy Josepha Madigan:** The Deputy mentioned the National Campaign for the Arts. I will refer to what the group said. The group welcomed the €6.8 million uplift for the Arts Council in budget 2019 given the central role the Arts Council plays in supporting artistic creation across the entire country. In response to the announcement, the National Campaign for the Arts chairperson, Angela Dorgan, said:

The 10% uplift in today's Budget 2019 allocation to the Arts Council is welcomed by the NCFA and demonstrates significant progress towards the restoration of the Arts Council's pre-recession allocation, which has been dramatically cut since 2008, causing untold damage to the Arts sector in Ireland. The NCFA also welcomes the increase in funding for Creative Ireland, not least in relation to its important work through the Creative Youth programme. These additional investments help to make up ground in the delivery of the Government's commitment to doubling investment in the Arts and Culture sector over the next six years.

**Deputy Mick Wallace:** It has to be pointed out as well that the artist tax exemption scheme is not helping the vast majority of working artists. In reality, only a few artists earning far higher wages are benefitting from the scheme. Under the scheme, artists can apply for an exemption from income tax on earnings from an approved work for one year of up to €50,000. My good friend, the former Minister for Justice and Equality, Mr. Shatter, was approved under the scheme for his autobiography. However, few artists will earn anywhere near enough in a year to benefit from the tax exemption. According to the latest available figures from the Revenue, tax relief earned from the artist exemption scheme in 2015 rose by €10.8 million. However, the number of artists successfully applying for the exemption only rose by 8%. This indicates that only a small group of artists are reporting higher income figures while the vast majority of artists see little or no financial benefit. There is a major discrepancy in this area. It beggars belief that someone like the former Minister, who hardly needs the money, can get tax relief on this while the average artist is on the poverty line.

**Deputy Josepha Madigan:** I have no wish to comment on my former constituency colleague's writings. Whatever about the tax exemption, artistic endeavours have traditionally never been paid well. This is something that we have been trying to address in government. I note what Deputy Wallace has said about the tax exemptions. We are trying to counteract that and the Arts Council is giving more money towards bursaries. The council had bursaries of €19,000 to help grassroots people, for example, people who want to write a book or paint a painting. These bursaries are really important to try to help people and encourage them to develop. I will also be doing Markievicz bursaries in my Department. These are designed to fund and supporting female artists.

The Taoiseach has put on record a public commitment to double spending on arts and culture by 2025. Budget 2019 is a notable milestone along this journey. We put a significant amount into this - such investment has not been available for many years - and we will continue to do so.

*Dáil Éireann*  
**National Monuments**

8. **Deputy Maureen O’Sullivan** asked the Minister for Culture, Heritage and the Gaeltacht to outline the status of the programme of restoration works for 14-17 Moore Street; and the timeline for the national monument to be restored. [47405/18]

**Deputy Maureen O’Sullivan:** My question relates to the status of the programme of restoration works for 14-17 Moore Street and the timeline for the restoration of the national monument there.

**Deputy Josepha Madigan:** As the Deputy is aware, the project to conserve the national monument buildings and to open them to the public to honour the leaders of the 1916 Rising was suspended in early 2016 on foot of proceedings in the High Court.

The aim of the works was to restore the buildings in a way that would have ensured that they reflected as closely as possible what they would have been like when they were occupied by the insurgents in 1916. Each of the buildings has extensive original features. The intention was, and remains, to retain all of this original material. With the agreement of the High Court a programme of works was subsequently completed to stabilise and weatherproof the buildings. This agreed programme was completed last year and the monument buildings are now in the care of the Office of Public Works. Working with *The Moore Street Report — Securing History* as its guide, the Moore Street advisory group, of which the Deputy is a member and whose support for the process I greatly appreciate, is currently engaged in discussions with the new owners of the Dublin Central site about the implementation of these recommendations and the future of the site surrounding the national monument. I was pleased to hear from the chair of the advisory group that the discussions are progressing positively. I understand that the advisory group has been briefed in some detail by the architects for the new owners on how the previous plans for the wider site are being significantly modified in a way that is seen to be more sympathetic to the traditions and history of the area and that also brings the commemoration of the events of Easter 1916 much more to the fore. The design changes that will follow in relation to aspects such as architectural heritage, urban regeneration, community benefit and social amenity will determine how the wider regeneration work interacts with the national monument buildings themselves and how both elements are appropriately and sensitively integrated. Until that discussion, in which I see the Moore Street advisory group having a significant role, is complete and an overall solution to the regeneration of the surrounding site is in place, it would not be possible to put a precise timeframe on the resumption of work on the national monument project.

**Deputy Jan O’Sullivan:** As the Minister states, I am a member of that consultative group and I was party to the report produced, called “Securing History”. In that report, there were a number of realisable recommendations. One of those recommendations was that at an appropriate time, a cross-departmental group chaired by the lead Minister, Deputy Madigan, with the Department of Public Expenditure and Reform, the OPW, Dublin City Council, DCC, and the line Departments would pull together the State interests and oversee how the agencies can all deliver on their respective responsibilities. When will that happen?

We know what to do but when are we going to do it? I do not accept the Minister’s point that we must wait on discussions with the developer for the rest of the terrace because I do not understand why the restoration work on Nos. 14 to 17 Moore Street, which the State owns, cannot commence immediately. The stabilising works have been done. They have cost a great

deal. Why are we not in working on the restoration?

**Deputy Josepha Madigan:** As the Deputy will be aware, the advisory group's most recent meeting was on Tuesday last, 13 November. It is now engaging on a regular basis with Hammerson to provide stakeholder input to the plans for the wider Dublin Central site.

Hammerson has presented an outline of its new plans to the group of which the Deputy is a member and I believe these have generally been well received by the members. These plans are acknowledged to be a big step forward from the previous proposals, in terms of being more representative and reflective of the history and culture of the area and of the events that took place during the 1916 Rising.

I met Dr. Tom Collins earlier this year when he provided an update on the positive progress and significant engagement that is taking place with Hammerson. In the meantime, Hammerson has presented its revised proposals to the group of which the Deputy is a member and is looking forward to continuing discussions and to getting the Deputy's group's view on the much revised development approach which is now being pursued.

The sub-group of which the Deputy is also a member has been formed only in the past fortnight and is chaired by Deputy Ó Cuív, who was here earlier. It is tasked with coming up with a vision for the national monuments at Nos. 14 to 17 Moore Street and I would not like to pre-empt that work.

**Deputy Jan O'Sullivan:** The Minister correctly states that there is a more constructive engagement with the new developer, Hammerson, but with all that is happening in the retail sector, there is no guarantee that it will be there *ad infinitum*. I acknowledge that Hammerson has a much better appreciation of the historical and cultural atmosphere, ethos and history of the area but it does not own Nos. 14 to 17 Moore Street - the State does. Nos. 14 to 17 Moore Street are very old. Despite the stabilising works, there is still a great deal of work that we could be doing on restoring it instead of putting money into stabilising.

I also will refer to the traders. In our report, we made a number of recommendations to regenerate the market area there. There were suggestions around the by-laws and services and those are at a stalemate. What I get from the Minister is that our consultative group has the power to move all of these issues along but Deputy Madigan is the line Minister with the responsibility and power to do what she seems to be suggesting that we can do.

**Deputy Josepha Madigan:** The Taoiseach has a strong interest in what is happening in Moore Street. As the line Minister, I agreed that he visit the area soon. As part of that visit, I expect that he will meet Hammerson's architect to review the research that Hammerson has done on the area and how the plans have been changed to reflect better the culture and history of the area and its links to the 1916 Rising. The Taoiseach will also visit the national monument buildings at Nos. 14 to 17 Moore Street and the rest of the Dublin Central site, which extends from Moore Street to the former Carlton Cinema on O'Connell Street and takes in much of the ground in between.

Deputy Jan O'Sullivan also mentioned the traders there. I believe the advisory group met Dublin City Council previously and discussed a range of issues. A submission was made by the group on behalf of the traders to the review currently taking place with regard to the casual trading by-laws. I believe Dublin City Council is currently examining all these submissions. It is important to say that we want to get it done as expeditiously as possible but properly.

### **Heritage Council**

10. **Deputy Martin Heydon** asked the Minister for Culture, Heritage and the Gaeltacht the interaction planned with county heritage officers as part of Heritage Ireland 2030. [47428/18]

**An Leas-Cheann Comhairle:** In accordance with Standing Order 41A, approval has been given to Deputy Deering to take Question No. 10 on behalf of his colleague.

**Deputy Pat Deering:** The Minister recently launched a public consultation process into Heritage Ireland 2030. What plans has she to interact with the heritage officers right around the country, as I believe they have an important role to play?

**Deputy Josepha Madigan:** Our heritage is a priceless and irreplaceable national asset which belongs to all of us. The natural and built heritage around us enriches our lives, inspires our achievements and gives life to our communities. It underpins our culture, our economy and our society. We want everyone to be able to enjoy this heritage, to have a sense of pride in it, and to keep it safe for the future.

The four-month public consultation process, which I announced on 1 November and which is open until the end of February 2019, is a critical phase of the development of the new national heritage plan for Ireland, Heritage Ireland 2030. This consultation offers us a unique opportunity to rethink how we care for our habitats, landscapes, wildlife, historic buildings and monuments so they can be celebrated and enjoyed long into the future.

The Heritage Council is a key partner of the Department in the consultation process and the heritage officers, as the Deputy correctly mentioned, in every county will have a significant role to play in engaging with communities and heritage partners at a local and county level to ensure that everyone in our communities across the country who wishes to do so has the opportunity to contribute and help shape the plan. My Department is in contact with the Heritage Council about this engagement and details will be announced shortly. It will more than likely involve a series of work shops and town-hall like meetings, all feeding into the final document. The Heritage Officers' Network is in a unique position to bring their particular expertise into the consultation process and I look forward very much to their input as key partners. As heritage officers, they are closer to communities and have an instinctive feel for what those communities want in a national plan and for what will deliver real and tangible heritage returns.

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

In developing the public consultation document guiding this public consultation, my Department met the Heritage Council and other key stakeholders. Written submissions were also sought and received from various other stakeholders, including the heritage officers. This engagement was critical to developing the broad themes of Heritage Ireland 2030.

Our vision for heritage is simple - that heritage is valued and protected. Heritage Ireland 2030 is built around that vision: that the way in which we identify and protect our heritage is the best it can be. Heritage Ireland 2030 is built around three emerging themes: national leadership, stronger heritage partnerships and communities and heritage. It is intended to draw up an action plan under each theme with full, open and regular review of objectives over the lifetime of the

plan to 2030. We now look forward to the public and all other stakeholders expressing their views on these central themes, draft objectives and actions so we can all deliver on our central vision for heritage that it is valued and protected.

I am grateful to all those key stakeholders, including the heritage officers around the country, who have engaged with us in shaping the consultation strategy for Heritage Ireland 2030.

**Deputy Pat Deering:** I thank the Minister for her response. I concur with her sentiments as regards our heritage and the importance of it. I also agree with the importance of local community involvement and the heritage officers having a key role to play in that regard.

I suppose I speak from a parochial point of view. There are 27 heritage officers around the country. Unfortunately, Carlow does not have a heritage officer. Carlow is at a significant disadvantage in this consultation process in that it will not be able to provide input directly to it. Are there any plans to rectify that? Carlow is one of the only such counties. Even though it is a small county, it is a proud county and has its own heritage like every other county. It is essential that the heritage officers provide input directly. The heritage officers are the ones who have expert knowledge of what is happening, the local connections etc. Has the Minister any plans to rectify the situation? In the event that it will not be rectified, how does the Minister foresee counties, such as Carlow, which do not have a heritage officer having the same input into the proposal?

**Deputy Josepha Madigan:** The heritage officer programme is co-ordinated and funded by the Heritage Council and the heritage officers are local authority employees. Our primary channel of communication with the heritage officers is through the Heritage Council. The Deputy may well be disposed to let the Heritage Council know of the gap in Carlow in heritage officer provision which I am sure is badly needed. It may be something the Heritage Council might be interested in addressing.

My Department has been in close contact with the Heritage Council through the development of the consultation process and we have been in direct contact with the Heritage Officers' Network as well. A meeting is happening tomorrow, the purpose of which is to discuss the practical arrangements for the consultation. There are major monuments in Carlow such as Carlow Castle, the high cross at Nurney and the prehistoric portal tomb at Brown's Hill. There are also monuments that span the prehistoric period, from the fourth millennium BC through the high point of early Christian art in the ninth and tenth centuries and into the key historical events of the Norman invasion of Ireland. There is a lot of heritage in Carlow that will be worth considering.

**Deputy Pat Deering:** I thank the Minister for recognising the fact there are a number of key heritage sites in Carlow. The dolmen she mentioned is one of the biggest in Europe and the site needs to be developed even further.

The Minister mentioned the idea of workshops throughout the country, which could be beneficial. In the event that there is no heritage officer in Carlow, is there a plan to have a similar type of workshop involving the Kilkenny officer, who services Carlow on a reasonably regular basis? Will that type of workshop proposal be available in Carlow to take on board all of these suggestions in order that the county can get equal representation?

**Deputy Josepha Madigan:** It is important that Carlow is represented, whether by Kilkenny, as the Deputy said, or perhaps through talking to the Heritage Council directly. The regional



workshops will be rolled out in the coming weeks and will continue throughout the consultation period. The locations and dates will be set following our meetings with the County Heritage Officers Network, the Royal Irish Academy and other partners who are going to be involved in the workshops. These discussions will, of course, include the heritage officers for the Deputy's area, if they are available, or somebody representing them, who will have an opportunity to offer to host a workshop in that area. The final workshop will take place in Dublin as a national discussion day on heritage which will mark the end of the public consultation and will draw together all of the strands from the earlier local and regional meetings.

## **Film Industry**

**11. Deputy Richard Boyd Barrett** asked the Minister for Culture, Heritage and the Gaeltacht if she will report on meetings she held recently with stakeholders in the film industry; and if she will make a statement on the matter. [47421/18]

**Deputy Richard Boyd Barrett:** The Finance Bill is going through the Houses at present. Section 481 dealing with tax relief for the film industry amounts to €70 million or €80 million a year. It is positive that we are investing in the film industry but, as the Minister knows, given it was discussed at length at the all-party Oireachtas committee, there are quite serious disputes and issues over working conditions in the film industry. The all-party Oireachtas committee recommended that there be a stakeholder forum where all stakeholders get together to discuss the future of the industry. I want to know which film industry stakeholders the Minister met recently. When will the forum be convened? Can we have assurances that all stakeholders will be asked to attend that forum?

**Deputy Josepha Madigan:** My Department and I have a strong relationship with the film industry, with meetings and other interaction taking place on an ongoing basis. This is particularly true of the relationship with Fís Éireann, the State's agency for the development of the film industry which comes under the remit of my Department. Fís Éireann is funded by my Department and in budget 2019 I announced an increase of 14% in the 2019 Fís Éireann allocation, bringing it to €20.04 million.

Most recently, I met a delegation from Universal Pictures in Los Angeles. In October I met the Fís Éireann chair, Annie Doona, and the chief executive officer, James Hickey, along with officials of my Department, in September I visited the animation production studio of Brown Bag Films and in August I met Neil Jordan on the occasion of his donation of his archive to the National Library. I visited Troy Studios earlier in the year and, later this month, I hope to visit the set of "Sweetness in the Belly". Officials from my Department have recently met with the IBEC audio-visual committee, representatives from TG4 and representatives from the Irish Film Workers Association, among other engagements.

As part of the Government's audio-visual action plan, which was launched last June, I established an oversight steering group charged with the overall implementation of the plan's recommendations. I have put this in place as previous strategic plans have lacked an agency or group responsible for implementation. This steering group has met three times. The group includes representatives of all Departments and State agencies with involvement in the audio-visual industry. The steering group will report to me at regular intervals and is engaging proactively with stakeholders in the film industry.



Screen Training Ireland, which is a division of Screen Ireland, plans to hold an inaugural screen industry education forum on 19 November. The aim of this annual event is to bring screen industry stakeholders, education-training providers and policy influencers together to focus on the skills development challenges and opportunities of the screen sectors in Ireland. My Department is also engaging with Fís Éireann in regard to the holding of an industry forum, which the Deputy mentioned, in the near future.

**Deputy Richard Boyd Barrett:** The screen education-training forum is important and is long overdue because there is still no proper structure for training and progression for trainees. However, the industry forum is critical. This was recommended by the all-party Oireachtas committee and we need to know it is going to happen. As the Minister knows, there are very serious issues that need to be resolved in the interests of everybody in the industry, so we need that forum to happen. I am sure the Minister is aware there is a lot of controversy around this. The position of the Government has to be absolutely clear that all stakeholders, whether representatives of workers, producers or otherwise - namely, all those who work in the industry - need to be represented to address whether workers' rights are being fully vindicated in the industry, whether section 481 and public investment in the film industry are being properly policed, what benefit we are getting in terms of employment and, in particular, the requirement for quality employment and training in the industry. I am seeking assurances that the Minister will ensure that this forum happens and soon.

**Deputy Josepha Madigan:** The Deputy has my assurance in that regard. I would be open to any suggestions he has on resolving the inter-union disputes in regard to the industry forum. It is the unions which are not talking to each other. My Department is working very closely with others to try to get this up and running but, unfortunately, there are inter-union issues, which were highlighted by the transmission of the "Prime Time" programme, which focused on bullying and harassment in the film and television industry. As a result of that, implementation is proving very challenging.

At a meeting I had on 17 October with Screen Ireland, it discussed proposals for the holding of this forum and for the appointment of an independent chair. Following the meeting, Screen Ireland has made significant progress, having prepared draft terms of reference for the forum and circulating them to my Department, with proposals for the independent chair as well as the proposed speakers at the forum, and with reference to Screen Producers Ireland. Unfortunately, there has been a great deal of difficulty because of that. Screen Ireland issued a press release condemning harassment in the workplace. It is important to note that employees in every industry and sector are entitled to all existing legal protections. The Deputy may be aware that Kieran Mulvey has been appointed as mediator and has been trying to get everybody involved in this forum.

**Deputy Richard Boyd Barrett:** The "Prime Time" programme certainly outlined the disputes that exist. However, it was a bit of a travesty in terms of balance because it tried to imply that one group alone was responsible for problems in the industry and deliberately ignored evidence from other sources, for example, from workers in the industry and in particular from a number of organisations such as the GMB and SIPTU-Equity, whose representative, for example, said blacklisting was widespread in the industry.

The point is that no group should have a veto on whether this forum happens. The forum should happen. Everybody should be involved and these issues should be resolved. I agree there are internecine trade union disputes and so on, but it is not a trade union forum; it is an

industry stakeholders forum. Trade unions should be invited but all representatives of workers and all stakeholders need to get into a room to resolve this in the interests of the film industry. While I appreciate the Minister's response, we have to force the pace of this and ensure that industry forum happens and that nobody tries to boycott or sabotage it.

**Deputy Josepha Madigan:** As I said, I would welcome suggestions from the Deputy on how we could get the unions to come together. The Deputy will be aware that SIPTU will not allow the Irish Film Workers Association, with which, as far I am aware, he is working, to come to the table. Screen Ireland and the Department want it to happen and it is hoped that Mr. Kieran Mulvey will be successful in bringing people together. Mr. Mulvey has been engaged to start conversation. The Screen Directors Guild of Ireland, which represents the majority of Irish film workers, has expressed concern about ongoing labour relations issues, including wild cat protests and intimidation, which it says was instigated by a minority of workers within the film industry and is causing long-term damage to Ireland on the global stage and is not representative of its members.

I understand that Mr. James Hickey of Screen Ireland wrote to Deputies Boyd Barrett and Tóibín on 5 November in regard to the issues raised in the "Prime Time" programme.

**Deputy Richard Boyd Barrett:** I did not receive a letter from him.

**Deputy Josepha Madigan:** Screen Ireland has a comprehensive dignity at work policy. Also, legislation is being brought forward by my Cabinet colleague, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, in regard to security and predictability of working hours for employees on insecure contracts and those working variable hours.

**Deputy Richard Boyd Barrett:** I would be careful about the narrative that a minority of people in the industry are doing this, that or the other. There are accusations flying from all directions. I would not take anything related to the "Prime Time" piece as read. We need to get to the substantial issues, which are predictability and continuity of employment and whether the public investment in the industry is securing what the tax relief is supposed to in law achieve, which is quality employment and training. It is critical that the forum happens and that we have an open airing of the different perspectives and come to a solution which allows the industry as a whole to move forward. The accusations and counter-accusations seem to be designed to prevent getting a resolution to this important question, which if we get it right will be to the benefit of the film industry and the country.

**Deputy Josepha Madigan:** I note what the Deputy is saying. I reiterate that if he has any suggestions, other than the appointment of Mr. Kieran Mulvey-----

**Deputy Richard Boyd Barrett:** The forum.

**Deputy Josepha Madigan:** If the Deputy has any suggestions on how deal with the inter-union issues he should forward them to my Department. In regard to what was written in the letter from Screen Ireland, I urge caution.

## **Wildlife Protection**

12. **Deputy Thomas P. Broughan** asked the Minister for Culture, Heritage and the Gaeltacht her views on the request by an organisation (details supplied) for a global deal along the

lines of the Paris Agreement on climate change for wildlife and natural resources following the report of the organisation on catastrophic falls in many wildlife populations across the world since 1970; and if she will make a statement on the matter. [47220/18]

**Deputy Thomas P. Broughan:** I also met the film workers on a number of occasions and I support Deputy Boyd Barrett's comments.

The Minister will be aware that a few weeks ago the Zoological Society of London published the Living Planet Report 2018, which shows that the animal populations on the planet have reduced by approximately 60% since 1970. This is being talked about as the sixth mass extinction. The World Wildlife Fund is asking that we would begin to treat this matter in the same way as we do climate change by putting in place an agreement similar to the Paris Agreement in regard to animals and biodiversity.

**Deputy Josepha Madigan:** My Department is aware of the recent Living Planet Report 2018, which is the latest to highlight global declines in biodiversity in very stark terms. I am concerned about any decline in species, as well as any loss of habitats around the world. Biodiversity loss is an enormous challenge that requires a concerted response from the global community. The UN Convention on Biological Diversity, CBD, is the key international agreement underpinning international co-operation on biodiversity and, as noted in the Living Planet report, it is the appropriate body for such a global agreement.

My Department will be represented at the Conference of the Parties which will take place in Egypt later this month. The main work of this conference is to achieve the groundwork for the post-2020 framework for tackling biodiversity loss and this has been the subject of lengthy discussions between the EU member states during this year. In addition to the overarching framework of the CBD, there are a number of targeted agreements that Ireland and our colleagues across the EU actively participate in with a view to meeting the challenges presented by the loss of species and habitats around the world. These agreements include the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES. The CITES agreement is instrumental in tackling, on a global level, the continued threat posed by illicit trade to vulnerable and endangered species, including rhinos, elephants, sharks and rosewood. It should be noted that protecting species also helps preserve the habitats they live in for future generations.

The 18th Conference of the Parties for CITES will take place next year in Sri Lanka. EU member states, including Ireland, are beginning preparations so that a strong and coherent pro-conservation position can be presented at the conference negotiations on behalf of the EU and its member states.

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

Efforts to achieve global consensus on tackling biodiversity loss are complementary to existing agreements on climate change. The impacts of climate change on biodiversity are significant and detailed consideration is given to this issue in the context of discussions at EU level and the CBD. Another important consideration is the effects of invasive alien species on native species and habitats. This issue is also being tackled on an international level, notably through the EU invasive alien species, IAS, regulation and frequent discussions, at scientific and policy levels between member states to best deal with the threats posed to biodiversity across the EU and also with a view to EU member states having their voices heard at a global level during the

CBD Conference of the Parties and other international meetings.

The need for a coherent multilateral and multi-disciplinary approach to halting biodiversity loss is clear. I support the work of my Department in participating in efforts through a range of international agreements and conventions to make progress on this issue and I look forward to a productive and forward-looking outcome from the CBD Conference of the Parties later this month.

**Deputy Thomas P. Broughan:** As the Minister will be aware this report follows a widespread study of 4,000 vertebrate species, including more than 18,000 populations of mammals, reptiles, amphibians, birds and fish. The director of the World Wildlife Fund, Mr. Mike Barrett, is of the view that we are facing a cliff in this regard and, thus, the comparison with the Paris climate change accord. This situation is as detrimental to the survival of the planet as climate change is because ecosystems rely on each other. The Minister mentioned the UN convention and the 2020 meeting. Given 60% of the earth's mammals have been wiped out since 1970 and our forest and river habitats are facing depletion, would she be interested in pushing for a comparable accord to the Paris climate change one in relation to this matter?

**Deputy Josepha Madigan:** I can assure the Deputy that we take this matter seriously. Ireland's third national biodiversity action plan sets out actions to which a range of Government, civil and private sectors will undertake to achieve our vision for biodiversity. It is important that we do this. An allocation of €250,000 has been provided in 2018 to support, for example, local authority biodiversity projects and an additional €150,000 has been allocated to support tackling invasive alien species in their areas. There are many targeted actions that contribute towards our obligations under EU international directives and other relevant national policies, including the national peatlands strategy and the climate change adaptation framework. In February 2019, I will host a conference with Irish stakeholders on biodiversity, at which I will announce the first Biodiversity in the Community awards. We must address these issues at a local level before reaching out at a global level. I will also launch the 21/Seeds programme, which is an initiative of agreed actions by all stakeholders. We also have the The Living Bog programme which I spoke about earlier.

**Deputy Thomas P. Broughan:** We tend to think of Asia, palm oil and deforestation, Latin America and the expansion of soya and the fears that many people have for the new Brazilian President in that regard. I commend the Government on the Dublin Bay biosphere. It has been reported that Howth Castle is to be sold. There is concern in my constituency that Howth peninsula, which has been a fantastic green lung for Howth, could be under threat as well. The Minister's Department can confer national park status on endangered wildlife areas. Will she consider taking such action in relation to Howth, to which there are approximately 1 million visitors annually? Everybody who comes to Dublin is told it is a wonderful place to visit and explore in terms of its green areas, wildlife and so on. National park status for Howth is, perhaps, the way we need to go in this regard closer to home.

**Deputy Josepha Madigan:** My Department is always interested in receiving submissions from Members of the Oireachtas. Howth may well be an area that we could examine.

*12 o'clock*

We already have six national parks covering 8,000 ha, 78 national reserves and 280 national monuments. There is a balance to be struck between conservation and extending that. I ap-

precipitate the Deputy's comments that the Department is doing everything it can to work with the new Minister for Communications, Climate Action and Environment, Deputy Bruton, on climate action, across Government and on biodiversity. There is also a draft sectoral climate change adaptation plan for biodiversity which has been drawn up by the scientific staff at the National Parks and Wildlife Service, NPWS. This was circulated by the NPWS recently. We also held a stakeholder workshop in October to discuss and refine elements of the plan. What the Deputy said is very important. We have to make sure we look after ecosystems and habitats for future generations. As Mary Robinson said, if we do not deal with it in this generation there will not be another one.

*Written Answers are published on the Oireachtas website.*

### **Ceisteanna ó Cheannairí - Leaders' Questions**

**Deputy Darragh O'Brien:** Looking at the newspapers here and in the UK, there is a huge contrast in how the draft withdrawal agreement is being received. It is 585 pages and it outlines in detail 45 years of deep integration, protecting certain rights, defining outstanding obligations and sets out a transition period in which both the EU and the UK can adjust. Commitments in the document go up to 2030 and beyond. It sets out how the rights of EU citizens who live in the UK can be catered for and how UK citizens will be catered for within the EU. One of the protocols in the draft agreement makes unique arrangements for Northern Ireland. This includes protection of rights, security co-operation and the continuation of the common travel area. The Good Friday Agreement remains intact. This protocol also outlines the backstop arrangements and how these would remain in place unless a separate EU-UK deal replaces them.

This draft agreement allows the UK to leave the EU on 29 March 2019, which is only 165 days' time. It is a draft treaty until the EU negotiators meet on 26 November and, more importantly, until the UK parliament votes on it before Christmas. Our party gave a cautious welcome to the draft withdrawal agreement that has taken thousands of hours of negotiations and meetings and compromises from all sides. It is obviously in Ireland's, the UK's and the EU's interest to have a Brexit deal. The alternative does not bear thinking about because it will have huge economic and other ramifications for Ireland, the UK and the EU. However, the alternative no-deal crash out may become a reality and we will have to plan accordingly given what is happening this morning and continues to happen as I stand here. The Democratic Unionist Party, DUP, has, unfortunately, said it will not be voting for the agreement, even before having read it. The Brexit Secretary, Dominic Raab, resigned his post and two other junior ministers have also resigned.

**A Deputy:** Three.

**Deputy Darragh O'Brien:** It is three now. That shows how quickly things are moving. We do not know if there will be any more as the day goes on and, while it is a matter for the UK, it has serious consequences for Ireland and the rest of the EU. Does the Tánaiste accept that these resignations are giving very negative indications for the ability of the UK Parliament to vote for the draft withdrawal agreement particularly as the British Labour Party leader, Jeremy Corbyn, said this morning that the draft agreement is "ill defined" and that he would prefer no



deal to a bad deal? Have the Tánaiste or Taoiseach met, or are they planning to meet, with Mr. Corbyn to discuss the draft withdrawal agreement before a vote takes place? As the EU Council is meeting on Sunday week, 26 November, does the Tánaiste expect changes to the current draft after that Council meeting? Can he confirm that the Government is increasing its preparedness for a no-deal Brexit as advised by the European Commission?

**The Tánaiste:** I thank all parties in this House for their cautious welcome for the draft text of the withdrawal treaty that was supported last night by the British Cabinet and that we suspect will be supported also by the European Council. This has been a long and at times a very difficult negotiation and I want to pay tribute to the Irish teams of negotiators, and diplomats in particular, who have done an extraordinary job in building and maintaining EU unity around many of the Irish vulnerabilities and questions. I also thank Michel Barnier for his extraordinary capacity to understand the detail of the multiple concerns and questions that have come from this island in the context of Brexit and its potential fallout, and for accommodating all the commitments that have been made to Ireland and to the EU by the British Prime Minister and her government during the negotiations to date in the legal text that was delivered last night. There were many commitments made in a political statement last December. Those commitments were added to in March and many people were sceptical about whether they could be translated into a legal text that could be sold on both sides of the Irish Sea in a way that protected this island, the relations on it, North and South, in a way that did not in any way undermine the constitutional integrity of the United Kingdom, including Northern Ireland, but provided pragmatic solutions that ensured we did not face the prospect of physical Border infrastructure or related checks or controls between the two jurisdictions on this island. That is what this agreement does. It involves compromise and flexibility on both sides. It has involved a response from the EU side to the British Prime Minister's demands that Northern Ireland could not be separated from the rest of the United Kingdom in the context of a customs territory and that issue has been resolved.

We have a deal and a text that follows through on the commitments that have been made and does so in a way that protects Ireland's core interests now and into the future in a way that we can all stand over, I hope. Of course there are challenges to selling any package in the United Kingdom and in Westminster. Many people would say there is no majority for any way forward in the House of Commons. The British Prime Minister said last night that she faces difficult days ahead and I am sure she does but she is resilient, she has shown a remarkable capacity to get things done in very difficult circumstances and certainly we want to work with her and support her in the future relationship negotiations that need to happen to ensure that the backstop that is now catered for in this agreement never gets used. I hope we will have the opportunity to do that.

**Deputy Darragh O'Brien:** I asked the Tánaiste whether he had met the British Labour Party leader, Jeremy Corbyn, or had any plans to do so. He might answer that question when he responds. We all acknowledge that there are serious and deep concerns in the UK. There is no triumph in negotiating something which cannot be delivered so we all need to be mature about this. The time for victory and celebration is when this draft agreement is accepted and ratified by all. The Tánaiste and the Ministers should be acutely aware of the impact of comments made here in Ireland during what is a very sensitive and volatile time in the UK. I ask the Tánaiste and his colleagues in government to try, from today, to resist the temptation to brief the press with victorious statements, such as we have seen in some of the Irish newspapers today. That is irresponsible and they should desist from that. They should put the national interest first in this



instance. Much time and effort has been put in by the Government, with the support of the Opposition. Every statement being made in Ireland is being scrutinised, and we should be aware of that. Silence from the Government worked on Monday and Tuesday. I ask the Government to return to being silent for the next day or two and to allow the process to move through Westminster. We have to be conscious of that.

With regard to contingency planning, the Minister for Finance, Deputy Paschal Donohoe, stated earlier that a lot of detailed work has been done. Will the Government publish the sectoral contingency plans on the basis of a no-deal scenario and let the sectors see our current level of preparedness?

**The Tánaiste:** We speak to all political parties in the UK all the time. I have got to know Mr. Keir Starmer, the Labour spokesperson on Brexit, well. He is a very fine person and is on top of the detail. We will continue to have conversations with all political parties. The Government needs to be careful not to pretend it can influence British politics, and it should not try to do so publicly because we might well find it could have the opposite effect to that desired. The British political system needs to tease through the detail of the text. That will happen in the coming days and weeks, and there will be a vote at the end. We will also have a detailed debate. I assure the Deputy that neither the Taoiseach, the Minister of State at the Department of Foreign Affairs, Deputy Helen McEntee, or other Minister, including me, will claim victories or anything like that. That has not been happening. Yesterday we were very careful not to comment when it was not helpful to do so.

**Deputy Darragh O'Brien:** There are interesting headlines in the papers today.

**The Tánaiste:** We have an obligation to explain to the Irish people what has been agreed. We also have an obligation to reassure people that the agreement deals with core Irish concerns because many people were sceptical that it would be possible to get this deal done.

**Deputy Darragh O'Brien:** A draft.

**The Tánaiste:** It is the role of the Government to explain to people in appropriate language why this deal is no threat to nationalism or unionism in Northern Ireland or to the sovereign integrity of the United Kingdom. This is a practical compromise by all sides to allow for a managed, sensible Brexit to move forward in a way that protects core Irish interests and ensures we are not the collateral damage from an unmanaged Brexit deal that does not take into account the interests of Britain's neighbours as well as Britain itself.

**Deputy Pearse Doherty:** Since the referendum result became clear, Sinn Féin has been unequivocal in stating Brexit presents the most serious social, political and economic threat to our island in a generation. We have been crystal clear in stating the Government's approach to the negotiations had to be guided by an appreciation of the fact that the majority in the North voted to remain in the EU. That view must be recognised and needs to be respected. We put the case for special status that takes cognisance of the unique circumstances that present themselves on our island. As has been well rehearsed, that means no return to a hard border, the protection of citizens' rights and the protection and upholding of the Good Friday Agreement in all its parts.

Yesterday's deal is not perfect. It is not even a good one if one accepts that Brexit, in whatever guise, is bad. It is bad for everyone. It is bad for Ireland, Britain and the EU, and we accept that. There is no such thing as a good Brexit. Brexit is bad for our island, whatever the circumstances or deal on the table. Having said that, I acknowledge that the deal agreed and

approved by the British Cabinet yesterday is one that mitigates the worst aspects of Brexit.

There are issues we need to iron out in the time ahead and that need to be clarified. Some of those can be addressed by the Government and Houses of the Oireachtas, particularly the issues of rights and representation. We will return to these in due course. I believe some of these concerns were raised with the Tánaiste this morning by my party's vice president, Ms Michelle O'Neill, as part of a delegation of parties presenting the pro-remain majority in the North. I do not want to labour this point but it is worth saying that the four parties the Taoiseach and Tánaiste met this morning represent the majority view of citizens in the North; the DUP does not. Over the past 48 hours, DUP representatives have been using the most incendiary, brash and ostentatious rhetoric, which is not helpful. It is absolutely reckless and irresponsible.

Ordinary citizens in the North, be they republican, nationalist, unionist or otherwise, recognise Brexit is not good, and they want a deal that protects their livelihoods and futures. This is not an orange or green issue. When we speak, we speak for the majority on a cross-community basis, not for narrow, ill-founded interests. We made that point to the British Prime Minister last night during the course of a telephone call with her. During that conversation, she said the advice of the British Attorney General in respect of the withdrawal agreement would be made available to the House of Commons before the so-called meaningful vote. I presume the Tánaiste will have access to advice on the Irish protocol, whether from our own Attorney General or the European Commission. Will he publish that or a summary of what it would be appropriate to publish so Members of this House can have the fullest possible picture and legal certainty regarding what is on the table prior to any vote?

**The Tánaiste:** I remind the House, as the Deputy has, that Brexit is not Ireland's policy. We do not agree with it. We believe it is a mistake but, at the same time, we must respect the decision of the UK as a whole, which has voted to leave the European Union. We also have an obligation to ensure that, because Ireland is uniquely exposed and vulnerable to the politics of Brexit, we remain very much part of the negotiations to ensure we are protecting the core interests of Irish people, North and South, and many British people living on this island who may be negatively affected by unintended consequences from the fallout of Brexit, consequences that were not discussed during the Brexit referendum campaign for the most part and whose complexity was not understood when many people voted to leave the EU. Perhaps they understand it now. What the UK Prime Minister, the Irish Government and Mr. Michel Barnier and his team have had to do was deal with the complexity to ensure we turn a decision by a majority in the UK to leave the EU into a practical set of legal commitments in a treaty, which can organise and manage the arrangement to limit the fallout, protect vulnerable communities and people and ensure we have the closest possible future relationship between the United Kingdom and the EU in the future to allow for trade, political co-operation and so much more besides. That is what the past 12 months of intensive negotiations on the text of this treaty, on which we signed off last night, have been about.

I hope it will not be a question of a majority versus a minority in Northern Ireland trying to win the argument against each other in the weeks ahead. We need to ensure that minorities, in addition to majorities, in Northern Ireland are reassured that any wording of a legal treaty related to Brexit is not a threat to them and that we can try to protect, where possible, the *status quo* on this island so neighbours and people with very different backgrounds ideas and dreams for the future of their country can live together, understanding that we are protecting the core interests of everybody. That is what we are trying to do.

The taking of absolutist positions has been, and continues to be, unhelpful in trying to find a way forward. There are certain things everybody wants from this treaty. One is no return to a physical hard border on this island. We now have guarantees that prevent that. We want to ensure the common travel area between Britain and Ireland remains intact. That is in the agreement and catered for. We wanted to make sure the land bridge that is Britain, which allows us to get goods to and from this island, can continue to be used efficiently. In this regard, there is strong wording in the text.

The Good Friday Agreement is 20 years old this year. It is the foundation for allowing people to live in the absence of violence, by and large. It was not possible before the agreement. It was a matter of ensuring that this agreement would be protected in all its parts. That is in the interest of Britain as well as that of Ireland. That is why the UK Prime Minister, to her credit, has faced people down when necessary to ensure the importance of the Good Friday Agreement to the United Kingdom and Ireland would be factored in during the negotiations.

**Deputy Pearse Doherty:** Anybody who takes the time to read the document will see very clearly in the text that there should be no threat or perceived threat, real or otherwise, in regard to the unionist community in the North. The interpretation of this text will be crucial. The question I put to the Tánaiste was, following the conversation with Theresa May and her agreement to publish the legal documents relating to the withdrawal agreement prior to a vote in the House of Commons, whether the Government thinks it is appropriate to do that here. I listened to the comments of Theresa May in the House of Commons just before I came to the Chamber. She addressed the Irish protocol and said that it is not legally acceptable under Article 50 to establish a set of permanent relationships in the withdrawal agreement. That calls into question the permanency of all this. I understand that Theresa May must do what she has to do, and she has a difficult task in the time ahead. We also must do what we need to do. Brexit is not fleeting. It is here and it is real. The House shares an understanding of the impact Brexit can have, so it is important that the legal advice on the permanency and certainty of the Irish protocol would be provided to the House in whatever form is suitable. That should be taken into consideration by the Tánaiste and the Cabinet and it should happen before a vote in this House.

**The Tánaiste:** On the permanence or otherwise of a backstop, that is there as a fallback position if nothing else can be agreed to resolve the Border issue through a future relationship agreement during a transition or extended transition period. It states that the objective of the withdrawal agreement is not to establish a permanent relationship between the Union and the UK. It also states that the provisions of the protocol shall apply unless and until they are superseded in whole or in part by a subsequent agreement. The definition of temporary is “unless and until” something else can be agreed. The key issue there is that, first, nobody wants to use the backstop. It is only triggered if it has to be used in the absence of anything else that can do the same job. Even if it is triggered there are review mechanisms, which clearly suggests that the intention here is that this is temporary until we can put another agreement in place that everyone can sign. However, that other agreement to solve the problem must be agreed by both sides, and that language is clear to reassure people. If the backstop is used - and I hope it will not - it will be temporary until we can secure a comprehensive future relationship agreement which will be permanent and fundamentally solve the Border question. That is what we are all trying to do, and we will work with the British Prime Minister on that.

Regarding legal advice, this text has been agreed between the EU collectively and the UK through the British Government. From an Irish perspective, the legal advice on this text is EU legal advice. The Attorney General might well have his view on it but the legal advice comes

from the extensive legal team available to Michel Barnier and his task force.

**Deputy Michael Collins:** Growing old in modern Ireland and particularly in west Cork is extremely difficult, to say the least, with people on massive waiting lists even though many are only seeking minor procedures. Many thousands more are waiting months for carer's allowance for caring for a loved one or a neighbour. Tens of thousands are waiting for eye surgery, mainly cataract surgery, which is a 15-minute procedure, but cannot have it carried out in the Republic before they go blind. However, this is not the subject of my question.

The home help service has saved the State millions of euro in the past. The workers, mainly women, have been the most unrecognised heroines of our time. Every Member of the Dáil knows they go far beyond the call of duty for the people to whom they are assigned. They do this without a second thought. The State must examine how it has treated the home help women. Time after time, we hear in the Dáil that home helps cannot be found to carry out the work and that new home helps are being sought. These statements are completely misleading the people. Many elderly people desperately need extra hours. Some have a home help service for a half hour in the morning five days per week, but people in west Cork are told that they will not get extra hours on Saturdays and Sundays as the service cannot get the workers. We know differently. All the workers who have done such an excellent job through the years are desperately seeking extra hours, but they are not given them. Either we are being misled in the Dáil or the home help service is being run shambolically and requires urgent change to ensure the millions of euro will be allocated to the elderly and the home helps who provide the service.

The insulting way the Government has treated the elderly and the home help women is enough to prompt a national inquiry, and I shudder to think what the conclusion of that inquiry would be. Time and again we have been given different spins in the Dáil about the home help service, but Deputies know what is happening on the ground. Home help workers who have done their best for the State for many years are being starved of home help hours and the elderly and others who need extra hours in many cases are being left home alone from Friday morning until Monday morning. This is scandalous, to say the least. Last Tuesday, the Taoiseach spoke about the home help service in reply to questions. He said the Government cannot keep pouring extra money into the service without reviewing where it is going. The public, the home help women and the elderly would like to ask the Government where the money has gone because it did not get to the people concerned. How can a Taoiseach state that millions of euro in additional funding is being put into the service when the people on the ground are not getting a proper service and the home helps are not being allocated extra hours?

It is time to stop the spin on this issue. For once, instead of listening to spin doctors, will the Tánaiste listen to the elderly and the people working on the front line on how they have been treated? Will a proper home help service be rolled out to those who need and deliver the service in the way it should be, to stop millions of euro being squandered needlessly and not getting to those who desperately need the service? Will the Tánaiste request that a survey be carried out of home help workers to ask them how many hours they are working and whether they will accept extra hours if they are offered? Those are serious questions that must be asked of every person who delivers a brilliant service.

**The Tánaiste:** I thank the Deputy for raising this issue. We all share the common objective of improving the quality of life of older people. The home help support is a core service for older people and is highly valued by the service users, their families and the Health Service Executive, HSE, which provides the service. It provides supports that assist older people to

live independently in their homes for longer and enables larger numbers of people to return home following acute hospital admission who otherwise would remain in hospital or potentially would be admitted to long-stay residential care.

Over the past number of years, improving access to home support has been a priority for the Government. This can be seen in the way the home support budget has increased from a base of €306 million in 2015 to the expected expenditure of almost €420 million in 2018. Overall, the HSE national service plan provided for more than 17 million home support hours to be delivered to 50,500 people. In addition, a further 156,000 hours relating to adverse weather funding were provided from spring 2018. Intensive home care packages will be delivered to approximately 235 people at any time and will deliver a further approximately 360,000 hours in a full year. Despite this significant level of service provision, demand continues to rise. All those waiting are assessed and provided with a service, if appropriate, as soon as possible having regard to their needs. People being discharged from an acute hospital who are in a position to return home with supports are prioritised. At the end of August, preliminary figures indicate that 6,269 people approved for new or additional home supports were waiting for funding to be made available.

There is a constant increase in demand in this area for understandable reasons. We have an ageing population and there has been a significant increase in the population over the age of 70 years. That trend will continue. We want people to live in their own homes for as long as possible and to give them the supports that allow them to do that. We are putting in place a new statutory scheme for home support. The Minister of State at the Department of Health, Deputy Jim Daly, is working on that. A great deal is happening in this space but I accept that there is much more to be done.

**Deputy Michael Collins:** The Tánaiste keeps spinning figures and statements at us when we raise this issue. The reality in the community is very different. When did the Tánaiste last speak to a home help woman who delivers the service? When did he last speak to an elderly person who requires the service and cannot get it? I have been doing both throughout west Cork for a lengthy period. The results of my consultation with both demonstrates the shocking way in which they have been treated. Only a few weeks ago one home help woman who has spent many years delivering home help services told me no home help personnel would vote in the presidential election. I asked why and she told me it was because the political system had let them down year after year so badly. In the programme for Government discussions nearly three years ago, we spoke about having home help services on a Saturday and Sunday. A promise to deliver this was made but in west Cork, like the rest of the country, it is almost impossible to get a proper weekday service, never mind a service on Saturday and Sunday.

Will the Tánaiste promise the Dáil to work on taking the roll-out of this home help service out of the hands who have failed to deliver to the elderly and start getting the service delivered by those who can do it? I previously asked him to order a survey of home help personnel to give us feedback on how they are treated.

**The Tánaiste:** It is important to note it is wrong to say people are not being given home help support. We know many more such supports are being given but the demand is increasing with that. It is like so many areas across the health sector, where we are dramatically increasing funding and improving the quality of services while trying to deal with a significant increase in demand at the same time. It is happening in the disability sector, and although there are more disability services in Ireland than ever, there is also more demand. It is the same with hospital



care and elderly care. Through the HSE service plans we must provide increased resources year after year to improve the quality of services, recognising the growth in demand that is there. Of course, we are trying to move away from acute care by investing more money in home care and primary healthcare services. This will allow people to get the supports they need while living in their communities in places like west Cork. We do not want families to have to travel many miles to visit loved ones in acute care, residential care or hospitals. We want them at home with the necessary supports provided by the HSE.

**Deputy Mattie McGrath:** Give them the help then.

**The Tánaiste:** It is what we are trying to achieve and we are investing significantly more money to do that.

**Deputy Michael Collins:** What about the survey?

**Deputy Catherine Murphy:** I realise today's Brexit events are understandably overshadowing everything else. However, today women at the centre of the CervicalCheck controversy and their families still find themselves fighting against the HSE and the State just to get access to their own medical information. They are living in fear, with some in the midst of very aggressive forms of cancer treatment. Others are still dealing with side effects of those treatments. These people should not have to battle for anything else right now; their entire focus should be on staying as well as possible. Unfortunately, that is not the case.

I draw attention to the contradictions that exist between the information being put forward by the Taoiseach, the Minister for Health, HSE officials and CervicalCheck and the lived reality for the involved women and their families. Yesterday I spoke to Mr. Cian O'Carroll, the solicitor representing many of the impacted women, and he informed me he is still chasing slides from as far back as April or May. The HSE put a protocol in place in August, following which Mr. O'Carroll engaged with staff to try to improve it. However, since 10 September, when he provided suggested improvements, he has had no engagement with the HSE. That is more than two months ago.

The Taoiseach agreed with me in the Chamber last week that there should be no further or undue delays. Before that, he told the House that no woman should have to go to court. However, I am told there will be an appeal to the High Court to force the release of the slides for these women and their families. They will be put through unnecessary torture as a result. Seven women from the 221+ group have come to me indicating they are waiting an inordinate time for access to the slides, yet this jars with what HSE representatives told the Committee of Public Accounts last week. They said the average waiting time for women who requested the slides was 22 days and the HSE had put a specific unit in place to deal with the matter. These women have said that is not the reality.

I understand the national screening service ordered Quest Diagnostics to stop releasing slides in August. I also understand that where previously it was the norm to include the accompanying laboratory reports with slides, they are not now being released. It is clear from the experiences related to me that the HSE has become far more focused on legal issues and less focused on patients affected by this matter. The goalposts are moving for these women and their families. We cannot continue to treat them like this. Will the Tánaiste outline the process and timeline whereby these women will be given access to the slides and associated reports?

**The Tánaiste:** I thank the Deputy for raising the matter again as I know she raised it with



the Taoiseach last week. I was present when she did so. I have received a note from the Minister for Health, who I know is probably anxious to respond to the Deputy on the matter. Maybe I can ask him to speak to the Deputy afterwards.

The HSE is focused on responding to all requests for records as soon as possible. To aid this process, external legal advisers are liaising with women and their solicitors on the release of slides. The protocol in place ensures the integrity and traceability of slides being transferred. Under the protocol, solicitors are required to provide specific information about a chosen laboratory before slides can be released. This ensures the integrity of the slide is protected and that all slides can be traced when they leave a current location. Where any delays arise, the cases are being escalated as a priority.

My understanding is representatives of the HSE attended meetings of both the Joint Committee on Health yesterday and the Committee of Public Accounts last week to answer specific questions from Deputies on this. They provided average waiting times and talked through how the process works. I do not have information on individual cases but I assure the Deputy that the Department of Health, the HSE and the Government want to ensure we treat families as quickly as possible while protecting the integrity of the process. This is to ensure families, loved ones and women can get access to their own slides and medical records as quickly as possible without any undue delay.

As the Deputy will be aware, there will also be a report from Mr. Justice Meehan on alternative mechanisms to avoid adversarial court proceedings for women and their families affected by CervicalCheck issues. That report will come back to the Government. We do not want any woman or family to have to go to court to access slides that they should be entitled to access quickly and without any undue delay. We want to focus on the procedures being put in place to ensure that happens.

**Deputy Catherine Murphy:** I would love to believe what I am being told but seven people have contacted me who are caught up in this and who have been directly impacted. Why would they contact me if this was working? The Tánaiste should ask himself that question. I have been told the HSE has been put on notice that there will be a case in the High Court to demand these slides. Why would that happen if this process was working satisfactorily? It is not working satisfactorily and it is unacceptable that people should be forced to go to court just to get their medical information. Will the Tánaiste review this today? I do not want to have to raise this matter and I would prefer it if the process was working for those women. I am sure the Tánaiste would prefer that as well but I do not believe I am being told the truth.

**The Tánaiste:** I will ask the Minister to speak to the Deputy afterwards to get the detail of the case as it is hard for me to respond on a case that may have-----

**Deputy Catherine Murphy:** There are seven cases.

**The Tánaiste:** Okay, it is a number of cases. There may be reasons, legal or otherwise, as to why the delays have happened. We need to understand the detail of those cases and what the blockage is so we can act to remove the blockage as quickly as possible. The only motivation of the Government, the Minister, the HSE and all involved in the lessons learned from the CervicalCheck issue is to try to treat women and their families with the respect they deserve. We are trying to ensure we can give them full access to information as quickly as possible. We also have to protect the integrity of the process. We cannot ignore the legal advice on this but I

assure the Deputy that the priority is to try to give people the respect they deserve and the access to the information that is their right as quickly as possible.

### **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**An Ceann Comhairle:** There are already 21 Deputies offering and we have just 15 minutes.

**Deputy Darragh O'Brien:** On page 98 of the programme for Government, in the section on building on successes of rural and community policing, there is reference to an effective urban and rural policing plan, with a particular focus on what the Government has highlighted, and with which I agree, in the context of the importance of community policing. Will the Tánaiste provide an update on the progress in recruiting community police throughout the country? There are large swathes of Ireland, both within and outside Dublin, that do not have any community gardaí. I commend the focus the Garda has had over the past week with the 80-strong team targeting rural crime gangs with some success in County Meath. It is something to be welcomed. If the Tánaiste speaks to people in rural Ireland they are still incredibly concerned about the lack of Garda presence in their area. What plans does the Government have in place right now to build on some of the successes in rural policing and, more importantly, to focus on community policing in areas where there are no community gardaí?

**The Tánaiste:** The Minister of State at the Department of Justice and Equality, Deputy Stanton, can build on my response if necessary but the straight answer is more gardaí in urban and rural areas, which is what is happening now and we have the budget to deliver it.

**Deputy Pearse Doherty:** Yesterday, the Centre for Co-operative Studies at University College Cork published a report on behalf of Social Finance Foundation. It reminds us that moneylenders are licensed to charge interest rates of up to 187%. Those rates exclude collection charges. When the latter are added in, the figure rises to 287%. This is more commonly known as the average percentage rate, APR. A total of 21 of the 28 EU countries apply caps on high cost credit. This includes us but the only cap we apply is on credit unions. We do not apply any cap to moneylenders. This is why during this time of year, and it happened at my house last week, moneylenders go door to door delivering leaflets, playing on the vulnerabilities of people coming up to Christmas and charging these extortionate rates of 187% APR before collection charges are applied. Six years ago, I brought legislation to the House and the Tánaiste's party and the Labour Party voted it down. That legislation would have introduced caps on moneylenders. Given that nothing has changed in the interim, will the Government look at introducing caps on moneylenders so they do not get away with this extortion any longer?

**The Tánaiste:** I will ask the Minister for Finance to come back to the Deputy on that issue.

**Deputy Brendan Howlin:** I welcomed the draft withdrawal agreement published last night and I commend all who were involved over such a protracted period in looking after Ireland's interest. As others have said, it is but a draft agreement. As we follow the situation that is unfolding in London, we should try to be optimistic. However, we need to prepare for what is looking increasingly likely to be the defeat of the agreement because a number of MPs from the British Labour Party, the Liberal Democrats, the Green Party, Plaid Cymru, the Scottish National Party, the Democratic Unionist Party, DUP, and others have all declared that they will vote against it in the House of Commons. Some time ago, the Taoiseach promised that he

would give us, on a confidential basis, a comprehensive briefing on the preparations being made in the event of there being no deal. Obviously, we must prepare for the worst as we hope for the best. Will the Tánaiste provide for this now in order that, hopefully, we will not just be able to hear about the preparations but have an input into them in the event that political events in Britain, over which we have no control, do not allow this very welcome agreement to be accepted?

**The Tánaiste:** I thank the Deputy. A lot of contingency planning is under way. Details have either been published or spoken about, but the contingency plan in the public domain is very much a central-case scenario whereby there would be a deal and a transition period-----

**Deputy Brendan Howlin:** It is very general.

**The Tánaiste:** It is not that general. We have committed to taking on 1,077 extra inspectors at our ports and airports and 451 of them will be taken on next year. That is pretty specific. We are looking at up to €100 million of investment in our ports and airports for east-west trade

**Deputy Brendan Howlin:** There is nothing in Rosslare.

**The Tánaiste:** It includes some for Rosslare. What we are doing is examining how Ireland would respond to this and plan for it in the context of a no-deal Brexit. We are talking to the EU about it and it is planning for-----

**Deputy Brendan Howlin:** I have asked for a briefing for the Opposition.

**The Tánaiste:** We will look to brief the Opposition as appropriate, but I would certainly need to brief the Cabinet before briefing the Opposition.

**An Ceann Comhairle:** I ask people to please have regard to the time allocated.

**Deputy Richard Boyd Barrett:** Earlier this week, I raised with the Minister of State at the Department of Housing, Planning and Local Government, Deputy English, the problems that are pretty rampant with the Rebuilding Ireland home loan scheme. I cited the example of a working couple with a clean credit rating who saved their deposit. One of them is working in telecoms and the other is a hairdresser. Their application under this scheme was refused. I had heard the figure of 67% of applicants being refused. The Minister of State indicated that it is not that bad but that the figure stands at 50%. He said it needs to be worked on. It certainly does if that is the level of refusal in a scheme that is supposed to provide working people with the opportunity to buy homes in a climate where prices are extortionate and where people are having difficulties getting mortgages. When will the work to which the Minister of State referred be done? When will we do something to re-engineer the Rebuilding Ireland home loan scheme?

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** I thank the Deputy for the question. More than 1,000 Rebuilding Ireland home loans have been approved since the scheme was introduced in February. It is a very popular product because it helps people with affordability. An affordable mortgage with a fixed-term interest rate over its lifetime is unique in the Irish market. It is very popular but local authorities must be prudent in making sure when they lend that they do so to people who can afford to make repayments. I am aware of a number of inconsistencies in how the Rebuilding Ireland home loan is being applied across local authorities. An assessment has been done and I am reviewing that assessment at present with regard to what further changes may be made in the very near future.

**Deputy Mattie McGrath:** The people of Tipperary, including myself and my colleagues,

are dismayed at the news we heard this week from the Minister of State, Deputy Jim Daly, that not one additional mental health bed will become available in Tipperary for at least six or seven years. We are in an absolute crisis situation. We had A Vision for Change and all of its promises and platitudes. We have an epidemic throughout the country with mental health issues. To think there is not one single additional long-stay bed in our county. Kilkenny is overflowing and, no disrespect to Deputy Aylward, but they do not want us there because they cannot cope. This situation that we must wait six to seven years before we get an extra bed in Tipperary cannot be allowed to prevail. It is totally unacceptable. Where is the Government's moral compass? Is it in its feet? We cannot allow this situation to continue.

**The Tánaiste:** Resources follow the need. There has been a dramatic increase in the resources available for mental health services-----

**Deputy Mattie McGrath:** In the wrong places.

**The Tánaiste:** -----for adolescents as well as adults. Resources are allocated on the basis of where they are needed most.

**Deputy Mattie McGrath:** Disgraceful answer.

**Deputy Joan Burton:** There was a welcome recent announcement by the Department of Justice and Equality on the extension of the scheme for women who worked in Magdalen laundries to those who were excluded from the first scheme. I was disappointed to discover that women are being asked to provide evidence of having worked. I am sure the Tánaiste knows that many of the laundries do not have records. The Government tends to take affidavit statements about records from the religious orders but not, it appears, in the case of these women. I am hoping to hear that this is just a mistake on the part of the Department of Justice and Equality because it is very important that people who worked in the laundries and who were excluded, and there is all-party agreement on this, should get their money as quickly as possible because they are getting older. I ask the Tánaiste to use his good offices to try to rectify this wrong and have the women included in the scheme.

**The Tánaiste:** I will certainly raise the issue with the Minister for Justice and Equality and come back to the Deputy on it.

**Deputy Eugene Murphy:** The programme for Government states:

One of the biggest challenges facing rural Ireland is to bridge the digital divide with urban areas ... we will guarantee the delivery of next-generation broadband to every household and business in the country. No town, village or parish will be left behind under the National Broadband Plan ... 85% of premises in Ireland will have access to high speed broadband within two years, with 100% access as soon as possible up to at most 5 years.

That is now ridiculous. None of that has been honoured nor can it be honoured. I have one simple question for the Tánaiste. I remind the Minister of State, Deputy McEntee, that this is not a laughing matter; it is a very serious matter for those living in rural areas. Where stands our broadband plan? What answer will the Tánaiste give that I can take to the people, particularly those in rural areas who desperately need this?

**The Tánaiste:** We are taking the national broadband plan deadly seriously.

**Deputy Mattie McGrath:** Dead all right.

**The Tánaiste:** A Minister lost his job because of it. There is a new Minister, Deputy Bruton, who is determined to take this forward in a way that can allow the Government to deliver on the commitments in its programme. We will have a report from the auditor soon, giving advice to the Government on the integrity of the process. We will act on the back of that report. I assure the Deputy that, from the Taoiseach down, broadband for rural areas is a big priority that the Government wants to act on.

**Deputy Niamh Smyth:** On page 67 of the programme for Government, there is a commitment to bring youth mental health to the fore through our education system. The foundation of mental health for our youth starts in our schools, but it starts with physical education. County Cavan has some thriving secondary schools but, unfortunately, some of them have dated gym facilities and others have none. Bailieborough community school and St. Aidan's comprehensive school in Cootehill have outdated facilities and have applied consistently for funding but without success. Worse again, two schools in the county, St. Bricin's in Belturbet and St. Mogue's in Bawnboy, have no gym facilities whatsoever. One of those schools has had two critical incidents in the past year. The issue can no longer be ignored and funding must be set aside for gym facilities, a basic requirement in any secondary school.

**Minister for Education and Skills (Deputy Joe McHugh):** I thank the Deputy for raising the issue. It is an important matter because physical education, PE, is now being introduced as an examination subject in the leaving certificate curriculum. It has been trialled in a number of schools and it is a matter on which I am very focused. We also need to focus on PE very strategically in primary schools. The Deputy is correct in what she says about PE facilities in secondary schools. I am getting correspondence from various parts of the country about schools that need gymnasiums and PE halls to implement this part of the curriculum. As part of that we have €8.4 billion available over the ten-year period of the national development plan. A programme will be rolled out to include gymnasiums in that. Obviously that will not happen overnight.

**Deputy John Curran:** Along with Deputies Lisa Chambers, Aylward and others, I have raised the issue of the plight of 25 children in this country who suffer from spinal muscular atrophy. We have met them and are aware of the challenging lives they lead. It does not have to be that way. A drug that could improve the lives of those people has been evaluated, but it has not been deemed appropriate to be made available for them in this country even though it is available in many European countries. The Minister of State at the Department of Health, Deputy Jim Daly, is in the House. I specifically asked if the evaluation process could be reviewed or an access programme put in place. These children are still waiting and it is unfair that they have received no response on what is happening. In many other European countries we would not be having this debate because they would now be on that treatment.

**Deputy Lisa Chambers:** This is the fifth or sixth occasion on which Deputy Curran and I have raised this issue. We were told that a decision was imminent and the families would be contacted. However, they are still waiting for an answer as to whether the drug will be approved. Other countries in the European Union already provide this drug. These children are waiting. The drug is effective and it works. The families even say that if in time it is shown not to work for their child, they are happy to give that up; they just want the chance. It is extremely reasonable. The very least the Government can do is to respond and give them a decision.

**Minister of State at the Department of Health (Deputy Jim Daly):** I acknowledge the persistence of both Deputies and others who have continually raised and focused on this issue.



I repeat what I have said every other time about the independent process and the tension that exists. Behind this is a company looking for a significant amount of money from the State to pay for that drug. That is not to take from the plight of the children affected by this. I undertake to obtain an update for both Deputies before the day is out. I think a meeting is due to be held on Tuesday, but I am not certain.

**An Ceann Comhairle:** Unfortunately, there are 11 remaining Deputies and time has run out. I point out to Members and Leaders in particular that it would be a good idea if everyone adhered to the time allocated for both Leaders' Questions and Questions on Promised Legislation. We would get through many more people if we adhered to those criteria.

### **Regulation of Intimate Piercing and Tattooing Bill 2018: First Stage**

**Deputy Mary Butler:** I move:

That leave be granted to introduce a Bill entitled an Act to make it an offence to carry out an intimate piercing or a tattoo on a person aged below 18 years and to regulate piercing and tattoo businesses.

This would be the first ever regulation of the body art sector, banning tattoos and intimate piercings for those under 18 years of age and strengthening health and safety provisions for the industry. The Bill aims to fill a clear legal void through three main measures, namely, a ban on tattoos for under 18 year olds, a ban on intimate body piercings for under 18 year olds and a strengthening of health and safety regulation in the sector.

The popularity of tattoos and piercings has exploded in the past decade. There has been a large increase in the number of tattoo and piercing parlours across the country. However, Ireland has no specific legislation on the regulation of tattooing and body piercing businesses. Although, there is no published data on the prevalence of tattoos among the Irish population, a 2016 review in the medical journal *The Lancet* states that up to 36% of people younger than 40 years have at least one tattoo, with many being first inked between the ages of 16 and 20 years.

As my husband is a tattoo enthusiast, I know that getting a tattoo is a lifelong decision. Setting an age limit of 18 years effectively legislates for what is best practice in the sector and targets rogue operators. Intimate body piercing for children has been banned in Wales amid fears it can lead to health issues and make young people vulnerable to abuse. Studies that found complications were reported in more than a quarter of body piercings for individuals aged 16 to 24. Under the provisions of the Bill, practitioners would not be allowed to carry out or arrange intimate piercings, including to the tongue and breasts of anyone under 18. Ears, noses, navels and eyebrows are not covered in the legislation.

Despite the fact that the popularity of tattoos and piercings has exploded in the past ten years, the Government has failed to keep pace and ensure strong health and safety standards. We need to ensure high health and safety standards among operators. The risks associated with tattooing and body piercing can range from acute infections to allergic reactions and can occur when the piercing or tattooing equipment becomes contaminated. There are also risks with the disposal of needles and sharps and the same conditions should apply as in any medical setting.

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I have met representatives from the sector in preparing the Bill. The majority of tattoo and piercing parlours operate to high standards and welcome regulation that will remove rogue operators. The representatives are anxious for the Bill to be passed as soon as possible to regulate the industry.

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

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** 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 Mary Butler:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

*I o'clock*

### **Housing Emergency Measures in the Public Interest Bill 2018: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to Second Stage of the Housing Emergency Measures in the Public Interest Bill 2018, taken on Tuesday, 13 November 2018. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Question again put: "That the Bill be now read a Second Time."

<i>The Dáil divided: Tá, 47; Níl, 79; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>	
<i>Brady, John.</i>	<i>Breathnach, Declan.</i>	
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	
<i>Buckley, Pat.</i>	<i>Browne, James.</i>	
<i>Burton, Joan.</i>	<i>Bruton, Richard.</i>	
<i>Collins, Joan.</i>	<i>Burke, Peter.</i>	
<i>Collins, Michael.</i>	<i>Butler, Mary.</i>	
<i>Connolly, Catherine.</i>	<i>Byrne, Catherine.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Thomas.</i>	
<i>Cullinane, David.</i>	<i>Cahill, Jackie.</i>	
<i>Daly, Clare.</i>	<i>Calleary, Dara.</i>	
<i>Doherty, Pearse.</i>	<i>Canney, Seán.</i>	
<i>Ellis, Dessie.</i>	<i>Carey, Joe.</i>	
<i>Ferris, Martin.</i>	<i>Cassells, Shane.</i>	

<i>Fitzmaurice, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Chambers, Lisa.</i>	
<i>Funchion, Kathleen.</i>	<i>Collins, Niall.</i>	
<i>Harty, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Healy, Seamus.</i>	<i>Coveney, Simon.</i>	
<i>Howlin, Brendan.</i>	<i>Cowen, Barry.</i>	
<i>Kelly, Alan.</i>	<i>Creed, Michael.</i>	
<i>Kenny, Gino.</i>	<i>Curran, John.</i>	
<i>Kenny, Martin.</i>	<i>D'Arcy, Michael.</i>	
<i>Lowry, Michael.</i>	<i>Daly, Jim.</i>	
<i>Martin, Catherine.</i>	<i>Deasy, John.</i>	
<i>McDonald, Mary Lou.</i>	<i>Deering, Pat.</i>	
<i>McGrath, Mattie.</i>	<i>Doherty, Regina.</i>	
<i>Mitchell, Denise.</i>	<i>Donnelly, Stephen S.</i>	
<i>Munster, Imelda.</i>	<i>Donohoe, Paschal.</i>	
<i>Murphy, Catherine.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Brien, Jonathan.</i>	<i>English, Damien.</i>	
<i>O'Reilly, Louise.</i>	<i>Farrell, Alan.</i>	
<i>O'Sullivan, Jan.</i>	<i>Fitzgerald, Frances.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Flanagan, Charles.</i>	
<i>Ó Broin, Eoin.</i>	<i>Fleming, Sean.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Grealish, Noel.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Griffin, Brendan.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Harris, Simon.</i>	
<i>Penrose, Willie.</i>	<i>Haughey, Seán.</i>	
<i>Pringle, Thomas.</i>	<i>Humphreys, Heather.</i>	
<i>Quinlivan, Maurice.</i>	<i>Kehoe, Paul.</i>	
<i>Ryan, Eamon.</i>	<i>Kelleher, Billy.</i>	
<i>Smith, Bríd.</i>	<i>Kyne, Seán.</i>	
<i>Stanley, Brian.</i>	<i>Lahart, John.</i>	
<i>Wallace, Mick.</i>	<i>MacSharry, Marc.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	

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	<i>Murphy, Dara.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbin, Anne.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Seamus Healy and Catherine Murphy; Níl, Deputies Seán Kyne and Tom Neville.

Question declared lost.

### **Dublin (North Inner City) Development Authority Bill 2018: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to Second Stage of the Dublin (North Inner City) Development Authority Bill 2018, taken on Wednesday, 14 November 2018. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Question again put: "That the Bill be now read a Second Time."

<i>The Dáil divided: Tá, 46; Níl, 59; Staon, 22.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	<i>Brady, John.</i>
<i>Brassil, John.</i>	<i>Barry, Mick.</i>	<i>Broughan, Thomas P.</i>
<i>Breathnach, Declan.</i>	<i>Boyd Barrett, Richard.</i>	<i>Buckley, Pat.</i>

<i>Browne, James.</i>	<i>Brophy, Colm.</i>	<i>Crowe, Seán.</i>
<i>Burton, Joan.</i>	<i>Bruton, Richard.</i>	<i>Cullinane, David.</i>
<i>Butler, Mary.</i>	<i>Burke, Peter.</i>	<i>Doherty, Pearse.</i>
<i>Byrne, Thomas.</i>	<i>Byrne, Catherine.</i>	<i>Ellis, Dessie.</i>
<i>Cahill, Jackie.</i>	<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>
<i>Calleary, Dara.</i>	<i>Carey, Joe.</i>	<i>Funchion, Kathleen.</i>
<i>Cassells, Shane.</i>	<i>Collins, Joan.</i>	<i>Kenny, Martin.</i>
<i>Chambers, Jack.</i>	<i>Connolly, Catherine.</i>	<i>McDonald, Mary Lou.</i>
<i>Chambers, Lisa.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Mitchell, Denise.</i>
<i>Collins, Michael.</i>	<i>Coveney, Simon.</i>	<i>Munster, Imelda.</i>
<i>Collins, Niall.</i>	<i>Creed, Michael.</i>	<i>O'Brien, Jonathan.</i>
<i>Cowen, Barry.</i>	<i>D'Arcy, Michael.</i>	<i>O'Reilly, Louise.</i>
<i>Curran, John.</i>	<i>Daly, Clare.</i>	<i>O'Sullivan, Maureen.</i>
<i>Donnelly, Stephen S.</i>	<i>Daly, Jim.</i>	<i>Ó Broin, Eoin.</i>
<i>Fitzpatrick, Peter.</i>	<i>Deasy, John.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Grealish, Noel.</i>	<i>Deering, Pat.</i>	<i>Ó Laoghaire, Donnchadh.</i>
<i>Haughey, Seán.</i>	<i>Doherty, Regina.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Howlin, Brendan.</i>	<i>Donohoe, Paschal.</i>	<i>Quinlivan, Maurice.</i>
<i>Kelleher, Billy.</i>	<i>Durkan, Bernard J.</i>	<i>Stanley, Brian.</i>
<i>Kelly, Alan.</i>	<i>English, Damien.</i>	
<i>Lahart, John.</i>	<i>Farrell, Alan.</i>	
<i>MacSharry, Marc.</i>	<i>Fitzgerald, Frances.</i>	
<i>McConalogue, Charlie.</i>	<i>Fitzmaurice, Michael.</i>	
<i>McGrath, Mattie.</i>	<i>Flanagan, Charles.</i>	
<i>McGuinness, John.</i>	<i>Griffin, Brendan.</i>	
<i>Moynihan, Aindrias.</i>	<i>Harris, Simon.</i>	
<i>Moynihan, Michael.</i>	<i>Harty, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Healy, Seamus.</i>	
<i>Murphy, Catherine.</i>	<i>Humphreys, Heather.</i>	
<i>Murphy, Eugene.</i>	<i>Kehoe, Paul.</i>	
<i>Nolan, Carol.</i>	<i>Kenny, Gino.</i>	
<i>O'Brien, Darragh.</i>	<i>Kyne, Seán.</i>	
<i>O'Callaghan, Jim.</i>	<i>Lowry, Michael.</i>	
<i>O'Keeffe, Kevin.</i>	<i>Madigan, Josepha.</i>	
<i>O'Loughlin, Fiona.</i>	<i>Martin, Catherine.</i>	
<i>O'Rourke, Frank.</i>	<i>McEntee, Helen.</i>	
<i>O'Sullivan, Jan.</i>	<i>McHugh, Joe.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Penrose, Willie.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Rabbitte, Anne.</i>	<i>Murphy, Dara.</i>	
<i>Smith, Brendan.</i>	<i>Murphy, Eoghan.</i>	



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<i>Smyth, Niamh.</i>	<i>Naughten, Denis.</i>	
<i>Troy, Robert.</i>	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Smith, Bríd.</i>	
	<i>Stanton, David.</i>	
	<i>Wallace, Mick.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Michael Moynihan and John Lahart; Níl, Deputies Seán Kyne and Tom Neville.

Question declared lost.

*Sitting suspended at 1.20 p.m. and resumed at 2 p.m.*

### **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Catherine Connolly - to discuss the admission, care and treatment of a patient with active TB at Galway University Hospital and resulting cross infection of staff; (2) Deputy Fiona O'Loughlin - to discuss the progress of a new school building for St. Paul's in Monasterevin; (3) Deputy Éamon Ó Cuív - to discuss the retention of the superintendent post and the status of Clifden Garda regional headquarters and to provide for all policing business bilingually; (4) Deputy Peadar Tóibín - the provision of a rail line from Dublin to Navan to relieve the worsening commuting situation; (5) Deputy Pat Deering - to discuss the need for a consultant psychiatrist for the south Carlow district; (6) Deputy Alan Kelly - to discuss making the drug Pembrolizumab available to cancer patients; and (7) Deputies Robert Troy and John Lahart - to discuss the need for a dedicated public transport unit here.

The matters raised by Deputies Catherine Connolly, Alan Kelly, Peadar Tóibín, and Robert Troy and John Lahart have been selected for discussion.

**Local Government Bill 2018: Second Stage (Resumed)**

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

**Deputy Jan O’Sullivan:** Last night, I made some points around planning in general and in particular how our cities have different systems. Dublin has four local authorities, Cork has a boundary extension and Limerick, Galway and Waterford have either completed or are in the process of merging city and county. We need to look at the overall picture and do some long-term planning because strong cities are crucial for any country but particularly in Ireland where the Dublin area is so predominant. We must make sure the other cities can develop and become strong centres, both individually and collectively. That is why I also emphasised the importance of the M20 between Cork and Limerick. We already have a motorway from Limerick to Galway, but it is important that we link those three cities, and Waterford in the long term. I am sure that the Minister will be interested in ensuring that happens.

I will return to Cork specifically. I said a service delivery plan was necessary for the areas that will be brought into the city council jurisdiction from the county. Last night the Minister of State said:

For the local financial year 2019, the Bill provides that the relevant area remains part of the rating area of the county council until 31 December 2019 and the county council’s budget and the municipal districts’ schedules of works for 2019 continue to apply for the rest of the year as if the boundary alteration had not happened. The city council will, however, during 2019 set the municipal rate and decide any variation in the local property tax rate for 2020. This means that the basis on which the 2019 budgets were prepared will remain valid for the year.

He went on to speak about the register of electors, the post-boundary alteration position and how the electors would be the ones who would vote for the new council.

There is much that is difficult to understand. It is important the people in the area have certainty and that they are given as much information as possible. I have found the document produced by the Oireachtas Library and Research Service useful because it sets out the different processes and what will happen with property, lands, lights, liabilities, money and so on in the transfer. It also goes through the sections on the Bill and explains what will happen. Some of my Cork colleagues raised concerns around planning conditions granted by the county council and whether the obligation would then be on the city council to fulfil those planning conditions. If there are financial obligations, how will this work? There are several such practical issues which need to be teased out. I understand the enforcement of planning decisions made before the transfer day will become a matter for the city council, but we need absolute clarity for people in the area. I expect there will also be legal eagles looking at this for any loopholes in the legislation. Clarity on these issues will be very important for people living in the areas, but also for others who may be involved in building, for example.

On housing, there is a proposal called One Cork which has been put forward by the trade union movement. I propose co-operation between the city and county, and maybe more, on housing and that there would be a merged body which would develop housing in the Cork area. That has been adopted by the Irish Congress of Trade Unions. It is suggested that there would be that kind of clustering to ensure we build houses where they are needed. We are all aware of the difficulties in the area of housing. I want to strongly make the case that publicly owned land

should be used for social and affordable housing. It is something that arises in Cork, in particular, because there has been a failure by Cork city especially to build the number of houses that are required. Of course, it is an issue around the country and local authorities would argue that they are not receiving the funding and so on, but it is something that will arise in the context of these changes.

There is also the question of local representation and whether people feel they have the appropriate amount of representation in next year's local elections and confusion around the relatively short period of time. The Minister has said that he hopes to complete the legislation before Christmas, but it is a very short time leading up to the local elections. There are concerns about this being able to be done properly so that people feel they are represented appropriately by the correct number of public representatives and by public representatives who can cover their area. It is a big change in local democracy for people who live in the area, and local democracy is very important in the balance between the executive and public representatives in any area. I am concerned that local people would feel that they had public representatives with whom they were acquainted and that they felt could represent them. If not, the balance of power will not be as it should be.

I want briefly to refer to bringing back town councils. We have acknowledged that the abolition of town councils should not have happened. My party has a Bill to restore town councils. There is a good deal of discussion and support in various political parties on bringing back that tier of local government. I do not believe the old system was fit for purpose in many ways. For example, County Limerick had no town councils even though it has a number of large towns such as Newcastle West, Abbeyfeale, Kilmallock and a number of others where other much smaller places had town councils. We need consistency around that but we need that tier of local government. I do not know if the Minister of State can refer to that in his reply.

The Bill also proposes a change in respect of Galway. I believe the solution for Galway will be similar to the one we have had in Limerick. There was much trepidation in Limerick when we were facing into the merger of the city and county councils. A great deal of discussion took place in advance of it. By and large, people believe it has worked. I briefly referred last night to one area where it has not worked. It can happen that the mayor of the city and county comes from one end of the county and when majors visit from the United States, Britain, France or anywhere else they expect the mayor to be based in the city because that is the norm in most countries. There is an issue around that. If we are going to have directly elected mayors, presumably that, to some extent, will address that issue. I do not know if this has been thought through. I do not know if in the case of Limerick, and potentially Galway, Waterford etc. there will be some provision to ensure that the mayor represents the city, as most mayors do. They represent a municipality, an urban area and, in many cases, much larger urban areas than our mayors represent. In terms of the development of urban centres, it can be extremely important to have a mayor who is seen to represent an urban centre or a city in the case of Galway, Limerick or Waterford.

People representing Galway will speak about Galway. I do not have personal experience of the situation there but from my experience in Limerick it is important that people know exactly what will happen, that there is plenty of consultation and that all the concerns in the county and city are heard, taken on board and that appropriate action is taken. Limerick has been somewhat of a guinea pig and there may be some learning from our experience. The change in Limerick has allowed us to develop as an economic unit in a way we would not have been able to do if the councils had been kept separate. That has been important. People will see that there

has been a rejuvenation in Limerick and a renewed sense of confidence that we can grow and develop to become a larger city and a counterbalance to Dublin. That is something we believe has been a success. There may be other areas where we would have some doubts but certainly that has been a success.

We will have questions when we come to deal with Committee Stage. My colleagues from the Cork area, in particular Deputy Sherlock, have concerns and they will be raised as we move forward with the legislation. As the Minister of State indicated, he will bring forward a number of amendments which will cover substantial issues that will need to be fully debated. I look forward to engaging in that debate.

**Deputy Catherine Connolly:** Ní mór dom a rá i dtús báire nach mbeidh mé ag caitheamh mo vóta ar son an Bhille seo. Seachas bheith dírithe isteach ar na fadhbanna tromchúiseacha i nGaillimh - cúrsaí tithíochta agus tranglaim tráchta go háirithe - ceapaim nach bhfuil i gceist anseo ach am amú, airgead amú agus acmhainní amú. Nuair a bhí mé ag breathnú ar an reachtaíocht seo agus ag léamh na tuarascálacha uilig, bhí iontas orm i dtaobh an mhéid atá á dhéanamh ag an Rialtas. De réir mar a thuigim, tá Páirtí an Lucht Oibre ag tabhairt tacaíochta don mholadh atá romhainn. Níl a fhios agam faoi Shinn Féin go fóill.

I will not be supporting this Bill. I say that as a person who has served at local government level for 17 years. I do not believe I ever missed a meeting. As a committed councillor, as many of the councillors in Galway city are, I have read all the reports. This issue arose in 2015 when the then Minister, Deputy Alan Kelly, for some reason, decided to set up an expert advisory group. That group comprises business people, one professor of social work and a barrister, all of whom have no experience at council level. That was the original group and it subsequently became the expert advisory group with the addition of managers and former managers. I have a serious question about that expert group. The then Minister, Deputy Kelly, in 2015 stated:

The ambition is to create a stronger Galway. The major urban centres are critical to the economic success of their wider regional hinterland.

He set up the Galway Local Government Committee and it reported in November 2015. The two interim reports that I have read are internally inconsistent. They refer to citizens and customers. They also refer to benefits but acknowledge that both local authorities are struggling with the resources they have, both financially and in staff terms. They cannot even do what they are supposed to do. The proposed amalgamation will not save any money because the councils cannot save any more money because they are operating on such a limited budget as it is.

We must ask what is proposed. In a Bill that is focused on Cork, and I will leave it to the Cork representatives to talk about Cork, a tiny paragraph about Galway has been inserted. The Minister of State when introducing the Bill referred to that paragraph. He stated:

Part 5 amends the Local Government Act 2001 by inserting a section to provide for a single chief executive with dual responsibility for [both councils]... This will facilitate administrative integration of the two local authorities.

He cited, by way of precedent, Limerick, Tipperary, Waterford etc.

Why that would be in this Bill beggars belief. It has nothing to do with Cork and, even if it was the right decision, the conditions precedent, which came from the so-called expert advisory

group, says that certain things have to happen first. It was not the appointment of one manager for both councils but to address the lack of staff and resources and it refers to a transition director. None of that has happened. Yet, one paragraph covering this proposal has been inserted in a Bill dealing with Cork. At the very least, justice would demand that would be taken out of the Bill. I understand Fianna Fáil intends to do that and I hope it does. If it does not, we will table an amendment proposing that it be removed. It makes no sense for it to be included in this Bill.

I can only judge the substance of the Bill from what I have read because we have not been given anything else. This Bill was not referred to a committee for prelegislative scrutiny and I do not believe a cost-benefit analysis of this proposal was carried out. I see no reason we would vote to have this proposal as a first step. I ask for sense to prevail, to remove this proposal, start again and examine the real problems in Galway city. The Government increased the number of city councillors to 18 and to 39 on the county council. As I understand it and I am open to correction on this, not one of the 18 councillors, who are very important stakeholders, was in support of this proposal. I went forward and made a verbal submission. I regretted having to go to a private hotel to do that - which is an instance of what happens - rather than that taking place in a public building. I raised my concerns. I do not believe any one of those 18 councillors said this was good and each and every one of them engaged with the process. In respect of the 39 county councillors, and I open to correction on this and Deputy Grealish might be more *au fait* with the numbers, almost 99% of them said not to do this. If the Government is going to have a consultation process and 99% of the combined councillors are saying not to do this, and the Government goes ahead and does it, what kind of democracy is that? The Government is proposing a larger local authority which, as acknowledged in various reports and research undertaken, will lead to a larger gap between the people it is meant to serve and those in charge. That runs totally against the Lisbon treaty, which the House has continually been informed is the best thing that ever happened. In fact, the treaty is so good that we had to vote on it twice. One of the specific clauses in the Lisbon treaty involves an absolute binding legal commitment to ensure that decisions are made as close as possible to the citizen. What is proposed here is the complete opposite.

The November 2015 report states:

A starting point for the committee is an acknowledgement of the broadly successful delivery of services and economic development in the current configuration of local government in Galway. The committee acknowledges the broadly successful delivery.

It also indicates that thoughtful submissions were received. However, the overwhelming majority of these were against the amalgamation. Of the submissions received, ten were simple acknowledgements, 23 expressed a broad preference for maintaining the *status quo*, only 14 expressed a preference for a merger and six expressed no preference. We must ask who were the 14 individuals or organisations that expressed a preference for the merger. They included the chamber of commerce and other such organisations but not the elected members - 39 and 18, respectively - of the two local authorities involved. The latter were overwhelmingly against the merger. As already stated, the experts acknowledged there were thoughtful submissions but they did not act on them. They were convinced on balance but that balance was not based on evidence. While the experts acknowledged that the current configuration works reasonably well, they were convinced this is not the optimal configuration on balance. There is no evidence to justify that conclusion. The experts stated that the merger would be broadly cost-neutral and they found it difficult to foresee any savings. The report indicated that local authority staff were struggling because of underfunding.



The second interim report from April 2018 states:

The group notes the significant revenue underfunding of the Galway local authorities relative to comparators, in addition to staffing constraints in key areas. On the basis that the existing resources available to both organisations are not commensurate with realising the vision of an effective amalgamated authority, the expert advisory group recommends that the existing deficiencies in respect of both the human and financial resources be expeditiously resolved as an essential prerequisite to the amalgamation process.

The expert group dealt with staffing levels and stated:

In respect of staffing numbers the figure for Galway County Council is 751.40 WTE or 4.2 staff members per 1,000 population. This staffing complement does not compare favourably with the staffing level of the most comparable counties ...

Arising from this, one would have imagined that action would have been taken. However, no action has been taken. Quite extraordinarily, all of the effort and money which has gone into these three reports has taken attention away from the existing problems in Galway. Professor Eoin O'Sullivan, the group's chairman, stated in his foreword to the June 2017 report that the group had met on ten occasions over the previous five months to examine the technical feasibility and implications of the amalgamation of the local authorities. It took that length of time and that number of meetings to confirm that the merger would be technically and administratively feasible.

I am zoning in on this because there is a serious crisis in housing in Galway. Our housing waiting list dates back to 2002. Galway has major traffic congestion because of the absence of a co-ordinated plan for public transport, school transport and park-and-ride facilities. Rather than meeting them twice a month to deal with these problems, the expert group was examining some future amalgamation. All the while, there was an acting manager in the county council, which placed him in a particular predicament, and a manager in the city council who does not know what he is doing on these issues, although we were reassured this has not affected them. It is difficult enough for Deputies to perform here while wondering whether a general election will be called tomorrow. Imagine having an acting manager in a county council for a period and that person not knowing what is happening. While this is going on, we are getting letters from people who are living in appalling housing conditions and concerned about traffic congestion but no action whatsoever has been.

Outside Dublin and Cork, this will be the largest conglomeration of people in the country. What is proposed for them is based on the recommendation of an advisory group, with no expertise at local authority level, to the effect that what is proposed is, on balance, better economically. IDA Ireland, Enterprise Ireland and Údarás na Gaeltachta are involved. We want to make a large local authority with less democracy. For what? This will involve the third largest population grouping outside Dublin and Cork, stretching from the Gaeltacht, to the three Aran Islands and Inishbofin to Portumna and on to Ballinasloe. Such a geographical variation could not be catered for under such a large local authority. As matters stand, people in Connemara and on Inishbofin feel they are not heard when they are struggling to get basic services such as a health centre fit for purpose. They are struggling to get the ear of the local authority but we are going to make it much bigger in order to satisfy some whim of Deputy Kelly when he was Minister in 2015.

Even if I am totally wrong, it is stated in these reports that there will be no cost savings and that nothing in particular will be gained from the merger. There is reference, however, to a general economic gain. I would be the first to acknowledge that an economic gain is important. However, what is more important is the illusion - I admit I have become even more cynical - of democracy. We are now going to remove that illusion to a larger local authority against everything the people want on the ground.

It is acknowledged throughout the relevant report that there are excellent shared services. From experience, I know about this in the context of the fire and library services. The report in question acknowledges that a high degree of co-operation already exists in joint organisations. Why would the Government set up an advisory group to compile three reports? The answer is that it was to divert attention away from the serious problems that exist. Those problems relate to underfunding and a lack of staff. This is acknowledged everywhere. I pay tribute to the Library and Research Service, which gave us all the information, quite neutrally as one would expect, in the Bills digest.

There is an assumption that bigger is better but we know from the evidence that this is not the case. Only the other day, we attended a presentation sponsored by Science Foundation Ireland in the audio-visual room at which 16 individuals spoke for one minute each and told us about the importance of evidence. We have the evidence. Making something bigger for the sake of making it bigger is not a good solution. This ignores the evidence on the ground that both local authorities are struggling because of a lack of money and staff. What I object to most is that we are talking about enhancing democracy but since my election to the local authority in 1999, I have watched local authorities being stripped of powers. With regard to waste management, Galway achieved 70% recycling in a pilot project and 56% diversion from landfill on a regular basis, while on a shoestring budget. The response of the Government was to privatise the service which has gone backwards since then. Equally, responsibility for water was taken from the local authorities resulting in a loss of experience and knowledge on the ground. The expert advisory group says that local authorities should be increasing services. It does not look at what is happening in reality and talks generally about an increase in service provision, including social welfare. The expert group is suggesting that social welfare-type services should be included in the remit of local authorities. While there may well be an argument for doing that, this suggestion is evidence of the type of internal inconsistencies and contradictions that exist in all of these reports.

This provision has no place in this Bill and makes a mockery of what elected representatives have sought. As I understand it, most of my former colleagues in Galway West, apart from those in the Government party, are not in favour of this. What is the point in having a consultation process? The cynicism of this is hard to take. Perhaps I am being naive in asking the Minister of State and the Government to reflect. Maybe it is beyond the Government's ability to reflect but reflection is an essential part of a functioning democracy. We must reflect, read and learn and take action based on evidence. This is not based on any evidence.

**Deputy Noel Grealish:** I wish to share time with Deputy Michael Collins.

I welcome the opportunity to contribute to the debate on the Bill, which provides significant detail on the proposed extension of the Cork City Council boundary but only refers to the appointment of a new chief executive for Galway city and county in Part 5, under the "Miscellaneous" heading. That is disingenuous and very disrespectful to Galway. The Bill provides for the appointment of a new chief executive to oversee the merger of Galway City Council and

Galway County Council. We deserve more than that in Galway. If this is to go ahead and a deal is done with Fianna Fáil to push it through-----

**Deputy Eugene Murphy:** And with the Deputy himself-----

**Deputy Noel Grealish:** Hold on one minute.

**Deputy Eugene Murphy:** Deputy Grealish is part of the alliance too.

**Deputy Noel Grealish:** I am not part of the alliance.

Galway deserves better than this. Galway is a medieval city, with the first mayor appointed back in 1485, Mr. Peirce Lynch. If this Bill is railroaded through this House and the merger of the two local authorities goes ahead, we will lose our status and the mayoral position. A mayor is one of the most important positions that a city can have and the mayoral position in Galway is truly historic. When important visitors come to Galway, including prospective investors brought to the county by the IDA, they always meet the mayor. How will it be possible to have a chairman of a super local authority with up to 57 members, as well as a municipal district of Galway city and a mayor for the city? That is not going to work. It is not working in Limerick or Waterford. This is my fear with the Bill and I will find it difficult to support.

The Bill makes no reference to the crucial issues of funding or staffing, which will directly impact on the success or failure of any amalgamation of Galway city and county councils. In October 2017, I spoke at length in this Chamber about the need for adequate funding for both councils prior to an amalgamation taking place and my view on this matter has not changed. The second interim report of the expert advisory group on local government arrangements in Galway, produced in April this year, concluded that “the establishment of an amalgamated Authority combining Galway City Council and Galway County Council, would maximise the potential of the region to maintain, secure and grow a sustainable economic base into the future.” However the report also concluded that the amalgamation of the councils “must be preceded by the addressing of the existing deficiency in respect of both the human and financial resources available”. In 2018, Galway City Council had a budget of €994 per person, down from €1,312 in 2008, while Galway County Council had a budget of €626 per person, down from €1,004 in 2008. An amalgamated authority would have a budget of €738 *per capita*, which compares poorly with the €1,000 *per capita* available in other comparable local authorities.

Galway had 740 whole-time equivalent staff members at the end of 2015, while Mayo had 928; Kerry, 1,063; Donegal, 851; and Tipperary, 975. I have read this data into the record of the House previously. Galway is the second largest county in Ireland. In 2016, the budget in Galway was €104 million while it was €125 million in Mayo; €124 million in Kerry; €132 million in Donegal; and €135 million in Tipperary. The situation is bleak, as a combined local authority in Galway would have a total staffing level of 4.5 staff per 1,000 population. The comparative figure for other previously merged authorities is between 5.5 and 6.7 staff per 1,000 population. Only two directors of services employed by Galway County Council are in permanent posts; the rest are acting in their posts, including the chief executive. The latter has been acting for the past three or four years. How can a local authority be run properly with so many people in acting positions? This does not just apply to directors but to all grades of staff. I know of one person who worked in the Connemara region for ten years in an acting position before he retired. That is not acceptable. These funding and staff deficits must be addressed before we proceed further.

It is clear that the ongoing budget shortfall in Galway is having a direct impact on services and staff morale. Of the seven main personnel in Galway County Council at present, five are in acting roles, as permanent positions cannot be filled due to uncertainty. As a result, major decisions cannot be made. The county council's planning office has just half the staffing level of Mayo County Council's but, as of May 2017, it was processing double the number of planning applications. There is no local authority housing construction unit in the council due to an erosion of funding over the past number of years. This lack of funding has contributed to a housing crisis, a lack of critical infrastructure, planning delays and difficulties, minimal repair and maintenance of local roads and a host of other problems.

Over the past number of months I have spoken about the proposed amalgamation of Galway city and county councils with a number of local councillors and senior officials. As Deputy Connolly said, only one councillor is in favour of the merger. All other councillors oppose it because it will not work. The message from councillors and officials is the same, namely that the funding issues must be resolved first. If this is not done, not only will it be detrimental to services but it will also affect the working relationship in the new amalgamated authority as councillors feel that they will be competing with each other for funding.

Galway is a unique county, with a big city as well as rural and sparsely populated areas. Connemara and the areas stretching from Glenamaddy to Portumna are so different. There is a wealth of history in the city itself, with Christopher Columbus numbered among visitors in the past. Galway City Council currently collects significant revenue through business rates and funds services differently from the county council. Understandably, concerns exist within the city that revenue collected through rates will fund services that will be of no benefit to rate payers. The only way to address this concern is to address the funding. Galway is the largest county and city in the west of Ireland. The expert group rightly points out that it has the capacity to be a driver of regional development, to avail of opportunities for enhanced economic development through the national planning framework and the capital programme and to provide regional and national leadership at political and executive level. I agree with those sentiments. There is merit in strategic planning and economies of scale for shared services, but this amalgamation and this Bill should not be passed under the current funding model.

I will not be supporting the Bill as it is brought forward today. Galway deserves far more. I will work with my colleague, Deputy Connolly, to table an amendment that the merger of Galway city and county councils be removed from the Bill. The Bill is about the expansion of Cork County Council. For one section of it to deal with the appointment of a new chief executive to oversee the merger of Galway city and county councils is disrespectful to the people of Galway city and county and its elected councillors. If the Bill is to be enacted, we must be given a guarantee in the House that Galway city will not lose its mayoral status and that adequate funding will be put in place for the merger. It seems that a deal has been done on this section of the Bill, there will not be enough Members to vote it down and it will be enacted before the end of the year. I ask the Minister of State, Deputy Phelan, and the Government to ensure Galway city does not lose its mayoral status and that sufficient funding is available for the merger to be done properly.

**Deputy Michael Collins:** I am grateful for the opportunity to speak on the Bill. It proposes the transfer of part of the administrative area of Cork County Council to Cork City Council. The recent proposed boundary changes which involve the transfer of a significant number of people from the county council to the city council will have a detrimental effect on the county. The loss of areas such as Glanmire, Blarney and Ballincollig will result in a significant long-

term drop in county council revenue, the effects of which will be felt for generations to come.

I represent rural areas of west Cork, some of which are the most disadvantaged in the country. These areas include the Mizen, Sheep's Head and Beara peninsulas, Bere Island, Dursey Island, Whiddy Island, Long Island, Sherkin Island, Heir Island and Cape Clear. We cannot afford any long-term loss of revenue. One need only look at the quality of roads in the county, particularly in west Cork, to see a glaring example of what the current underinvestment and lack of revenue can do to an area. Of course, there are other examples of underinvestment in the area. Several business have closed in west Cork in the past six weeks, including Long's shop in Timoleague, Lordan's in Ballinspittle, Hickey's in Kilbrittain, O'Driscoll's post office in Ballineen, Lisgriffin school in Goleen, Axa Insurance in Bantry, Desertserges post office, Drimoleague Credit Union and The Welcome Inn west of Bandon. Such closures are proof of the current lack of investment in west Cork. The lack of broadband is significantly affecting businesses and the people of the area. Several communities have been waiting many years for wastewater treatment plants. Raw sewage is being discharged into the sea in several locations along our coastline while local communities are doing their best to increase and enhance the tourist industry in the area.

The proposed transfer of this large area from Cork County Council to Cork City Council is a land grab which will have significant detrimental effects on the county council. When I and other members of the Rural Independent Group brought proposals to the Dáil to try to stop the transfer, I was amazed that we could not get the support of other Deputies representing Cork county but were supported by Deputies from Kerry, Galway and Tipperary and other parts of the country who could see what the Bill would do to rural areas of west Cork. Many Cork Deputies turned their back on Cork county, its people and councillors by dancing to their parties' tune. The people of the Cork County Council area will pay a high price for being let down by their Deputies in that way. Cork county councillors across the political spectrum are totally opposed to the proposed changes and have conveyed that to the Government and Members of this House. Their views have been ignored in the effort to bulldoze the Bill through. Who gave the expert advisory group more authority than elected members? Who is running this country? Is it being run by an expert group lined up by a Minister or its elected representatives, whether they be members of Fine Gael, Fianna Fáil, Sinn Féin or another group or party or Independents? Have Members any authority or say in what happens in this country or is everything overridden by an expert group?

The Bill proposes that a financial settlement be made to compensate the county council for the loss of revenue. It is suggested that the financial settlement or compensation would last for up to ten years, although there is talk of that being subject to review. It could be reviewed the week after it is started. Ten, 15 or 20 years of compensation is far too short. At a minimum, the agreement should be for 15 to 20 years with reviews thereafter to examine extending the settlement for a longer period. In the event of Cork City Council being unable or unwilling to honour the financial settlement over a 15 to 20 year period with reviews thereafter, which may be a possibility, the Minister of State, Deputy Phelan, on behalf of the State, should guarantee the payment to Cork County Council. It is imperative that is done because there is no way Cork County Council, which stands to lose a significant amount of revenue as a result of the boundary changes, should ever be in danger of not receiving the full financial settlement.

I cannot understand the transfer large amounts of farming land between Blarney and Ballincollig to Cork City Council. Under the Bill, areas around Coolroe, Tower, Leemount and parts of Inniscarra would move within the city boundary against the will of the people and their



elected councillors, many of whom, including Councillor Kevin Conway, are fighting for the people in these communities. Many residents in those areas are extremely unhappy with the proposed transfer to the city council. Thousands of signatures opposing the plan which were handed in by the people of Ballincollig have mysteriously gone missing. I wonder why that happened and where they are.

The previous Government abolished the town council tier of local government. That tier focused on urban centres and its abolishment was clearly a mistake which needs to be rectified through the restoration of our town councils. I strongly support the reintroduction of an urban focus. There is a disconnect between the municipal districts and urban towns. People in the towns of west Cork no longer have ready access to as many councillors as previously or to what used to be the town hall. That access must be restored. When the town councils were abolished, Clonakilty, which is in my constituency, set up a mayoral council and bucked the trend. It stood up for itself and volunteers in the town carry out important functions in the area for its people. The town was dictated to from the top, but it refused to listen. Its mayoral council has played a significant role in promoting tourism in the area.

Some of the proposals regarding local government area boundaries in west Cork make little sense to me. For example, it is proposed to transfer Courtmacsherry, Timoleague, Barryroe, Darrara and Ring out of the Clonakilty area and into the Bandon-Kinsale electoral area. That makes no sense as those areas are within the Clonakilty catchment area and areas such as Ring and Darrara are within walking distance of Clonakilty town. In spite of that it is proposed that they will be transferred out of the Clonakilty electoral area against the will of the people, local community and voluntary groups and many local representatives. The rumours about the reason behind the change are frightening and indicate that democracy is being ignored. I will not repeat them in the House.

Some of the decisions of the Government and its predecessor on rural Ireland beggar belief. The Government must start taking the people of rural Ireland seriously and give them back their voice. Democracy has been eroded little by little in recent years and the voices of local people and councillors are no longer being heard. They have no voice. They are being dictated to from the top. That is not democratic; it is not the will of the people. It is not the will of the great people of west Cork, who put me into Dáil Éireann. By jamming this proposal down the throats of the people, we are going against the will of the people who elected the Minister of State, Deputy Phelan, and every other Member of this House.

I have referred to the motion I proposed last year. I greatly appreciate the support it received from people in many counties, including Tipperary, Galway, Kerry and Clare. I knew at that time that we would be facing really difficult circumstances in west Cork. I suggest that the Tánaiste and certain party leaders have wagged the tail in this regard. They have forgotten their councillors and their own constituents. Their approach might suit a few people, but it certainly does not suit those who live in rural Ireland. They have not governed for the people of west Cork; they have governed for their own areas.

Even at this late stage, I plead with the Minister of State to withdraw this plan. We certainly have not received any assurance. From what I can see, the initial plan was to give a little assurance to the people. We were guaranteed ten years with no review, but now we are not guaranteed anything without a review. From what I can see, the review could take place within weeks of the agreement being put in place.

I will be opposing this legislation. I intend to table a number of amendments that will be based on what has been expressed to me by elected representatives in west Cork from the Minister of State's party, the main Opposition party and right across the political spectrum, as well as by the communities and people of the area. I will stand by them throughout the legislative process. I intend to force every one of my amendments to a vote if that is what it takes to prove to those I have mentioned that they have turned their backs on the people of rural Ireland, as they have done previously.

**Deputy Fergus O'Dowd:** Ba mhaith liom i dtús báire fáilte a chur roimh an Aire Stáit go dtí an Teach. Admhaím gur Bhille tábhachtach é an Bille seo. Caithfidh go léir anois díriú ar na toghcháin atá le teacht an bhliain seo chugainn agus ar iarrthóirí a phiocadh sna dúthaigh ina mbeidh comhairleoirí á toghadh.

The Second Stage debate on this important legislation provides a timely opportunity to reflect on the future of large urban areas like Drogheda. The Minister of State will be familiar with the issues to which I refer. I will not be making the same points as the previous speaker, in some respects, because I am dealing with a town like Drogheda that has grown phenomenally over recent years. The population of Drogheda has increased to such an extent that it is now the largest urban conurbation-----

*(Interruptions).*

**Deputy Fergus O'Dowd:** I thought that noise was one of my supporters getting into the House. I have lost my train of thought.

**Deputy Billy Kelleher:** The Deputy was talking about Drogheda.

**Deputy Fergus O'Dowd:** I would never forget Drogheda and I hope it never forgets me.

**Deputy Shane Cassells:** The Deputy was saying that he wants Drogheda to join County Meath.

**Deputy Fergus O'Dowd:** Drogheda is the largest conurbation in the country that is not a city. According to data released by the Central Statistics Office, Drogheda has a population of more than 40,000. It is a huge area. The population of Drogheda is larger than the populations of a significant number of counties. Outside the main cities, Drogheda is the largest town in Ireland. It is bigger than Dundalk. It does not have a local council, however. It has what is known as a municipal district, which has a weak milk-and-water focus and no power. The municipal district can talk, but it has no power. The fact is that power resides in the county council, which happens to be based in Dundalk but which could be based anywhere in County Louth. This is not a speech about Dundalk versus Drogheda. It is about the need for decisions to be made where the people are. Decisions should be made where they effect the greatest number of people. Those who live in a town should have control over decisions on what is going to happen there. Competent and qualified officials should have the requisite status and power to make administrative decisions in cases of reserved functions of officials.

I am aware that the first visit made by the Minister of State when he took up his portfolio was to Drogheda. He saw at first hand how important the town is, how much it has grown and what are its needs. It is unacceptable that a town the size of Drogheda - some people would call it a city - does not have the authority equivalent to its size. It should have an individual with the same authority and powers as a city or county manager. The name is not relevant. I would like

to mention Galway city as an example in this context. Galway had a population of 38,000 when it went from being a town to being a city. Drogheda exceeds that significantly right now. I suggest that the criteria which applied when Galway was made a city some decades ago should now apply to places like Drogheda and Dundalk that have experienced phenomenal growth and have been designated as significant regional growth centres on the economic corridor between Belfast and Dublin.

During this legislative process, when he is deciding what should happen, the Minister of State should bear in mind that the CSO has informed me that the population of Drogheda will reach 50,000 by 2022 or 2023. That will be after the next census is taken. When Drogheda reaches the 50,000 milestone, it will meet the European and international designation of a city. The first thing that needs to be done by the Department and the Government is to recognise that this will happen. That happened to some extent when Drogheda was given its status as a regional growth centre. The second thing that needs to be done is to prepare for that. I understand that when Galway was made a city, the manager of the county of Galway was also designated as the city manager for Galway. That helped to ease the administrative process. Therefore, I suggest that the existing CEO of Louth County Council should now be designated as the manager of Drogheda. This would ensure continuity of management. When that person moves on, as everybody does, a new person should be appointed as the city manager of the urban conurbation of Drogheda. That is what happened in Galway and I think that is what should happen in Drogheda. In the interim, it is important that key planning, housing and administrative functions that have an impact on Drogheda and are administered locally would be subject to local decision-making. They should be based locally in the town. If the officials whom members of the public might want to meet were available in the local council offices, people would not have to travel to Dundalk. They could have their needs met at the local council office in Drogheda.

I mentioned a key part of the preparation for city status at a committee meeting that the Minister of State kindly attended some time ago. The growth that has happened up to now has been recognised. Additional administrative personnel need to be put in place in key areas to care for the town of Drogheda. They should be based locally. Obviously, they would be accountable to the county council in the short term - the local elections are next June - but they would ultimately become the officials of the new city of Drogheda. That would be a welcome and important development and would meet the town's key growth needs. As I have said, the population of Drogheda is 40,000 at present. Planning has been granted in respect of 7,000 extant applications in the northern environs of Drogheda. This means that two or three years from now, 7,000 new homes will have been built or will be in the course of being built in the town. This will add to the existing population in Drogheda. If we assume that three or four people will live in each of these 7,000 houses, we can estimate that an additional 20,000 people will be living locally. I am not including in any of my commentary the parts of east Meath that adjoin the town of Drogheda. I see a very hard and hearty Deputy for County Meath looking at me.

**Deputy Shane Cassells:** I am listening very closely.

**Deputy Fergus O'Dowd:** I am aware of the problems that exist in the locality. I am particularly aware of the wishes of Meath jersey holders, who are very good footballers. Unfortunately, we have trouble catching up with them when we are playing games of football. I am not speaking about the issues relating to east Meath that have been raised by other parties. I do not think it will be necessary to take over bits of County Meath for the purposes I am talking about.

*3 o'clock*

The population that will exist in the county of Louth will be the equivalent of 50,000 or extremely close to that.

If there has to be a movement of some people the Minister of State will more than meet his target if the railway just south of Drogheda and the conurbation there is brought into Drogheda. The majority of the people who live there would be very happy to be part of the town because they live, shop, go to school and attend the hospital there. It is made for that but that would not affect or change the county boundary which is very important. That is the way forward. I have spoken to the Minister of State, the Minister, Deputy Eoghan Murphy, the Taoiseach and many other people about this.

It is different in other counties. I do not know much about Longford other than that Longford has a county town. In Kerry, the county town is Tralee. County Louth has two of the biggest towns in the country. They have huge demands and needs. I can talk to the Minister of State after today's debate about this. This would be of great advantage to the local community. It will add to a centre which the Minister of State has identified as a regional growth centre. It will make local democracy, power and decision making accountable.

Reading the annals of Drogheda Borough Council which goes back to the 12th century-----

**Deputy John Paul Phelan:** There was a County Drogheda once.

**Deputy Fergus O'Dowd:** There was "the County of the Town of Drogheda" which was abolished in the 1890 local government reform. At one stage-----

**Deputy John Paul Phelan:** The Deputy can see I do my homework.

**Deputy Fergus O'Dowd:** At one stage, we had a Member of Parliament, MP. I would not object to having been the MP at that time.

**Deputy Billy Kelleher:** There is a very fine MP there at the moment.

**Deputy Fergus O'Dowd:** An excellent one, the very best.

**Deputy Billy Kelleher:** An MEP.

**An Leas-Cheann Comhairle:** The Deputies should not be engaging in cross talk.

**Deputy Fergus O'Dowd:** I cannot hear him but I know he is echoing my views.

It is serious and if that were to happen I would have done my job as a Deputy for my area. I believe the Minister of State is fully aware and alert to the issue.

The restoration of local power is important and I welcome the changes the Minister of State is making. I was a member of a council for 27 years or more. The difficulty arises when councillors may not wish to make an unpopular decision. Deputy Kelleher was a Minister for State and he knows at first hand the problems in making unpopular decisions. If we leave them to officials, for example, the councillor can avoid it and blame the officials but that is not good enough in today's local democracy. I know the Minister of State intends to give additional powers to the directly elected chairperson or mayor of councils, which would include the city of Drogheda. That person would have to be accountable and would have the powers but would have to be accessible and available. That is a fair deal for democracy because there is local control and administration and there is direction to the officials on what should be happening.

If the mayor does not do his or her job, he or she goes. That is the way it should be.

The climate we live in now is better than when the former Minister who happened to be from County Kilkenny abolished many of the councils. That was the wrong decision.

**Deputy Shane Cassells:** Good man Deputy O'Dowd.

**Deputy Fergus O'Dowd:** It was absolutely wrong.

As the Deputies opposite know, they caused the collapse of the economy and we were in debt all over the place but that was a bad decision. Now is the time to redress the wrong that was done. I know the Minister of State will comment on this in his reply.

**Deputy Billy Kelleher:** The irony is not lost on us of speaking today about borders and boundaries. The following lines from Patrick Kavanagh's poem "Epic" come to mind:

I have lived in important places, times

When great events were decided, who owned

That half a rood of rock, a no-man's land

**Deputy John Paul Phelan:** The Deputy should continue the quote: "And old McCabe stripped to the waist".

**Deputy Billy Kelleher:** Indeed and I suppose it could read: "That was the year of the [Brexit] bother." Borders and boundaries matter. We can understand why people have strong views about their locality because they have strong ties to the area they live in which is part of their make-up as individuals and as communities, and they form strong bonds through the GAA and other sporting organisations. All these things come into play when people talk about boundaries.

In Cork it is slightly different from Drogheda because it is not a question of transferring out of one county into another. The same applies in south Kilkenny and it was a contentious issue in Waterford as well. As a citizen who will now be living in the city when previously I resided in the county and as a public representative for the past 25 years for the area that will include all of the new city council area, which has come in from the county, I know this is not very contentious because there was a protracted discussion after the Smiddy report which recommended one authority. That did not gain enough traction or support there or in this House. We then moved to a conciliatory approach ending with this Bill.

I have been on record for a long time as saying that Cork City Council needed a boundary extension. In times past, we measured boundary extensions in metres, 400 m or 500 m, here and there, which had no significant impact on the city, as the metropolitan area, to plan for its citizens and the region beyond. Just as Dublin is my capital city, Cork is our city of the region, not just for the citizens who live in it but for those who use it from time to time. For that to be the case, it has to plan with a strategic long-term vision. This boundary extension will allow that to happen.

It is important to consider what has happened to date with this and previous boundary extensions. When there is minimal change, it does not encourage the local authority outside the city borough area to spend on the periphery of the boundary. That has been very evident in my



constituency, Cork North Central, and particularly in the investment that should have gone into the county environs of the north side of the city because it knew that at some stage in the future it would be transferred to the city. Why then would it invest in it? When there is no investment in those areas it is the citizens, the people who reside on the boundary, who suffer most. They suffer for a few reasons, incompetent planning or lack of a strategic vision for the area and then lack of investment in infrastructure and the public realm. That has happened all over the constituency I represent, from Knocknaheeny down to the Mallow Road, across to Kilbarry, Ballyvolane, up into Banduff, Mayfield and Lotamore. There has been *ad hoc* development in all those areas for a long time. There was no strategic planning whatsoever. At least from the point of view of the boundary extension we will now leap well into the county area so that the city can plan strategically for the next 50 or 100 years. It could not do that until now. It always had to build within its own footprint. It was not able to cater for the citizens who reside in the urban area and could not expand to ensure that it could have proper investment, and strategic planning to allow for a city to grow in a way that would benefit citizens who live there and who come to work and socialise there. From that perspective, I have always said we need a boundary extension.

The Minister of State knows as well as I do that once one puts a pen to a map, there will be strong views in some quarters. By and large, there have not been considerable objections but strong views have been aired on the issue of Blarney and Tower being brought into the city area. These were expressed by the county council as a collective through its mayor and chief executive officer. I am sure the views were also conveyed to the Minister of State. These views, expressed by some local public representatives and the county council as a collective, have not gone away. I find it amazing that there has been commentary by public representatives who are much further from the proposed boundary than I am. They seem to have very strong views on what should happen and believe there should be no boundary extension. Everybody has to accept that we need to address that.

I refer to compensation and the need to ensure the citizens of the new Cork County Council area will not experience a reduction in the standards they expect from investment due to the loss of a rates base to the city council. There are many proposals on this in the legislation, not least on the issue of a review “not later than ten years” after the first making of a financial settlement. Of course, the county council would not like it to occur before ten years. There is merit in some of the arguments put forward, however. If in the years ahead local authorities have borrowing requirements, as I imagine will be the case, they will need to have certainty on balance sheets, assets, liabilities and income. If they want to invest in housing, water and sewerage infrastructure or whatever else is required in public-realm investment, they will need to know what their balance sheet is. With uncertainty, it would be difficult for them to raise or borrow money. This is a key point to be examined. We need to tie this down. That there is to be a review “not later than 10 years” means it could come very quickly, which could undermine the new county council’s ability to fund itself with certainty in the years ahead. I would like the Minister of State to examine this. Our spokesman, Deputy Shane Cassells, has also raised this. There is merit in addressing some of the concerns that exist.

These concerns are highlighted by the council itself. It has concerns over being able to fund the peripheries of the county, as stated by Deputy Michael Collins. The large rates base comes from the area that was previously around the city, including industrial parks. To lose a lot of this rates revenue is fine if the compensation is certain for a number of years, but having no certainty diminishes the county council’s ability to invest.

We must also discuss the quality of life of citizens, where citizens reside, and future investment and planning. I have referred to the extension of the boundary. There is no doubt that there has been poor planning and vision for the north city environs, to say the very least. The only major public transport infrastructure we have is a two-line railway from Mallow to Glounthaune junction. There is then a single line to Cobh and Middleton. Regardless of what the Minister of State does, I would like him to consider the fact that along the railway line car salesrooms and warehouses have been built but people have been housed miles from the line. If one takes the train to Mallow from Middleton train station, it journeys through an industrial park of low-density warehouses, panel beaters' shops and car salesrooms. It then passes through farmland at Water Rock, where it is now proposed to build thousands of houses. This is fine as it is along the railway line. One then reaches Little Island and Glounthaune. There are very fine car salesrooms there. In fact, I bought a car from one of them myself. The point, however, is that I never envisage somebody going on a train to Harvey Norman to buy a bed, and I certainly do not envisage him or her going to a car salesroom on a train to buy a car. There is a good chance that one would drive to these places. We have not used wisely the infrastructure available to us.

After Little Island, one journeys into the city, out through the tunnel and towards Blarney. The first major park one meets is Blarney Business Park, which is full of car salesrooms, and there is also an NCT centre. We are squandering a very important asset, namely a railway line that should be used to move people from high-quality residential areas to areas of high-quality work. There should not be spread-out industrial parks in which there is no high-density employment. They contain warehouses primarily, except in Little Island. In general, there has been appalling use of critical infrastructure for which any other city would give an awful lot. The Minister of State should consider this and encourage local authorities to act. I blame Cork County Council for this because it was primarily responsible. Whoever dreamed up the plan was not using the public infrastructure that has been in place for a long time wisely and correctly. It was mismanaged from that perspective.

Overall, the city is small by international standards but it can grow and has considerable potential. It has critical mass, a deep-water port, an airport and some very fine infrastructure. There are also the people, who make any region. There is a major multinational base with pharmaceutical, medical devices and software companies.

There is one piece of infrastructure missing. I cannot blame the planners for it but I can blame the Minister of State and Government. I refer to the north ring road. A corridor was originally identified from the Glanmire bypass across the north city environs, over to Kerry Pike and down to Poulavone, Ballincollig. We need to get that back on the plan. More than anything else, it would open up the region to development. We all forget that the Jack Lynch Tunnel is now the only link in a modern region between the north and south. When the tunnel is closed for maintenance, chaos descends not only on the city but also on the region. Traffic from the north and east cannot gain access to deep-water ports, ferries, airports, hospitals or colleges. Therefore, we need to ensure an orbital route is provided. I do not expect it to be built today or tomorrow but it must be put in the long-term strategy envisaged for the region. I implore the Minister of State to talk to the powers-that-be to insist that an orbital route at least be included in the plan and design with a view to putting funding in place at some stage in the future. It is critical. If anything happens the tunnel, Cork city and the south Munster region close down, as was evident when there was flooding or other problems. If there is a catastrophic event in the tunnel or structural damage requiring it to be closed for a period, there will be major challenges. For all these reasons, I would like the Minister of State to consider the matter.

I concur on the concept of the boundary extension. I raised the fact that there was some horse-trading done between the two councils. One could argue it was distasteful at times. Certainly, the issue of Blarney and Tower was raised by the local authority itself, and it was the only area it asked us to highlight as a bridge too far or, I should say, a land too far. In general, however, a boundary extension is merited. It can allow the city to expand. That should be done in a planned, meaningful way that benefits the residents who live there. There are turf wars between CEOs, councillors and Deputies, but the most important thing is that services are delivered for the people who reside there, be it in the county or the city.

**Deputy Eugene Murphy:** I wish to deal with one aspect of this Bill, the situation in Galway. I compliment my colleague, Deputy Cassells, who has done a great deal of work on this. I also welcome the Minister of State's attitude towards the Bill and his good listening abilities. It is important to have a good listener and I hope he will be able to take on board some of the issues we are bringing to his attention.

I do not favour amalgamations of local authorities. The centralisation of everything is not workable, particularly in a small country. I dislike the idea of basing our local authority structure on somewhere in Europe. Ours is one of the smallest areas of Europe and we are going to be different. That is why centralisation is not a good idea. I have a serious issue with part of this Bill and the debate on Galway. There are more than 275,000 people in Galway city and county, and to amalgamate the city and county is the wrong decision. The Minister of State, Deputy Kyne, and Deputies Fitzmaurice and Ó Cuív are present and they have far greater experience than I have of the situation but I believe we are increasingly taking power away from places such as Galway.

One example is the demise of the town councils. The demise of the town council in Ballinasloe, which has a population of more than 7,000, was a bad decision. There was a popular debate in the House on abolishing all town councils but that was an unwise debate. When one talks to the people in Ballinasloe, from every part of the town, they say that they feel part of their voice has gone and that the local authority is not able to look after everything. Ballinasloe has been badly hit but it is fighting back. It is important that our policy on town councils is implemented and is part of this Bill. The people of Ballinasloe tell me frequently that they want the restoration of a town council because most of the time it has a good and positive function for the town. Given the expanse of Galway city and county and its population, we should not be amalgamating but trying to give back more power. We should keep the county council and the city council and bring back town councils for places such as Ballinasloe. It will give people in the community the voice they need.

When I want something done in the Ballymoe and Castlerea area or in Deputy Fitzmaurice's area - he will get the same answer - I am told that the job cannot be done this year because there is no funding. The starving of funding is a massive issue and is very bad in Galway County Council. There have been issues with funding for a long time, as has been outlined by Deputies Connolly and Grealish. Other Deputies will outline it too. The power of councils has been drastically reduced. Even in the case of roads, Transport Infrastructure Ireland, TII, appears to be getting a great deal of control. It is increasingly eating into an area that was under the control of councils. The same happened with water. With regard to planning, councillors are finding it extremely difficult even to make basic genuine representations on behalf of people. It is hard to make any type of progress. Of course, it is an executive function but it is an extremely difficult area and it is hard to make progress on it. I have serious reservations about the Bill in respect of Galway city and county councils.

I wish to mention something else before I conclude. I accept it is not relevant to the Bill but we had a great debate in the House about Monksland, Athlone, which is part of Roscommon County Council. There was a recommendation that it would be annexed and go into Athlone in County Westmeath. That caused huge annoyance in our county. The Minister of State probably knows that 27,000 people signed a petition. Can he confirm that this is done and dusted, that there will be no more interference there and that Monksland, Athlone, will stay within the County Roscommon boundaries?

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** Cuirim fáilte roimh an díospóireacht seo faoi rialtas áitiúil i gContae na Gaillimhe agus i gcathair na Gaillimhe, a bhaineann go háirithe leis an teorainn idir Chomhairle Contae na Gaillimhe agus Comhairle Cathrach na Gaillimhe. I welcome this debate. We have often discussed the need for strong regional balance in the country and the majority of us agree that the west coast has to develop further in comparison to the east, the capital city and its hinterland, in terms of quality of life and affordability, even for people living in Dublin. As a Minister of State at the Department of Rural and Community Development, I was a strong supporter of the Atlantic economic corridor and the potential along the west coast from Derry, Donegal, Sligo, Leitrim, Mayo and Roscommon down through Galway, Clare, Limerick and Kerry. A strong Galway, like a strong Cork, Limerick and Sligo, is in everybody's interest.

What we have at present is a strong Galway city. There is no doubt about that. Many colleagues who visit the city talk about the vibrancy, activity and what is happening in terms of culture, night life, sport and so forth. Even during the downturn Galway city did well. There is a strong hinterland around Galway city. My area of Moycullen, Barna, Oranmore and Claregalway are also doing well because many of the people who live in that hinterland work in Galway city. There is already an interconnection between the city and county, with people living in Moycullen but working in National University of Ireland Galway, NUIG, Galway-Mayo Institute of Technology, GMIT, hospitals or foreign direct investment industries.

A number of options were considered by the committee, including an expansion of the city boundary. I have always been fearful of this. I listened to Deputies talk about the great history of Galway city. Of course there is that history, but we must remember that the present structures came into being in the 1980s. They were in abeyance for a period of time and came back in 1985 under a local government Act at the time. With regard to the talk about an extension of the city boundary, it might be quite simple in some areas. For example, in Barna there is just the Barna Woods between Barna and the city. In other areas it would be much more difficult.

My concern about the city expansion is the impact it would have on the rates base of the county. Deputy Kelleher mentioned that with regard to Cork. In 1985, when it was done previously and there was an expansion of the city boundary, there was a compensation mechanism. That has come under the spotlight of some of the city councillors to a degree recently. They cannot believe compensation is still being paid since 1985 and they question the merit of it, but it is very important for rebalancing. Not only is one losing the businesses that were there when the boundary extended, one is also losing the potential of further businesses based on the lands that were also acquired. Sometimes I joke with my city colleagues who are against expansion, although it is not a joking matter, by telling them they do not have enough land to bury the dead and must come to the county to try to find a graveyard. There are real issues between the city and county, but the rates base is of particular concern.

I have often heard Deputies compare Galway to Mayo and Clare. Mayo has at least three

strong towns, Westport, Castlebar and Ballina, which have considerable rates bases. Clare has a strong town in Ennis with a strong rates base. That helps the county base in those counties. Galway has a very strong rates base in the city, which means extra revenue for the city council at the expense of the county. There are other towns, such as Moycullen, Barna, Oranmore, Claregalway, Tuam, Ballinasloe, Loughrea and Clifden but the potential we are losing in Galway city has an impact on the county. I hear people talking about the impact on peripheral areas but in a unified area where there would be a stronger rates base and potential, there would be more money to be spent on peripheral areas of a county.

It was stated that 99% of local representatives in Galway are against this but I do not agree. Many councillors have indicated support or that they are at least open to consideration of this amalgamation, although there is the important caveat that has been discussed regarding funding. Currently, funding for Galway county is below average and it has been below average for at least 20 years. Any change needs to be backed up with funding and intent would be best demonstrated by providing that increased funding now, prior to amalgamation. In fairness to the local authority members, when they raised the local property tax for 2017, they decided not to do it for 2018 as they did not feel rewarded by central government. It is an issue that has been discussed with the Minister of State and officials.

There is existing co-operation between city and county, including libraries and fire services, and there is very easy potential to be realised on roads and the arts. These include the Galway city ring road, which would be a joint effort between the councils, although there is agreement that it is being led by the county council. The sewerage system on Mutton Island is serving some of the county as well in Barna and Oranmore, where there are connections. I have mentioned funding and we need to get it to at least the average and, ideally, above average. We must ensure in any amalgamation, if it happens, that there would be stronger municipal districts with power and a set budget. In an amalgamation, there should be a dispersal of funding to the peripheral areas as well.

We must ask why an amalgamation would be considered. The main advantage of an amalgamated council is that a critical population and strength would emerge for Galway. It would punch above its weight in funding and investment. We have done well with foreign direct investment but having what would be one of the largest local authorities in the country could only be advantageous to us. This is again with the caveat that additional funding would be generated and disbursed on a regional basis, which is a requirement.

Many people have spoken about the dispersal of councillors in any new system. Councillors would be elected based on population, with the greater populations in the city or areas around the city. That is a concern and I am not sure how it can be addressed; it is a concern even within the county as it is with respect to boundaries. Even with the most recent review, there was a large area from Callownamuck and Rosscahill all the way across to Oughterard, Camus, Rosmuc, Carraroe, Kilkieran, Clifden and Deputy Ó Cuív's area in Cornamona, Clonbur, Cong and Inishbofin. It is a huge geographical area represented by four councillors. That is an issue. I do not know whether an amalgamation will expedite a resolution to this imbalance. Could one argue that with the strength of the city and county together - their revenues and potential - there could be better redistribution following the amalgamation?

The Bill before us is predominantly about Cork but addresses the issue of a new chief executive. The existing set-up of having an acting county manager for a number of years in Galway is not ideal for the individual in question or in terms of certainty for the county. If the legislation



is approved by the Dáil and Seanad, subject to Members' wishes, I ask that the Minister of State ensure that certainty is provided and that these changes take place. Everything I say comes with funding in mind, as it is very important for any local authority. Galway has done poorly for a number of years now in respect of funding. I ask that this be put to the top of the list in considering amalgamated local authorities. I also ask for intent to be shown before this happens by looking at funding of Galway County Council in particular, especially funding distribution. Galway is such a large area, with a big coast and offshore islands, so there are costs associated with infrastructure in those areas. I ask that the model for the distribution of the local property tax and other sources of funding be examined. From the figures I have seen, it seems that the funding process is not advantageous for Galway county. It is in need of modernisation and bringing it in line with where Galway county is.

**Deputy Éamon Ó Cuív:** I listened with interest to Deputy Kyne and my other colleagues from Galway. The Deputy made a thoughtful contribution and we are having the debate that should have taken place over the past three years. However, the great and the good that decide our destinies in the Custom House decided that the last people who should be brought into the centre of this process are Oireachtas Members or local authority members. We were peripheral to this from the beginning. Expert groups are the new way of getting a view as they know better than all of us. If I want technical information, I go to an expert but if I want political information, I go to the people who stand on the ditches and get elected. The big difference is that the elected person must take the complexity of life into account rather than the narrow confines of an expert group dealing with a specific point of expertise.

We had a debate about this matter at our parliamentary party meeting on Tuesday. Deputy Cassells did not manage to attend. It was agreed at the meeting that we would support the Bill because we are in favour of the expansion of Cork city but we would not support the devious process in place in Galway. We oppose that. I hope the majority of the House opposes it. Every Deputy in Galway West, with the exception of the Government Deputies, who are in an invidious position, would do that. The other three Deputies oppose this.

We can go back to the arguments in favour of amalgamation, as this is amalgamation by stealth. The idea of putting in one county manager is part of the squeeze that has been ongoing for a long time. It is the first step and we will be brought in gently until we are so far in, there will be no getting out. Deputy Kelleher quoted some high-brow poem a while ago but I will go to a nursery rhyme.

**Deputy John Paul Phelan:** It was Patrick Kavanagh, in fairness. It was not that high-brow.

**Deputy Éamon Ó Cuív:** It is high-brow enough compared to what I will quote, "Sé dúirt damhán alla le míoltóigín tráth: 'Ó! Tar liom abhaile,'" The Minister of State knows what happened the poor old míoltóigín. As spider said to the fly, come home with me. I do not know what it is in English and I do not know it all in Irish. We know what happened to the fly that was promised all the goodies by the spider. When he went into the web he got eaten up.

If I hear another word about successful cities from economists, the great and good of society and business interests I will feel like exploding. Cities are fine. I grew up in a city. They are certainly fine for certain classes of people but there is huge misery in cities and if anyone doubts it they should come to my clinic next Monday. I face more intractable problems in my clinic in Galway city than I do in my clinic in Connemara. I get more people coming in saying there is nowhere to live in Galway city than I do in Connemara. I get more people coming in

saying they have neighbours from hell or they are in an area riddled with drugs in Galway city than I do in Connemara. When I hear of successful cities, and I hear how successful this city is, I recognise that the neck of the woods I grew up in and still stay in when I am here in very successful as it is in the embassy belt but I also recognise there are many places to which I could bring people in the city, and some of them are not far from the House, that the Government itself will say are the basket cases of all basket cases in the country. This is despite the measures it and the Minister, Deputy Ring, always boast about. What is the north city special task force for? Why do I see gardaí in the street with submachine guns if they are in successful cities? Granted, the economy of the city is fine if I take it as a totality on average but averages are very deceiving. The reality is when I consider the good of people I look at the economic, social and cultural parameters and I ask just how good is it.

I heard what Deputy Kyne had to say, that there would be more money if all of the country areas were linked to the city, but I believe there are flaws in the argument. The first flaw is to accept that for a rural area to survive it has to be attached to a major urban area and that is how we finance local government. The consequence of this is quite scary for Donegal, Leitrim, Roscommon and all of the other counties that do not have major urban areas. If I take County Galway without the city it is as urbanised as any of those counties are in their totality. If Galway County Council cannot survive financially without the city, and if the same funding parameters are applied to County Galway as are applied to the other counties that do not have major urban conurbations, and there are more of them than counties with major cities in them, then by God they will also face a big problem financially.

The irony of pouring a lot more resources into cities is that they are inexhaustible in their demand for money. For example, and rightly so, we need a bypass for Galway city which would cost €700 million. When we have done that we then need to put in place a rapid transit system, which would cost another €300 million or €400 million. They are needed because that is what cities do. They gobble up money. If we had €600 million for roads in Connemara we would be fairly well fixed up and the Minister of State would be very happy as the Minister with responsibility for the Gaeltacht. We would not have any infrastructural problems. Not only that, but the infrastructure we would build would be sufficient for 20, 30 or 40 years. The reality is the centre always sucks in the wealth. If we walk around London, and I suggest people do and look at the magnificent buildings, and ask how were they built the answer is it sucked in the wealth from the empire. I do not blame it because that is what centres always do. The centre of power will attract the money particularly when it has the democratic mandate to do so, as it would in the case of the Bill.

I do not like living on people's goodwill. I am suspicious of it in the long term. Therefore, what I would say is fix the financing. Galway has purposely been treated very badly in terms of staff and money in recent years. There has been a policy in the Custom House to ensure there was no actual funding. The city is not that well off either, but when the county council came to me and stated it was short of money I tabled endless questions to the Minister of Housing, Planning and Local Government, or whatever iteration of that Department was there at the time, as to how local authorities are funded, how the cash is divvied out, what is the process and what is the formula. It took me question after question to get the formula. The Minister of State, Deputy Kyne, knows we had to have special meetings in Room A. This was two years after I tried to get the formula. All I wanted to know was how it is done. I could not understand it because from my experience of local authorities, those in Leitrim and Donegal were better off than that in Galway and no rational explanation was given for this. Was it based on the popula-

tion, the topography, the dispersal of the people or the conglomeration of the people? What was it dispersed on? Talk about obfuscation. The only conclusion I could come to was the formula suited because if people are squeezed hard enough they will do what one wants them to do. It is the same with staff. There has been an acting county manager for the past four or five years. As far as I am concerned it should be like a Secretary General whereby the day one walks out somebody else should walk in. The Civil Service manages to do this all of the time. Many of the rest of the senior staff, such as the director of services, are acting. It is the same with the city council. As I said, I believe the squeeze is on.

Let us look at what would happen from an elected member's point of view. Currently, Galway County Council has 39 elected members and the city has 18, giving a total of 57. I am told if there was an amalgamated local authority in time it would reduce to 40 members. Immediately the more peripheral areas with non-expanding populations would find the very thin representation on the ground they have would begin to melt. Then I would pull out that great plan for 2040, the plan that states Galway city will grow by 40,000 people. I do not think the Government will get its wish. It will grow like a melting ice cream within ten and 15 miles of the city.

I do not believe everybody will live in dense houses in city centres but the Government can dream on. I hope I am around in 20 years time for more great planning by the great planners. If the Government wants to do what it wants to do it should bring in a communist state because the only way it will ever get people to do what it wants them to do it is to force them to do it with a communist state. A half-way house is a mess. The Government writes its plan thinking the people will do what it wants them to do but the people will do what they want to do. They will live in the communities they want to live in because that is what they will choose to do. No matter how much the Government plans the other way they will not go there. As I said, dream on.

Within ten or 15 miles of the city there will be an extra 40,000 people. Beyond that we might get small growth but it will be marginal and Government will make sure it is marginal by starving it of the very basic water, broadband and road infrastructure that is badly needed. Take the local electoral area of north Connemara, as it is called, which is really north south-east Connemara without a sliver. We will call it north Connemara for some reason. It is about 40 miles. I am a bit old fashioned so I will talk about miles. I have spent my life doing a mental arithmetic exercise in this regard. By dividing 40 miles by six, one gets the number of kilometres. The area is approximately 40 miles by 20 miles, which works out to 800 square miles. That is a lot of territory. However, when that contains an offshore island and any amount of bays, peninsulas or whatever, the actual driving distances are much greater.

At the moment, that area has four councillors. I have not had a chance to carry out a detailed extrapolation, but my guess is that in 20 years' time we would be lucky to have two councillors covering the entire area. The chances are they will live in the eastern part of the area. It will be the same thing down in Portumna and in Dunmore. Does the Minister of State really think that two councillors will be able to fight against the great forces gathered around the city in order to get the resources suddenly to go west or east? As they fail to do that, these areas will decline further. They certainly will not grow and the rest will be history.

We need to have a debate on what we are trying to build. Are we trying to build an economy for the sake of doing so and in the interests of our GDP or are we building an economy for the sake of the people and their quality life? We also need to think about the culture. I do not mean

the narrow view of language or whatever. Since human beings were created, there have been artists, storytellers and so on. Anybody who ignores the value of the culture of any people ignores something fundamental to human beings. In the modern world, people always want to talk about what they can measure.

During the rod licence controversy, an accusation was made about those who were defending our lakes against the rod licences being imposed, unfortunately, by a Fianna Fáil Government. They accused the opponents of rod licences of being emotional. To accuse someone of being emotional can be a knockout blow. I attended a meeting of our local party organisation and the chairman, a very wise man, a schoolteacher who had been very involved in the anti-rod licence campaign spoke. He gave one of the most effective speeches I ever heard. It was not very long and I will rehearse it. He said:

They accused us of being emotional. Do you know what? We are emotional. But when you think about it we are born out of emotion, we get married for emotional reasons and it is very emotional when we die. Those are the three biggest things in our lives. Who says emotion doesn't count?

He left it at that - point taken. In all of those major decisions in our lives, rationality is completely trumped by the more cerebral considerations.

I will give some amazing and scary evidence of where we are heading. The expert group wrote a second report in which it suggested bringing together the organisations which deal with industry in the region. It referred to IDA Ireland, Enterprise Ireland and so on. We are talking about an area with the strongest Gaeltacht in the entire country. The headquarters of Údarás na Gaeltachta - the industrial authority for all the Gaeltacht regions in the country - is located only five or six miles from Galway city. Did the expert group mention that Údarás na Gaeltachta should be represented at that meeting? No, because that is not what the group is about; it is about the city and its environs. The hinterlands can go to America as far as it is concerned as long as nothing is done in them.

We will be opposing the Bill. Centralisation is not always right. We are becoming a more centralised and controlled society than ever.

Between now and St. Patrick's Day we will see small parishes taking on the best with some winning and some losing. Corofin, six-in-a-row county champions, beat all the city teams and all the teams from the big towns. It will be interesting to see what will happen between a team from the city, which I have to support on Sunday because that club is located in the constituency of Galway West, against St. Thomas's. However, St. Thomas's does not even have a town. These little parishes that play with the best represent the nowhere of the modern Ireland, the ones that do not exist in the spatial strategies. There is something in these rural parishes. I do not know what it is. Perhaps it is the drinking water that produces in small populations so many absolutely incredible sportspeople and community spirit. On Saturday, my club will contest the Connacht club junior final. We won the all-Ireland title in 2012. It will be a big event for an entire community in a way that just does not happen in the big towns and cities. What the Government seems to be saying is that is all very nice and very traditional and very cute, but it just does not really matter in the modern Ireland.

**Deputy Michael McGrath:** I welcome the opportunity to speak on the Local Government Bill 2018. As the Minister of State knows, it has taken some time to get here. There have been

a number of attempts and various iterations. I welcome that the legislation providing for the expansion of the Cork city boundary is now before the House. I was probably in a minority in that I was open to the idea of a single authority in Cork, with a strong city at its core. However, that is history. The decision has been made. We will have two authorities, with the population of a greatly expanded Cork city increasing from approximately 125,000 to over 200,000. A city, of course, needs scale. In European terms Cork city, even with the revised boundary and the increased population, will still be a small city. In the context of investment and Cork having its rightful place on the European map as a significant city, it is important that it has an enlarged and growing population. Under the Government's Project Ireland 2040 plan, the intention is that over the coming two decades or so the population of Cork city will increase to between 320,000 and 360,000. That is, by any measure, quite a dramatic planned expansion of the city.

I commend the Fianna Fáil spokesperson, Deputy Cassells, on his work in respect of this issue. He engaged with different groups and stakeholders, and took on board the points they made. As Deputies, we have been approached by people from both local authorities in Cork - the city council and the county council. It is fair to say that while there is disagreement on certain issues, there is also considerable common ground. One of the key themes to emerge from those submissions and the meetings we have had is the need for certainty. The reality is that we are about to enter a new era in local government in Cork and both local authorities need certainty regarding funding for a decade and beyond.

*4 o'clock*

The Minister of State will be aware of the points that have been made by the county council and its concern that the first review can happen in under three years. The longer review is scheduled to occur not later than ten years. It is concerned it will happen in much shorter timeframes. It is possible given the wording in the Bill. From a city council perspective, it wants to have certainty too. It has a different interpretation on some of the issues. It is not our function to take sides. The determining factor in making the decisions needs to be what is best for the citizens of Cork. For me it is all about the quality of service provided. I am a Deputy who represents both the city and county. That will continue to be the case because the town where I live, Carrigaline, and where I am from originally, Passage West, will remain within Cork county but other parts of the constituency in the county will transfer to the city. The greater Douglas area, for example, has been, for all intents and purposes, part of the city for a long number of years. It is reasonable that areas contiguous to the existing city boundary, into which the city has essentially expanded, would form part of Cork city. What is proposed goes much further than that but that is to allow the city council to plan over the medium to long term. That is also an important issue.

As we move forward in the next decade or so, the Government will have to really focus on the issue of regional development. Cork is the ideal counterweight to Dublin. Cork needs to be prioritised by way of investment. It is the second largest city in the State. It is the obvious place within which to continue to invest, particularly in the city centre. The docklands area is one of the most exciting brownfield sites with enormous potential for regeneration in our country. I hope it will receive the recognition it deserves and that Cork will secure significant funding under the urban and rural regeneration fund. I understand the first decisions are to be announced in respect of those funds quite shortly.

What really concerns people about local government is the quality of the services provided. Councils in Cork and right around the country need to prioritise basic services such as clean-



ing drains, footpath and road repair work, cutting verges and doing all the essential work that can have a real impact on people's quality of life if it is not done. It is obviously important for councils to have a wide remit to be involved in economic development and arts and culture and so forth but the focus has to be on the core services they provide. I would like to see the area offices and road crews who perform those essential functions get more funding and be given more priority by each local authority because they do the bread-and-butter work which keeps the show on the road at a very local level. It is important.

It is crucial under this new local government configuration in Cork that there is a joint approach adopted by the two local authorities on the key strategic issues and challenges facing the city and county. When it comes to planning, for example, there has to be co-ordination. When it comes to promoting Cork domestically and abroad, we want the two authorities to speak with one voice. We need a co-ordinated combined approach by the two councils in respect of the key strategic challenges we face.

We need to have a date for the transition period and when all of this will be concluded. I will go back to the point I made at the beginning about certainty. We need to have a date by which we know all this will be done so there will be no lack of clarity and no confusion about who citizens are to contact for the provision of the basic services I spoke about earlier. We have local elections coming up next May which present an immediate challenge in that respect.

While we are on the issue of local government, the decision to abolish the town councils needs to be revisited. I cut my teeth politically on a town council. It was a former town commission in Passage West. It is certainly true to say it had very few powers but it had the power of suasion. It forced senior local authority members and managers to come to the town every month to sit around the table and be held accountable and for us to seek an update the following month in respect of questions we put. That level of accountability has now been removed because the areas that have lost town councils are now part of much larger municipal districts and in some cases those small towns may not even have a councillor on the municipal district. Local democracy has been greatly diminished by the abolition of town councils. I ask the Minister of State and the Government for whatever period of time is left in the Dáil to move that issue forward. We need more democracy, not less. We need local government as close as possible to the citizens it is designed to serve. It was a terrible mistake and it is not too late to rectify it. Much damage has been done but I can testify having spent eight years on a town council to the value of the work that is done there. Where I served had very little power because it was not an urban district council, it was a town commission. It had very little by way of financial resources but it was really important for the people it served. The local citizens knew who to go to. They had plenty of local town councillors who were a very effective conduit between the citizen and the county council. That needs to be revisited and reinstated.

I will leave it at that. I welcome the Bill. I am glad this issue is moving on. I ask the Minister of State to study very carefully the issues raised by both councils in Cork. They are very legitimate issues. There is much common ground. There is some difference of opinion and interpretation. The Minister of State should let his guiding light be what is best for the citizens and what will deliver the best quality services to the people of Cork city and county into the future. That is my primary concern as we finalise these new arrangements.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak on the Bill. While I understand that most of the Bill is concerned with Cork, I see a small piece, perhaps an afterthought, put in for Galway. Galway should have its own identity. I heard people speak about

Galway earlier. There is a huge problem with staffing in Galway. The Minister of State, Deputy Kyne, and Deputy Ó Cuív outlined it very well. Some people might be hung up about people being in acting positions. I am not too worried about it because people are either able to do their jobs or they are not and if they are not, it is not difficult to move them on. In Galway there is a huge concern. I will ask the Minister of State to do one thing. For the sake of Cork, people will not go hammering against the Minister of State in the first round but there are a few rounds to this fight. The Bill will go to Committee Stage and come back to the Dáil. I ask the Minister of State that Department officials meet the representatives of Galway. A lot of money needs to come to the table. There is 100,000 km of road in Galway. It has one-twentieth of all the road in Ireland. It has one of the worst budgets available from the Department. I am not blaming the Minister of State's Department but the Department of Transport, Tourism and Sport and people from the Minister, Deputy Donohoe's Department. Someone has to come to the table with money. There is huge concern for the municipal district. Galway is 100 miles from one end to the other. There is huge concern. It is touched by Clare, Mayo and Roscommon and there are people out-----

**Deputy John Paul Phelan:** And Tipperary.

**Deputy Michael Fitzmaurice:** The Minister of State is correct. Fair play to him. Tipperary also touches it. There are a lot of people on the periphery who are concerned. Near Creggs, the guys who go along cutting the hedge will not cut it on the right-hand side for about 100 yards because it is in Roscommon. It worries people because they think if there is a merger of city and council they will be forgotten about completely.

We must ensure that the municipal districts get the funding they need. It must be ring-fenced. It must not be a mere promise or they will not buy into the process. Deputy Ó Cuív outlined Fianna Fáil's position. The Minister of State is a reasonable person, but promises are not enough. The money must be given before anything happens. Promises will no longer work because there is a genuine fear. Galway is unusual because it has several islands. I am no expert on the islands because I am from the other side of Galway. As was pointed out earlier, Údarás na Gaeltachta has its headquarters in the county. These are the concerns. There are a few large towns, such as Ballinasloe, that need investment.

My area was affected by the redrawing of the boundaries. We were looking to the west but we will now look to the south. It is a totally new area. In fairness, the redrawing may be suitable and a good decision for the Deputies in Galway or Roscommon to cover the area. However, some of the councillors in the area are being put into a corner whereby they will be unable to get a couple of hundred votes because of the way it has worked out. That is a major problem.

Galway County Council does not have the staff to put contracts out to tender. The staff has been decimated over the years. I know every council got some staff but Galway got more than any of them. I do not know if it was because of people retiring or what, but the result is that it struggles to have enough staff, even in the municipal districts, to do up contracts even if they were to be subbed out. To be brutally honest, I do not believe in wasting money or in having two or three people running something together that could be run by one. I am not in favour of that. If there is one good person, that is fine. Shared services are important to ensure that we operate as efficiently as possible.

I am not *au fait* with much of this but my understanding is that there are problems with the mayorship of Galway and other places where councils have been amalgamated. Galway

is unique because it is a city of heritage. It is the place to go in the west of Ireland if one is a tourist. Based on previous mergers, there does not seem to be a cohesive way of solving this mayoral issue because people always bicker about it, which is one thing that needs ironing out. I ask the Minister of State to meet the officials but I warn him that a great deal of money will be required in order to solve the problems. He needs to be able to compromise on matters for the sake of all the Deputies and elected representatives in the area.

I made a submission to the so-called experts. There are experts for everything nowadays. As Deputy Ó Cuív pointed out, however, it is us who must go out and listen to people's views. We are Deputies and we are elected to be messengers of the people. While it might be acceptable for experts to consider A, B or C, we must try to cover every angle. There is much talk about income, rates and so on but, given Galway's size, much of it could be considered to be on the periphery of the county. People in those areas are worried that they will be mobbed by the city and they will not matter. It is comparable to Dublin and the rest of the country, but it will happen on a local level. These issues need to be addressed.

If an agreement is made in Cork, I do not expect many Deputies to block the Government's first step up the stairs. Before the Bill proceeds to Committee Stage, however, I ask the Minister of State to meet everyone involved in the Galway in order to see what can or cannot be done. The Minister of State at the Department of Culture, Heritage and the Gaeltacht, Deputy Kyne, supports the Government yet he highlighted many sensible issues and problems. He is on the ball. This is not political but rather about doing things right.

Monksland remains an issue. I know there is a similar situation in the Minister of State's region of Waterford and Kilkenny. The sooner an announcement is made in respect of these places in order to kill the matter once and for all, the better. I do not know if he plans to kill it but that is my hope. This blurring between Roscommon and Westmeath has gone on for too long. I hope he makes whatever announcements are necessary rather than lingering and wondering. The matter must be put to bed once and for all. What is in Roscommon should stay in Roscommon and the same is true of Westmeath.

**Deputy John McGuinness:** This was a day when the Minister of State could have made a name for himself for ever by including Kilkenny in the consideration for city status. I heard Deputy Grealish and others discuss the significance of the corporation, as it was then, the urban council and so on. These bodies could learn from the experience of Kilkenny city, where the destruction of local government was begun in previous legislation brought in by the then Minister with responsibility, Noel Dempsey. In response to significant outcry from Kilkenny city, that Minister put into the legislation that Kilkenny would be recognised as a city for ceremonial purposes only. Since then, it has been all downhill for local democracy. That kind of destruction of local government was continued by the Minister of State's colleague, Phil Hogan, when he was the Minister with responsibility for local government.

Having worked in local government, and having been a member of the county council, surely the Minister of State would have seen at first hand "the need for local democracy", as Deputy Michael McGrath put it, and the pride local people have in local democratic structures. That pride no longer exists, as the Minister of State knows well because he can see the difference between the county council on which he served and the current one. It has nothing to do with the members but rather their ability to effect change and bring real democracy to their local area.

When the then Minister, Mr. Noel Dempsey, decided Kilkenny city was no longer a city, it

was his decision. He dressed it up in the legislation, but it was a three-card trick and it was not okay. The Minister of State knows the value of a corporation or an urban council. He knows what a city needs and what people demand for democracy. We should, like France, look to the lower structures of our representative bodies, such as local councils. I encourage the Minister of State to restore city status to Kilkenny, to look at Galway and similar places and to ensure the need for a local council is central to any reform.

There must be a council for each city as well as a general county council representing that city council, which is how it functions best. People used to know their local councillors and were able to approach them directly about issues that affected their lives. Local organisations such as the Irish Farmers Association, the chamber of commerce and so on were able to engage with them. The rates were struck and the money was spent wisely. With the changes that have been implemented, there is a major division between city and county and a massive scramble for the funds that are necessary in order to give life to a city. Cities and large urban centres are the centre of the economic development of counties.

There is also the historic value the medieval city of Galway, as Deputy Grealish described it. I could equally describe Kilkenny as the medieval capital of Ireland. Over the years, the corporation, as it was then, was central to the economic and social development not only of the city but also the county. We have lost that in the context of local government reform. We lost the direct input in the context of people's desire to have their local place recognised in a way that reflects their values. We did it, as did every party, but it caused terrible problems for local government. Previous speakers referred to local electoral areas, administrative functions and council staff. They also referred to local people knowing the staff and who to go to when there was a problem. That is no longer the case and people's democratic input into their councils has been weakened as a result

This legislation makes provision for plebiscites to ask people if they want directly-elected mayors. The Government ought to issue an instruction to the effect that there should be directly-elected mayors in Cork and Dublin. The mayors of other urban centres and cities should be the leading figures in their respective democratic structures. It should be they who lead local councils because this would restore the pride of people and members in the structures designed to represent us all. There is an opportunity in this Bill to correct the position in this regard. The Minister of State indicated that he will bring forward amendments. However, I had been led to believe that this was a done deal on foot of a headline that appeared in the *Kilkenny People* some time ago. I thought the Government would actually do this and restore the corporation or the urban council but instead, it is re-enforcing a botched job on councils throughout this country. From the perspective of finance, it does not cost much more, or perhaps the same, to have a corporation, a mayor, a county council and a chairman discussing and debating the issues of the county and reaching real decisions. However, when I go to a county council meeting and sit in the public gallery, I am struck by the number of reports they have to have in order to do anything. Perhaps that is why the Minister of State's colleague cannot build houses. The information about housing and everything else in the county or city is actually held by the local authority but we have outsourced the work to voluntary housing agencies and now nobody knows what is really happening. I am told that much of the delay is in the context of how the Department views these applications when they come before them. The delay in this regard is the reason that houses are not delivered.

Why do we not ask ourselves what happened in the past that we can learn from? In the 1950s and 1960s, when there was no money, huge local authority housing estates were built all

over the country. People had the opportunity to rent their own home, and, following a period, could buy their own home. They could aspire to owning their own homes. It was a successful model that delivered. Surely the Minister of State could be pushed to ask the County and City Management Association what its members are doing that they cannot deliver the necessary houses. He must be tempted to do so. Is he not tempted to ask them why they cannot deliver CCTV in conjunction with the Garda in Urlingford, County Kilkenny, and similar places? Why is that bureaucratic obstacle there? I think it is because the members of the council have been deprived of the right to instruct the chief executive - previously the county manager.

The Minister of State makes much play in this Bill of a county manager being one person, a chief executive, but he knows that in Kilkenny we had a county and city manager, Paddy Donnelly, for years. Mr. Donnelly did not merely run the council effectively and efficiently, he promoted Kilkenny, he developed it and he supported the mayor and chairman of the council to achieve what they wanted. Once that model is in place and working, it restores people's pride in their own place and in their public representatives. Regardless of what criticisms can be made of politics, the mayor was always respected and supported. Now we have people in Galway appealing to the Minister and Deputy Fitzmaurice asking the Minister of State to meet. The Minister of State comes from that background and I encourage him, as someone who is young in political terms but who has served in many different positions, to take the best of what he learned from there and not allow the County and City Management Association to tell him what to do.

In his heart and soul, the Minister of State knows what needs to be done. He knows that the power must be tilted from the chief executive to the members. In the context of the debate on the Bill, he is being told to do that. I recall the recent Carlow-Kilkenny by-election at which Deputy Bobby Aylward was elected. When constituents were asked, it emerged that major issues about which they were concerned were the restoration of Kilkenny corporation, reinstating city status and the position of mayor. Those of us on this side of the House committed to that as part of the by-election. If that is to mean anything, young Deputy Cassells, who is sitting in front of me, should cross the Chamber to the Minister of State and tell him that, as part of the confidence and supply arrangement, we must deliver on that promise, otherwise it was a con job on the people. We cannot have that in politics, can we? The Minister of State has a great deal of scope in this area. There are many things that he can do to change the current situation and restore the better parts of that which existed in the past and create the type of confidence in local government that is needed at this point.

The way I think chief executives work - I might be wrong in this regard - is that they agree to fix a pothole for a councillor or to allocate a house. They listen to councillors but, in return, the latter must vote for the budgets put forward. Councillors might get potholes fixed but, as a result of what I have just outlined, the budgets of local authorities are not being administered correctly, efficiently or in the interests of the people we serve. The courting of members of local authorities goes on and on until a majority of councillors are entrapped in this game of promises to repair potholes, etc., while the bigger picture goes unaddressed. The Minister of State needs to speak to those county managers and demand from them a standard in the delivery of the services for the public we represent of the highest order. It might be no harm if all the political parties were to meet their councillors and inject a bit of backbone into them to ensure that they acknowledge their obligations and responsibilities and act accordingly. That also needs to be done because it is a two-way street. The people are demanding it.

The Book of Estimates comes out at the end of each year and is gone through as quick as



one would say a Hail Mary. The results are very different and one would have more hope with a Hail Mary than with the Book of Estimates.

The Minister of State is in a position in which few Ministers find themselves. I am not playing political games with him. I have said this to him privately. He is in a position to leave his mark on the Department, turn it back towards democracy, enlighten the local authority members as to their role in a new democratic process and strengthen the role of mayors and that of chairpersons versus that of chief executives.

**Deputy Shane Cassells:** Hear, hear.

**Deputy John McGuinness:** I would consider them to be a board and they should be directing the person who is being paid by the State to do his or her job.

In many counties, mayors or chairmen are down the list in terms of recognition while paid officials make it look as if it is their domain and that they have brought about these wonderful changes. Without the representatives that the public elect, we would not have those changes. However, we have not given those public representatives powers. This Bill could deliver powers to them. Deputies Fitzmaurice and Grealish have called on the Minister of State to meet those representatives. He does not have to hear what they have to say to know what has to be done. If he had the courage of his convictions, based on a real true experience he has had in politics, he could do this. He can take the advice of his officials but not be led by it; he should be led by his own experience. He should give Kilkenny its city status as promised. Let us continue with a proper democratic structure. It now all rests on the Minister of State's shoulders.

**An Ceann Comhairle:** That sounds like a very good point at which to hand over to the Minister of State to reply.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan):** I will try to get through as many of the points raised as possible. In that context, I tend to take too many notes. I thank the Members who contributed to the debate. More than expected did so.

Deputy Cassells spoke first and expressed emotions, which I have felt myself in the past, about the campaign by members of Louth County Council to extend their remit into County Meath. I know how those particular matters can be very contentious locally. The Deputy also referred to the boundary of the town of Navan and said that the zinc mine is in the county council area. The Deputy raised the restoration of town councils with me previously. I have stated on the record - Deputy McGuinness might have been present when I did so - that the best thing the former Minister and now European Commissioner, Phil Hogan, did was abolish town councils. I do not know how any democrat could stand over a situation where a select few people get two ballot papers in a local election while everybody else gets one. I do not subscribe to having two levels of representation at local level for some while the rest of us just have one. However, there should be a properly integrated local government structure between urban and rural areas. Deputy Cassells indicated his support for the Cork city boundary extension and the proposed merger of the councils in Galway. Perhaps the meeting to which Deputy Ó Cuív referred took place at a different time.

**Deputy John McGuinness:** He was told to do that.

**Deputy John Paul Phelan:** Deputy Cassells requested more specifics on the financial ar-

rangements, but particularly the timeframe for the handover in Cork and when any compensation package can be reviewed. It is very much the intention that the ten-year mark would be the point at which such a review would take place. The Deputy spoke about transferring assets and liabilities under sections 9 and 11. The legislation is quite clear on the transfer of such assets and liabilities. Deputy Cassells sought detail on the cross-boundary committees covering joint urban areas. Those are specifically designed for places such as Drogheda, Waterford, Limerick and Athlone. Their purpose will be to take a strategic look, from a planning perspective, at the urban centres that cross county boundaries in order to see how we might develop them properly in the future in an agreed way. No boundaries will be moved because, as the Deputy stated, they are an emotive issue, particularly in an Irish context.

**Deputy Shane Cassells:** Will there be statutory powers?

**Deputy John Paul Phelan:** Yes, we intend establish them on a statutory footing. The powers they will have will be primarily in the area of forward planning and transport. Currently, such functions are not adequately performed by local authorities. A good example of co-operation, perhaps even the best example in the country, is at Graiguecullen, which straddles the boundary between Carlow and Laois. The authorities there have been co-operating for approximately 50 years and nobody comments much about it. They have agreed that certain functions are performed by the local authority in Carlow in respect of an area that stretches into County Laois. In terms of these joint structures, if the two local authorities agree to give specific additional roles to them, they will be able to do so. Deputy Murphy O'Mahony spoke about the need for a quick resolution in respect of Cork. She is correct in that regard. That is the primary purpose of this legislation. Deputy O'Keeffe spoke about the role of councillors. The Deputy served as a councillor for a long period. He said that this is an important role and that councillors had lost functions in recent years. I would point out to the House that Sara Moorhead, SC, is conducting a review not only in respect of councillors' pay and remuneration, on which I expect to have an interim report in the next week or so, but also on the role of councillors. She is also considering additional functions we can give them.

I am a firm believer in what Deputy Connolly spoke about, namely, performing functions at the level closest to the people. She laughed when social welfare was mentioned in that context. In some parts of the world, certain aspects of social welfare are delivered by local government. We should not be constrained by our narrow Victorian system of local government that has only recently been overhauled. Our city, town and county council structure was introduced in 1898 and very little relating to it changed until the past 20 years. There are certain functions we have never performed at local authority level which should be performed at that level. Ms Moorhead's report will be finalised in the spring, before the local elections. Deputy O'Keeffe reluctantly accepted the findings of the Cork review group. Deputy Aindrias Moynihan expressed his concerns about Ballincollig and Blarney and said that people locally were surprised about the proposed boundary extension. The best answer in that regard was given by Deputy Kelleher, who referred to the need for the city to plan, expand and develop into the future. He referred to boundary extensions in the past that went 400 yds but, five years later, housing developments have extended beyond that distance. It is probably dangerous to move a boundary once but if we are going to move it, we have to allow for the expansion of the city of Cork into the future. We want Cork to be the counterbalance to Dublin. It is the only other city in the country that could be accepted and considered to be a city internationally. We want to make it bigger. The population projections for other cities and towns in the national planning framework are also significant but Cork has the capability of being a real counterbalance to Dublin.

Deputy Ó Laoghaire referred to sheriffs and coroners. The laws governing the latter come under the remit of the Department of Justice and Equality. Changes to local government legislation do not automatically mean a knock-on change for coroners and sheriffs. The Department of Justice and Equality is liaising with officials in my Department about possible changes in the future. Our function is to establish the local government boundaries.

As well as speaking about the positive role played by Sinn Féin in this process, Deputy Ó Laoghaire raised the Mackinnon proposals for a wider economic area in Cork. In the next couple of weeks, I will be bringing to the Government a report on metropolitan governance which will encompass the idea of a broader economic area around Cork city which is not just confined to the newly expanded city boundary. Deputy Buckley spoke about the importance of the Cork brand.

Deputy Jan O'Sullivan and others referred to the importance of public information about the changes, particularly in Galway. She also referred to the development of the Cork-Limerick road and the importance of the Waterford to Limerick road which is in the national development plan. There will be an opportunity for much more detailed consideration of directly-elected mayors and there will be a memorandum to the Cabinet about this, hopefully in the not-too-distant future. The memorandum will outline the extent of the powers of directly-elected mayors. I agree with Deputy McGuinness that the most significant redistribution of power at local government level would be from the executive to somebody who would be elected directly. This is not a question of creating a new role as we already have mayors and chief executives. It is a question of balancing those two roles. In the future, the mayor will perform many of the functions which are considered to be the chief executive's at present. There will be an exception in areas such as planning. Due to reports from several tribunals of inquiry, I do not believe it would be appropriate to make that change. There will also be exceptions with human resources and the hiring and firing of staff. I am a supporter of this proposal overall. The ultimate objective is that each local authority would have a directly-elected mayor. It is proper that it should be trialled and functions changed in future incarnations.

Deputy Connolly is not supporting the Bill. She criticised the composition of the 2015 expert group. I was not involved in putting the group together. The Deputy is correct in pointing out that both Galway local authorities are struggling for funding. Deputy Fitzmaurice asked me to meet Galway local authority members. I have no problem with that. I have met most of them individually - many on several occasions - to discuss this issue.

This is a local government Bill which is primarily concerned with Cork. When we get to the amalgamation of Galway city and county councils, if it happens, it will be done by means of separate legislation. This Bill reflects exactly what happened in Tipperary, Limerick and Waterford. The first step is to have an implementation officer - a joint chief executive. Galway is being treated exactly the same as the other three mergers which have gone before. There will be another local government Bill which will deal mainly with Galway.

It is not the case that 99% of the elected local authority members in Galway are opposed to the merger.

**Deputy Michael Fitzmaurice:** I did not say that.

**Deputy John Paul Phelan:** I accept that Deputy Fitzmaurice did not say it. There are many councillors who have not fully made up their minds. Funding is a key issue. I have no difficulty

in talking to Deputies Connolly and Grealish and others about retaining the position of mayor of Galway. The position dates back to the 1400s and there is a symbolic importance to it. This is more than just a ceremonial position. I have no difficulty in considering that matter further.

The first step in the Galway merger process will be the issue of funding. Discussions are already taking place between the Galway local authorities and officials in the Department in respect of additional funding. All the comparators were referred to and I have never disputed them. Part of the issue is that Galway City Council is a relatively new entity. It was established in 1985 as a separate corporate local authority from Galway County Council. Many people I know in Galway feel that the city council never really took off fully independently of the county council. The Minister of State, Deputy Kyne, spoke at length about the fact Galway city has done well, even in the recessionary years. Part of Galway city's periphery and some of the substantial market towns in the county have not done so well, however. That is a reason why a unitary authority in Galway would work. We have significant rates bases in and around the city while many of those market towns in the county have lost traditional shops. Deputy Michael Collins named shops in west Cork which have closed in recent weeks. That has been the case in many regional towns, not least in Galway. A united local authority, which can look at where development is happening in Galway, which is mostly around the city and its hinterland, can then use some of those resources to help some of those towns which are struggling.

Deputy Connolly referred to how large a geographical area - from the Gaeltacht to Gort - the merged council would have to cover. The county council already covers that area with the exception of the city. It will be the third or fourth largest local authority in the country.

Deputy Ó Cuív gave a most interesting and lengthy contribution - it was different from what I expected it to be - which was mostly about football, parishes and things of that nature. He was a bit "Trumpian" and decried experts. Several times in his contribution he denounced that we should ever consider having experts and that nobody was consulted. The Oireachtas Members in Galway were consulted on at least one occasion, if not more, by the expert group. Most of the expert group were Galway natives. I do not believe local democracy, whether it is Galway city or county councils or Cork city or county councils, is the preserve of councillors. It belongs to the people. By all means, consult councillors too. However, the notion that unless councillors give their consent then it is null and void does not stand up to much scrutiny.

Several Deputies referred to officials operating in acting capacities in Galway local authorities. From the Department's point of view, there is no bar on those positions being filled permanently. That matter will have to be raised by Deputies. That is all the more reason a renewed management system, as envisaged in the section that deals with the appointment of a new joint chief executive, would be a good thing in a Galway context. That said, I am perfectly willing to consider amendments and suggestions from Members. However, I do not accept Deputy Grealish's assertion that this is disingenuous or Deputy Ó Cuív's claim that it is devious. There is nothing devious about it. This has been going on for four or five years in some way, shape or form. The methodology for implementing it is exactly the same as that employed in Limerick, Tipperary and Waterford. Deputy Jan O'Sullivan has spoken about the fact that Limerick city and county have benefited enormously from the merger of its city and county councils. Waterford has been much slower to benefit but improvements are happening. I live approximately half a mile from the centre of Waterford city and have seen it coming back to life in recent years. The merger has played its part in that.

As an outsider, it strikes me that the issue in Galway is that the city has done well in the past

and continues to do well, relative to the county. Deputy Ó Cuív referred to how the centre will always take power and resources and that he is against centralisation for that reason. That is King Canute stuff. Galway city is taking money already. It is attracting shoppers, visitors and others, to the detriment of the rest of the county. To suggest that we can go back in time is a nonsense. Deputy McGuinness and others spoke about a golden age of local government but I was a councillor 20 years ago and there was never a golden age, to my knowledge. I accept that councils have lost powers but I have referred to the job being done by Sara Moorhead on the question of giving more functions and powers to councillors and councils. We can often view the past through rose tinted glasses. Deputy McGuinness wants me to re-establish Kilkenny city council, for example, but there was never a city council in Kilkenny. There was a Kilkenny corporation and a Kilkenny borough council but there was never a city council. It is interesting that Deputy McGuinness failed to mention a proposal to the boundary commission for the most recent local elections to divide Kilkenny city that was a carbon copy of a submission by Fianna Fáil. No other political party or individual devised a situation whereby Kilkenny city would be cut down the middle. I do not know if the Fianna Fáil submission was made by Deputy Aylward or Deputy McGuinness but I will not take lectures from the latter about Kilkenny city. Deputy McGuinness also said something extraordinary. He referred to a major division between Kilkenny city and county, but there is no such division. In fact, I would say that there is less division now than at any time in the past.

Deputies Michael McGrath, Fitzmaurice and others spoke about the structure of the municipal districts. I would envisage that the municipal districts will grow in the future and gain their own independence. It is a new system and it is interesting to note that councillors who are members of municipal districts favour the system-----

**Deputy Shane Cassells:** No, they do not.

**Deputy John Paul Phelan:** They do. The Deputy should read the submission made by the AILG-----

**Deputy Shane Cassells:** They do not favour it. I have spoken to councillors.

**Deputy John Paul Phelan:** Deputy Cassells should read the AILG submission to Sara Moorhead, which says in black and white that they favour the municipal district system. I have heard the same in meetings that I have had with the AILG. It should be noted that more than half of the board of the AILG is made up of Fianna Fáil councillors, although I have no doubt that there are some Fianna Fáil councillors who think differently.

**Deputy Shane Cassells:** I did not mention any party.

**Deputy John Paul Phelan:** Fair enough. I am just saying that the representative group for councillors favours the municipal district system. It also favours giving the districts more power, autonomy and money, which is the point I was trying to make. Deputy Fitzmaurice referred to the strengthening of the municipal districts. Part of the meeting we will have with the Galway members will be about that very issue. I have said from day one that rather than throwing the baby out with the bath water in terms of municipal districts, we should strengthen them. Deputy O'Dowd spoke about municipal districts performing more functions locally but, under the current system, there is no reason for Drogheda municipal district not to have a housing section or to perform other functions to which Deputy O'Dowd referred. The issue is that Louth County Council will not allow it. That is a matter for the members and management of



Louth County Council and no local government Bill will solve it.

In response to some of the other points that Deputy O'Dowd made, under the national planning framework Dundalk and Drogheda have been identified as growth centres. As I signalled at an Oireachtas committee meeting a few months ago, additional resources should follow on from that identification. We are now on the verge of delivering some of the funds that were announced under the planning framework. Alongside the additional funding is a requirement for extra staff and I have no difficulty in devising a system that marries the national planning framework to the local government structure, which would see additional staff being provided to centres earmarked for substantial growth into the future.

Regarding Galway, I would stress that the consistent under funding to which Deputies have drawn my attention will be addressed in part by the review of the rates of local property tax and the system of allocation. That review is almost complete and is examining the structures under which local property tax funding is given to local authorities. It will take into account the population of local authority areas, levels of deprivation as well as existing income and expenditure commitments given by local authorities. It will also take into consideration Government priorities in the context of the national planning framework in particular.

I assure Deputy Ó Cuív that there are no plans, in this or any other legislation, to reduce the number of councillors in Galway. The section that deals with Galway is only concerned with the first stage in appointing a joint chief executive. I have responded to the points made by Deputies Michael Collins and O'Dowd already. Deputy Eugene Murphy does not favour amalgamation and said that we should not base our local authority structures on those that operate on the continent, which is not what we do. We have a county system here. I am a believer in one authority per county, whether it is Kilkenny, Galway or Limerick. Deputy Jan O'Sullivan spoke about the fact that there is a different local government system in operation in Dublin, which has four local authorities. The Citizen's Assembly is due to examine the local government structures in our capital city next year. I maintain, and I have said it in the House previously, that Cork should never have been one county in the first instance. It is far too big. That said, if we want to make Cork city a real counterbalance to Dublin, with a population of 250,000 and rising, then it should have a separate local authority. Every other local authority in the country has somewhere between 30,000 or 40,000 - as with County Leitrim - and 250,000.

**An Ceann Comhairle:** I am sorry to interrupt but we must adjourn this debate at 5 p.m. The Minister of State has four minutes remaining. He can continue or I can put the question on the Bill now. Either way, we must conclude at 5 p.m.

**Deputy John Paul Phelan:** I will conclude by saying that I will meet the Galway representatives. This is not a slight on Galway. There will be a Bill in respect of Galway. We can go through the issues of funding and so forth.

Question put and agreed to.

15 November 2018

## **Local Government Bill 2018: Referral to Select Committee**

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy John Paul Phelan):** I move:

That the Bill be referred to the Select Committee on Housing, Planning and Local Government, pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

*5 o'clock*

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Infectious Diseases**

**Deputy Catherine Connolly:** Is oth liom go bhfuil orm é seo a ardú sa Dáil mar tá an t-ábhar chomh tromchúiseach sin. I regret having to raise this matter. I wish I was asking about when the new hospital will be built or the extraordinarily long waiting lists. However, it has been brought to my attention that a patient with active tuberculosis, TB, was admitted to hospital in Galway. Of course, that can happen. However, in this case the patient was not suitably isolated and another patient contracted TB as a result, as did approximately 12 or 13 staff who have been diagnosed with latent TB and are undergoing treatment with antibiotics. Some have suffered adverse reactions to the antibiotics.

I am obliged to raise the matter because it should have been dealt with efficiently and effectively. The patient should have been isolated and other relevant protocols immediately enacted. It seems that did not happen quickly enough and the patient who came in with active TB and had a history of active TB was not isolated for several weeks, during which time the patient was resident on multiple wards and several people were exposed. Contagious diseases are a risk in the helping professions for nurses and doctors and for patients. However, we need a system that anticipates such risks and rolls out appropriate protections. That does not seem to have happened.

The infected staff, who include nurses and care assistants, do not feel that the system has looked after them. For example, they had to attend their GPs for treatment and pay for those attendances. They had to make a case to be granted sick leave. Having suffered the trauma of contracting latent TB, they must also deal with the feeling that they are not being cared for and are expected to just get on with it.

The staff were not tested in a timely manner. One of those to whom I spoke asked to be tested and was told that tests are not carried out willy-nilly and that he or she was only exposed to the patient for a short time. Subsequent testing of other care staff indicated they had contracted latent TB as a result of a short exposure. The staff member in question had to again request a test, fill out a form for a second time and was then diagnosed with latent TB and all the consequences thereof.

I am disappointed that the Minister, Deputy Harris, is not here to address this issue, although

that is no reflection on the Minister of State, Deputy Catherine Byrne, whose attendance I appreciate. This is a very serious matter involving an infectious disease and an apparent failure to urgently roll out the proper protocol and procedures in order to protect staff and patients.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** The Minister, Deputy Harris, asked me to pass on his apologies for not being present to take this Topical Issue. On his behalf, I thank the Deputy for raising the matter. I will read the script and then respond to some of Deputy Connolly's concerns.

I wish to assure the Deputy that the incidence of tuberculosis in Ireland is low. The World Health Organization categorises Ireland as a low incidence country, with less than ten cases per 100,000 population. The annual notification rate of TB in Ireland has declined since 2007 when the rate was 11.3 per 100,000, or a total of 480 cases. In 2010 and 2011, the annual TB notification rates were 9.2 per 100,000 or 420 cases in 2010 and 424 cases in 2011, which were the lowest rates recorded since surveillance of TB began in the 1950s when up to 7,000 cases were recorded per year.

Tuberculosis is a preventable and curable disease. It can be contracted by breathing in the bacteria *mycobacterium tuberculosis* which may be sneezed or coughed by a person who has TB in his or her lungs. However, although it is contagious, the HSE has advised that TB is not very infectious: close, prolonged contact with a sick person is usually required to become infected.

On the specific case referred to by the Deputy, the HSE has advised that a small number of cases of tuberculosis are identified in Galway University Hospital each year. That is within the expected range for the population size served by the hospital. When a case of TB is diagnosed, the hospital works with the HSE department of public health to provide screening for the family and for patients and staff who had close contact with the person, in line with best medical practice. This is called contact tracing and may involve a skin test, blood test or chest X-ray. Infection with the TB bacteria may not lead to developing the TB disease. Most people exposed to TB are able to overcome the bacteria. The bacteria become inactive, but remain dormant in the body and can become active later. This is called latent TB infection. People who have it do not feel unwell and cannot pass TB on to others. They may develop TB disease later in life and are offered up to six months' treatment to prevent that.

Staff can be exposed to TB in any healthcare setting. A patient suspected to have TB is isolated and the necessary precautions are put in place. If other patients or staff are exposed to TB, the department of public health follows up in regard to patient contacts while the department of occupational health deals with staff exposure.

On the specific case referred to by the Deputy, several staff in Galway University Hospital are being followed up by the departments of occupational health and public health following exposure to a patient earlier this year. It was not initially known that the patient had TB. The patient was admitted as an inpatient and subsequently found to be infectious. A review of the case will take place under our quality and safety processes. Education sessions have taken place for staff and the hospital is currently reviewing operating procedures for the management of TB.

**Deputy Catherine Connolly:** I acknowledge the Minister of State delivered a prepared reply. She read out ten or 11 paragraphs but only the final one dealt with my question.

I live in Claddagh in Galway and am fully aware of the background to TB, that it is treatable and that patients with active TB attend hospitals. All of that is accepted. I ask the Minister of State to please address the question as to whether the appropriate protocols and procedures were followed in this case. Why was a patient with active TB resident on at least two wards without being isolated? How could the TB be undiagnosed when the patient had a history of TB?

The Minister of State confirmed that a review will take place. The patient was admitted early this year. Why has a review not yet taken place? Surely, a review should have taken place immediately to determine why the TB was not diagnosed, why the patient was not isolated and why a significant number of staff on different wards contracted latent TB. Those questions should have been answered by the Minister of State. Was there an internal review? If not, why not? Did the hospital not realise the importance of this matter?

I do not want to have to raise such issues in the House. I am very proud of Galway. I want a public health system of which we can be proud. However, events of this nature keep occurring and it is only when the matter is raised in the Dáil that a review is carried out. That does not engender confidence in our health system. I want to build confidence in it. I want the hospital in Galway to function. It has many problems relating to a lack of staff and so on and I fully support it in that regard. However, the Minister of State should be able to tell me whether a review of this matter was carried out, what was learned and what action was subsequently taken. I should be hearing that a care package was provided for the staff in a caring manner. I should not be hearing comments to the effect that tests are not carried out willy-nilly.

**Deputy Catherine Byrne:** I apologise to the Deputy if she feels that the answer I read was not adequate. However, I cannot answer the specific questions she asked. All I can do is read the material I have been given. It does not set out the specific pattern of what exactly happened in this case. I have taken note of a number of the concerns raised by the Deputy and I will bring them back to the Minister. I will ask for more comprehensive information on the individuals who have been affected by this case of TB, particularly staff members, to be given to Deputy Connolly as soon as possible. If I had the relevant information in front of me to enable me to answer the questions asked by the Deputy, I would give that information to her. I just do not have it. There is no point in me pretending that I have it because I do not have it. I will ask the Minister and his officials to contact the Deputy to outline the exact information they have received from the hospital in respect of the cases that have been mentioned.

**Deputy Catherine Connolly:** I thank the Minister of State.

### **Medicinal Products Availability**

**Deputy Alan Kelly:** It is very disappointing that the Minister for Health is not here to deal with this and other issues. This is a particularly important issue. I want to know why a drug, pembrolizumab, is not being made available to cancer patients who require it. The issue has received a great deal of publicity in the context of the case of Vicky Phelan, to whom I spoke before I came into the Chamber for this debate. Pembrolizumab is produced by a drug company here in Ireland - in County Carlow - and is at least two years away from being approved. It has had very significant effects on Vicky Phelan's tumours and on her cancer and has given her a much better quality of life. Like many others, Vicky Phelan has been inundated with requests from people who want to know how they can access this drug. It is not a drug that is on a clinical trial. It is off licence. It is a unique drug because it has been shown to have a significant

impact on tumours in many of the cases of those affected. Two leading oncologists in this country, Professor Crown and Dr. Fennelly, have written to the Minister and the Department to ask for this drug to be trialled, or for some method to be found so that it can be provided to cancer patients. These patients need this drug.

Pembrolizumab is unique because patients can be tested in advance to determine their potential responses to it. This makes it cost-effective. The test in question, which is known as the PD-L1 test, costs approximately €2,000. In order to show that one is suitable for this drug and that it will have an impact on one's life, one must score over 55% in that test. Vicky Phelan scored up to 75% in it. Even though this drug is very expensive, it is cost-effective when compared with all the ancillary costs of other treatments, including potential hospital stays. Given that this drug has been trialled in the US, and in light of the US Food and Drug Administration's call for it to be released and approved immediately, I would like to know why a programme has not been put in place in this country to allow it to be used on a trial basis. The Government and the company could work together or some other method could be used to that end.

It is not acceptable that the 221 women affected by the CervicalCheck scandal have access to this drug, but others do not. It is morally right that the State is paying for the 221 women in question to access this drug, as a result of a Cabinet decision. While that decision is morally the right one, what distinguishes those women from people who are not in the group of 221? Why are they not entitled to access the drug in the same way? How is it legally possible for this country to say that a cohort of women who are absolutely devastated by what has happened - I know about this because I am fighting for the women in question - should have access to a drug, and have it paid for by the State, but women outside that cohort should not have the same entitlement? I do not even think that is legal. I think it is illegal. I do not think a Government decision can distinguish between two categories of people in this way. We need to have a plan in place to ensure there is equity in access to this drug for those who need it. We need to put a plan in place quickly because time is not on the side of many of these people. This point also applies to forms of cancer other than cervical cancer and to drugs other than pembrolizumab.

I encourage the Minister of State, Deputy Catherine Byrne, to go back to the Department. I am very disappointed that the Minister is not here. I have raised this issue with him directly. He knew I was probably going to bring it up soon. We need an answer to this. I am speaking with the support of Vicky Phelan and others who have raised the need to get wider access to this drug in a fair and compassionate way.

**Deputy Catherine Byrne:** I apologise for the inability of the Minister for Health to be here for this debate. Deputy Kelly could have withdrawn his Topical Issue if he had wished. I have been asked to respond to him on behalf of the Minister. I will read the reply that has been furnished to me. If the Deputy is not happy with it, I am sure some other arrangements can be made.

I thank him for raising this issue. The Minister appreciates that cancer diagnoses place enormous stress on patients and their families. Sadly, very few people in Ireland have been untouched by cancer. Access to potentially beneficial medicines for cancer treatment is an extremely important issue for people. The Oireachtas put in place a robust legal framework when it agreed the Health (Pricing and Supply of Medical Goods) Act 2013, which gives the HSE full statutory power to assist in making decisions on the reimbursement of medicines, taking account of a range of objective factors and expert opinion as appropriate. The 2013 Act specifies the criteria to be applied when reimbursement decisions are being made. Those



criteria include the clinical and cost-effectiveness of the product, the opportunity cost and the impact on resources available to the HSE. In line with the 2013 Act, a company that would like a medicine to be reimbursed by the HSE, must first apply to have the new medicine added to the reimbursement list.

HSE decisions on which medicines are reimbursed by the taxpayer are made on objective, scientific and economic grounds on the advice of the National Centre for Pharmacoeconomics, which conducts health technology assessments for the HSE and makes recommendations on reimbursement to assist decisions. The National Centre for Pharmacoeconomics uses a decision framework to assess systematically whether a drug is cost-effective as a health intervention. The drug mentioned by Deputy Kelly, pembrolizumab, is reimbursed for four indications: advanced melanoma in adults, first-line treatment for non-small-cell lung cancer, advanced melanoma in adults with combination therapy, and Hodgkin's lymphoma. The HSE has commissioned health technology assessments on the use of this medicine for two other cancers. When the output of this process for each of the additional indications is available, it will be considered by the HSE under the statutory process. The HSE is also deliberating on one further indication for reimbursement. In May 2018, a Government decision put in place a package of support measures for women and families affected by issues relating to CervicalCheck. As part of this package, all out-of-pocket medical costs incurred by the women affected may be met if they are not already covered under existing public schemes or by private health insurance. This exceptional commitment includes medicines which might not be approved for reimbursement, as long as they are prescribed by the treating clinician. Therefore, pembrolizumab would be encompassed under the support package if it is prescribed by a woman's consultant.

**Deputy Alan Kelly:** I thank the Minister of State. Obviously, I would prefer if the Minister were here. I appreciate the presence of the Minister of State, Deputy Catherine Byrne, and I acknowledge that she is doing her best. Tomorrow, I have to go to the funeral of a young man and father of three children in Clonmel. He was trying to get on this drug, but unfortunately he never made it. May he rest in peace. The issue is that the health technology assessment, HTA, for the drug will take two years. Too many women and men in this country will be affected by that timeline. Consultants are willing to administer the drug. The company that produces it is based in Carlow. The drug is available here and there is a test that would determine whether it would give the people affected quality of life or a chance. We cannot tell these people who want a chance that they can wait two years because of all the rules and regulations that are necessary. They do not have time. It costs €8,500 for a three week shot of this drug and €2,000 for the test to be done. People want the chance to spend the €2,000 and have the test. I beg the Minister of State.

Vicky Phelan said on the "Ray D'Arcy Show" that she had to fight tooth and nail to get on this drug and only for her persistence that would not have happened. She is alive and has quality of life. I want the Government to work with this company and the people who need this drug to give them some hope in the same way that Vicky Phelan has given so many people hope. I stress the inequity involved in paying for this drug for the women affected by the scandalous CervicalCheck issue, while having other people outside that. It is not legal to discriminate between people, notwithstanding that it is morally right to treat these women and give them as much as possible. I urge the Minister of State to give the people affected hope, consider this drug, approach the company, consider the trial and some sort of system quickly, given the impact we know this drug has had on some people's lives, particularly Vicky Phelan's.

**Deputy Catherine Byrne:** I thank the Deputy for raising this Topical Issue matter and I

apologise again that the Minister is not here. I cannot give a definite response to the Deputy. I can see his compassion for, and passion in speaking about, people who are fighting the scourge of cancer daily. There is no family in this country, including mine, that is not affected by somebody who has either passed away from cancer or is in the throes of that terrible disease. I offer sympathy on my part and that of the Minister for the young man and to his family. I do not know his name so I cannot be more specific.

**Deputy Alan Kelly:** His name is Martin.

**Deputy Catherine Byrne:** I assure Deputy Kelly that I will speak to the Minister, as I always do when I leave the Chamber. I always make sure that if I cannot get the Minister who has asked me to stand in, I give an outline of the question to a member of his or her staff and request that the Minister respond more comprehensively to the Deputy in question.

Unfortunately, I am not able to say we will be able to reimburse people but I believe that for those who are struggling against this horrible disease, we have to do whatever we can, not only in this House but through medicine and compassion to work on their behalf.

### **Public Transport**

**Deputy John Lahart:** I thank the Minister for Transport, Tourism and Sport, Deputy Ross, for attending. I am always grateful when he is here and in fairness to him he always makes an effort to respond to Topical Issue matters. The Minister is very familiar with this issue. As I speak, trade union representatives are on national radio again, having raised this issue on national radio this morning. I and one of my councillor colleagues are members of the Luas-Dublin Bus forum in Tallaght. There have been some incidents recently in which bus services have been withdrawn. This occurs in other parts of Dublin as well, thankfully not too frequently, but often enough to cause some degree of concern to people.

What we hear at the Luas-Dublin Bus forum, and what is often raised in the newspapers, are dramatic incidents culminating in serious assault that have occurred on Iarnród Éireann services several times. I am equally concerned by the low grade menacing level of anti-social behaviour on all public transport. A person may be sitting upstairs on the bus and someone who is drunk or not even drunk, or worse, someone on drugs, becomes aggressive. There is no provision for Luas security personnel to stop, search and arrest. They can simply escort someone off the tram. Since before 2016 Fianna Fáil has been calling for a dedicated public transport police to ensure, at a minimum, that random checks are carried out so that members of the public can take a journey on public transport, which we are encouraging them to use, in the knowledge that a random check may take place on any public transport service to dissuade anti-social behaviour.

**Acting Chairman (Deputy Bernard J. Durkan):** We will not have a fourth Topical Issue matter today.

**Deputy Robert Troy:** I do not know why Deputies submit Topical Issue matters when they are not going to be here to take them. I thought there was always a reserve Topical Issue matter to make sure that four issues are discussed.

I add my voice to Deputy Lahart's in asking the Minister to tackle a growing problem on public transport, namely, anti-social behaviour and assault. By 9 September this year, 500 such

incidents had been reported on Irish Rail and 11 drivers had been assaulted. Last month, four Bus Éireann drivers were assaulted. Dublin Bus has a protocol under which drivers who do not feel safe withdraw a service. Unfortunately, that is becoming very frequent.

This morning, on “Today with Sean O’Rourke”, we heard two drivers, one from Irish Rail, the other a bus driver, share examples of their experiences, which included drivers being spat at, one driver being hit with a snooker ball in a sock and a ticket inspector who had three fingers broken. Only last weekend, a train on the Sligo line had to stop at Kilcock, causing a 45 minute delay for passengers while they waited for gardaí to come and remove an unruly passenger.

It is not good enough that workers in State companies do not feel safe going to work and that passengers are afraid in certain instances to use public transport or are delayed because of the need to deal with anti-social behaviour on public transport. Unfortunately, as with many of the commitments from his Department, the Minister is failing to act on this. I hope he will use the opportunity over the course of the next four minutes to outline exactly how he plans to deal with this issue.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank Deputies Troy and Lahart for raising a matter that is topical. This is an unusual occurrence in this House and it is very welcome that they are doing so.

As the Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding for public transport. However, I am not involved in the day-to-day operations of public transport. The safety and security of passengers and staff, including arrangements to deal with anti-social behaviour on public transport, are matters for the operators, in conjunction with, as appropriate, An Garda Síochána. I am, however, concerned to ensure that the necessary arrangements are in place to ensure the safety of all passengers and staff travelling and working on our public transport network. I am advised by the Department of Justice and Equality that there is a range of strong legislative provisions available to An Garda Síochána to combat anti-social behaviour, including provisions under the Criminal Justice (Public Order) Acts, the Criminal Damage Act and the Intoxicating Liquor Acts. An Garda Síochána remains committed to tackling public disorder and anti-social behaviour by working with communities to enhance safety.

There were 45.5 million passenger journeys in 2017 on Iarnród Éireann trains. The vast majority were without incident. However, I have been advised by Iarnród Éireann that the number of recorded anti-social incidents has risen in recent years; hence the concern expressed by the Deputies and others. Iarnród Éireann has been actively encouraging employees to report all safety critical issues, including threatening and violent behaviour. In the first nine months of this year, 584 incidents were recorded. However, Iarnród Éireann has advised that anti-social behaviour has receded significantly since the summer, when it would be typically at its highest level. Security patrols by the company have increased by 21.8% since 2016, and it has advised that it has enhanced general security cover and provides for enhanced security patrols for major events.

Iarnród Éireann liaises on a quarterly basis at a minimum with An Garda Síochána in major districts. In addition, there is ongoing liaison by the company with employees and their trade union representatives to assess reports of anti-social behaviour and direct security resources based on the issues reported. Closed circuit television, CCTV, is available on the vast majority of trains and has been used successfully numerous times in securing prosecutions. It is also in

place in stations. In addition, Iarnród Éireann has advised that it has commenced the deployment of on-board customer services on intercity services. While the primary focus will be on customer service, the company will ensure a presence on these services to deter anti-social behaviour and to alert security or the Garda should urgent responses be required. Both Dublin Bus and Bus Éireann have stated the level of anti-social behaviour on their services is relatively low and note a declining trend, which is very positive. Both companies stress the strong and close working relationships with An Garda Síochána.

Following representations from the National Bus and Rail Union on the establishment of a dedicated police force for public transport, my Department wrote to Iarnród Éireann, Bus Éireann, Bus Átha Cliath and the Railway Safety Advisory Council to seek their views. Subsequent to that engagement, I contacted the Minister for Justice and Equality to seek his views as to how we might best address the issue. I have asked that the Minister consider this issue in conjunction with An Garda Síochána given that the allocation of all Garda resources, including the manner in which Garda personnel are deployed, is solely a decision for the Garda Commissioner and his management team. I will continue to work with the Minister for Justice to resolve this important issue.

**Deputy John Lahart:** I thank the Minister for the response. There is good news in it, particularly in respect of Iarnród Éireann and the deployment of on-board customer services on intercity services. I appreciate that. I believe passive security is being suggested.

The Minister does not want to get involved in the day-to-day running of any of the companies. He is responsible for policy. What is his view on this given that the union has made multiple calls for a dedicated transport police? It obviously sees good reasons for doing so. CCTV does not capture low grade anti-social behaviour but it does capture physical assault, quite clearly. The Minister outlined some of the issues. Will he publish the responses from Dublin Bus, the Luas, Iarnród Éireann and the DART? What was the response from the Minister for Justice and Equality?

The Minister has travelled on a bus and used the tram. There is nothing more scary and anxiety inducing than being on a bus when there is anti-social behaviour taking place. One is simply trapped. At least on a bus or the Luas, one knows there will be a stop in three or five minutes but one can be on a train for an hour. There is simply no escape. That is the fundamental point to take on board.

**Deputy Robert Troy:** The Minister says he has responsibility for policy. The policy of ensuring the security of passengers using public transport and the staff working thereon should be key. The Minister has responsibility to ensure appropriate action is taken. It is not that he can prosecute somebody caught acting in an anti-social manner or who has assaulted somebody but he can prevent this behaviour on public transport.

The Minister said it is the responsibility of the Minister for Justice and Equality and that it is a decision for the Garda Commissioner but, in respect of the Judicial Appointments Commission Bill and the reopening of Stepside Garda station, he had no problem in expressing his tuppence worth on their responsibilities. Therefore, I ask him to take on board what the union and workers are saying, in addition what Deputy John Lahart and I are saying about passengers who are using public transport.

Only last week a senior citizen in my constituency who travelled from Connolly Station to

Mullingar said she was relieved getting off at Mullingar train station because she was afraid on the train. That is not right. It is certainly not proper and the Minister is responsible for doing something about it. I hope he will.

**Deputy Shane Ross:** I fully understand Deputy Troy's concern about the incidents he is mentioning, particularly when they affect his area and constituents. He really does not expect me to get involved in any specific incidents that happen on trains or buses. It might make good copy for his local newspaper to come in here and say what he said but if he expects me-----

**Deputy Robert Troy:** It is national policy.

**Deputy Shane Ross:** -----to say I should intervene in respect of a specific incident, I am not going to do it. I have no intention of doing it.

**Deputy Robert Troy:** I did not ask the Minister to do so.

**Deputy Shane Ross:** What I said quite specifically is that this is for other people, agencies and authorities. They are well capable of dealing with the incidents. My concern overall is, of course, for the safety of staff and passengers. I am as concerned as the Deputy about the matters he addressed. My duty is not to interfere when an individual passenger has an unfortunate experience, however. It is to express my concern in very clear terms to the relevant bodies, including Bus Éireann, Dublin Bus, Iarnród Éireann and others, if I believe there is a trend or incidents or if not enough is being done to ensure the safety of passengers. That is what I will continue to do. I will continue to take seriously any individual representations made by Deputy Robert Troy and Deputy John Lahart. I have applauded the fact that they are prepared to bring this matter to the House. It is appropriate to do so but it is not appropriate to expect the Minister to intervene in individual incidents in Mullingar or elsewhere. I will not do that.

**Deputy Robert Troy:** It is dangerous going off script. The Minister is contradicting himself.

### **Shared Maternity Leave and Benefit Bill 2018: Second Stage [Private Members]**

**Deputy Fiona O'Loughlin:** I move: "That the Bill be now read a Second Time."

I am sharing my time with Deputy Lisa Chambers. On her behalf and on behalf of Fianna Fáil, I am absolutely delighted to introduce this Bill to allow a mother of a newborn child to share her maternity benefit entitlements with the child's other parent if she so wishes. That is an important point to make. This Bill does not propose to force mothers to share any or all of their leave. It merely gives a mother the choice to allocate a portion of her maternity benefit to her child's other parent if she so wishes. In saying that, we fully support a mother's right to choose how much maternity leave to take, how much to share with the child's other parent and when to return to work. This is an important move towards broadening parental choice, promoting gender equality and supporting a healthy work-life balance. At present, benefits for new parents are relatively poor in Ireland and rank well below those of our European peers. Mothers are entitled to just 26 weeks of paid maternity benefit and have a further entitlement of 16 weeks unpaid maternity leave. Fathers are entitled to just two weeks of paternity benefit. In our last manifesto, and it is still Fianna Fáil policy, we proposed increasing maternity benefit to



30 weeks, increasing the timeframe in which parental leave can be taken and allowing parents to share leave between them. However, we cannot do that in a Private Members' Bill because it would be an added cost to the Exchequer. This Bill does not mandate that parents must share any or all of the leave. It gives mothers a choice to allocate a portion of their leave to the other parent.

The first years of life are recognised as a critical period for children. Increasingly, young children are raised in families where both parents work, and parents may have less time and energy to invest in their offspring. Maternity and parental leave, as well as paternity leave, are an important accommodation designed to increase the ability of families to balance the needs of the workplace and home. It should be flexible to allow the best possible scenario for each set of parents. A woman may wish to share her maternity leave with the child's other parent for a variety of reasons. Certain jobs are more amenable to periods of leave. For example, a person working in an established company may find it easier to take leave than a self-employed person and certain women may wish to re-enter the workforce earlier. We believe this should be for the mother to decide, while protecting the right to 26 weeks.

Parental leave policies that support fathers' or other partners' involvement are a powerful tool to tackle gender inequality. Studies from numerous countries, including America, Australia, Denmark and the United Kingdom, have demonstrated that fathers who play an active role in their children's lives in the early stages of life are more likely to share in child rearing duties later in life. This in turn reduces the imbalance between men and women in terms of responsibility for domestic duties and supports women's participation in the workforce. Furthermore, surveys demonstrate that many fathers wish to play a more active role in their children's lives but are prevented from doing so by financial and cultural barriers. We hope to address this issue by allowing couples to share maternity benefit between them.

Research in 2015 found that fathers were just as likely as mothers to say that parenting was extremely important to their identity. The same research found that 48% of fathers felt that they were not doing enough caring and would like to increase the amount of time they spent with their baby. Fathers should be facilitated in this in order to share rearing responsibilities with the mother. Clinical psychologist David Coleman talks a great deal about both parents creating secure attachments with their babies. Securely attached children grow into teenagers and adults with better self esteem, greater resilience, the capacity to establish and maintain friendships and the ability to deal with strong emotions and impulses. He has written about the research studies that suggest that fathers who are involved, nurturing and playful with their infants have children with higher IQs and better linguistic and cognitive capacities. The evidence also shows that toddlers with involved fathers have higher levels of academic readiness and appear to handle the stress and frustrations of schooling better than children with less involved other parents. Most fathers now recognise the importance of their role as an equal co-parent and want to be empowered to devote the time necessary for doing this.

Essentially, this Bill is about choice, flexibility and equality. It aims to maximise flexibility for parents. It gives the mother more choice to make decisions based on her personal circumstances and what works best for her family. If enacted, I have no doubt that the Bill will transform the potential parental entitlements of fathers. The Bill allows both parents of a child to split the maternity leave more evenly. It will not affect the two weeks of paternity leave that are already in place and, significantly, will not place any additional cost on the Exchequer as it does not extend the current timeframe. Our current system of maternity leave is very restrictive. There is no scope for the other parent to extend the two weeks paternity leave unless the

leave is taken from the annual leave allocation. The two weeks paternity leave introduced in the Paternity Leave and Benefit Act 2016 was available for any child born or adopted on or after September 2016 and can be taken at any time within the first six months. New figures from the Department of Employment Affairs and Social Protection show that 51,409 fathers have taken up the €240 per week paternity benefit payment over the last two years. Given the progress in fathers taking paternity leave over the last two years I have no doubt that a number would equally take up the possibility of shared maternity leave.

**Deputy Lisa Chambers:** I am happy to introduce this Bill with my colleague, Deputy O'Loughlin. I thank our researcher, Áine Doyle, for her help in drafting the Bill. It has been an extraordinary year for women's rights. There have been many debates in the House on pertinent issues for females during my short time as a Member and this is certainly an issue that affects many women as well as their partners.

I am proud that we live in a modern, progressive society, one that has changed rapidly over the last ten to 15 years. As a result our work life, society and women's place in the workforce have changed, for the better in my view. However, our maternity laws are outdated and old-fashioned. They restrict women in their ability to enter and stay in the workforce and to make the correct choices for them and their families. Currently, a woman can take up to six months or 26 weeks paid maternity leave, but the father or the other parent can only take two weeks. There is clearly an imbalance that must be addressed. Ultimately, we must increase those entitlements. We want more maternity leave and greater flexibility for families, with parents having the ability to stay at home for longer with their children in the first year after birth. If that is something they wish to do, they should be facilitated to do it by the State and its laws. However, parental choice is lacking at present and women do not have that choice.

We must have a reality check as to what it is like for a woman to work in this country. If she has just become a new mother the option open to her is to take the six months maternity leave. If she does not take the six months maternity leave the other parent cannot take that leave to help her out. The options that remain are relying on family members or paying for extremely costly childcare earlier. It can also be difficult to get a childcare facility to take an infant younger than six months. These are the realities of daily life in this country. Why not give the choice back to parents if a woman decides she does not want to take the six months off? Perhaps she earns more than her partner and it is better for the family financially that she returns to work sooner, so that is what the couple decide to do. What about situations where the mother does not get maternity leave because she is self-employed and runs her own business? That means the maternity leave is lost to the family. Why would we facilitate that? Would it not be better for the family that the father or partner can take time from work, stay at home and take that paid maternity leave rather than having to pay for expensive childcare early and have the child without a parent at home, against the wishes of those parents but because they have no other option?

The Bill does not seek to take away any rights from new mothers. The *status quo* is maintained and maternity leave rights automatically go the mother unless she chooses to give some of that leave to the other parent. They make that choice together if it is in the interests of their family to do so and it is the choice they want to make. Currently, that choice is taken from them. In modern society many fathers would like the opportunity to take time off and stay at home with their new children. Currently, all they have is two weeks for that. We want to get to the stage where we can ultimately extend all that leave but we are all very well aware that it costs money to do so. It will be a longer term objective of the country. In the short term, why

not make existing entitlements flexible and give parents the choice to decide? They will make the right call for their families and their position.

Can the Minister imagine the transformative impact on women who are working or self-employed if there was this flexibility and the pressure was off? The choice facing women now is to go back to work a bit sooner but then having to pay for childcare because a partner cannot take off the time instead. This puts women in a very difficult position and often forces them to stay out of the work force longer than they may like. Can the Minister imagine the transformative effect this would have in levelling the playing field? Right now a woman of child-bearing age faces certain realities heading to work. If a woman has an interview for a new job and is competing with a male colleague, the assumption is the woman of child-bearing age is more likely to take time off with children than a male applicant. This often goes against female candidates applying for positions. I know a friend who applied for a job but took off her engagement ring before attending the interview. Why did she feel the need to do it? She did so because she knew engagement indicates marriage, which indicates potentially having a baby and taking time off work. Can the Minister imagine heading to an interview where an employer would see the male candidate as just as likely as a female candidate to take time off work to mind children? It would not even be an issue. It is the kind of equal society we need to attain. This is the kind of action that will help women practically in modern Ireland. This is for modern working women who want flexibility and choice.

I emphasise that this is about choice. If a new mother wants to stay at home with her baby, she should be supported in every aspect in doing so. Equally, if a woman does not want to take the full six months or is not entitled to any maternity leave, the State should give every support to that woman too. All we are asking for is equal opportunity and treatment. It is about putting choice back in the hands of parents rather than the Government. Many fathers want this opportunity but feel under extreme pressure to go back to work. Two weeks is a short period and any new father will tell us that the first two weeks absolutely flies and he is back to work before he knows it. There is an opportunity to split the maternity leave if it is in the interests of the family and something they want to do. It would be a really positive option for families.

I know there are some concerns around the potential impact arising from a mother not having enough time at home. Again, the emphasis is on choice and nobody is being forced to do anything. Currently there is no choice. There are issues of European Union law and the necessity to ring-fence some of the leave specifically for new mothers. We are absolutely happy to accept any amendments in that regard and debate them before seeking, with the support of other Members in the House, to make the legislation more robust and workable. We are certainly open to amendments that make the legislation better.

Ultimately, the intention is to broaden choice and flexibility. We have an existing entitlement that is inflexible and does not represent modern Ireland. It does nothing to help women who want to stay in work and perhaps get back to work sooner, or those who do not get maternity leave. Our laws should reflect the fact that the workplace has changed rapidly and women's needs are now different. Why not provide that flexibility and choice rather than leaving the Government make that choice? Let the woman make the choice for herself.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I welcome the opportunity to be able to make the Government's contribution on the Second Stage of Fianna Fáil's Shared Maternity Leave and Benefit Bill 2018. There is a keen interest from all sides of the House to improve the child minding options open to parents and of young children,

in particular. I am glad of the opportunity to update this House on the work that is under way in the Government to support families and children, something we all agree is a real priority. There is much work going on in this area and tonight is a good opportunity to update the House and reflect on it.

I will first turn to the provisions of this Bill. The Bill as published provides for the amendment of both the Maternity Protection Act 1994 and the Social Welfare Consolidation Act 2005, as amended, with a view to allowing parents to share the minimum period of maternity leave, amounting to 26 weeks of paid leave, which is provided for under section 8(1) of the 1994 Act; provides for notification requirements where a pregnant employee wishes to transfer part of the entitlement to maternity leave to another relevant parent; and makes corresponding amendments to the Social Welfare Consolidation Act 2005, as amended, to provide that the entitlement under maternity benefit can be transferred to the relevant parent under a new scheme known as “shared leave benefit”, with whom the maternity leave is to be shared. Some people have expressed surprise that the Government might seek to oppose this measure. Unfortunately, the Bill as constructed leaves us with no choice. It is regressive and I genuinely hope that is unintentional. It is legally flawed, with a number of negative consequences for mothers and the relevant parents. It is contrary to best practice and current EU directives.

In the first instance, this Bill is fundamentally regressive. It effectively dilutes the security that mothers and their babies have enjoyed up to now in terms of maternity leave, as maternity leave will become a commodity that is subject to negotiation within couples and between a woman and her employer. Inevitably, this will lead to a position for some women that their employers will put pressure on them to cut short their maternity leave and to return to work. I do not imagine this was intended - I hope not - and I ask Members of the House see that although there will be other discussions around how employers deal with particular employees in certain circumstances, this is certainly open to abuse. We could not endorse or encourage a culture that places pressure or expectation on a woman to forgo or cut short that precious time with her baby after birth. It is a bonding period and we know that 12 months is a crucial period of the baby’s development.

The Bill is also contrary to the objectives of this and previous Governments’ early years strategies, which seek to promote breastfeeding for longer periods of up to six months, as recommended by international bodies such as the World Health Organization. This objective is best achieved by retaining maternity leave as a right that is taken by a mother for a set period, currently 26 weeks as provided for under the 1994 Act. In essence, the Bill could, depending on the circumstances, be considered contrary to the needs of breastfeeding mothers.

What surprises me most is how poorly thought through this Bill is. By maintaining a narrow focus on one objective and seeking to change one part of existing legislation, it will undermine many entitlements currently available in a raft of other legislation. The fact that the Bill has not been subject to a consultation process is problematic, as it has significant implications for businesses and families. For example, if the Bill is passed, employers would have to rethink the current system and arrangements for organising maternity leave cover. It might well be more problematic for employers to have more workers absent on maternity leave for shorter periods than for an employer to manage the absence of a female employee for 26 weeks. It may well be easier to get substitute staff for 26 weeks than for 13 weeks.

There are a number of technical flaws in the Bill, which fails to carry over the provisions protecting pregnant workers. It would have to be substantially amended to ensure that the

current protections would be retained for women and men availing of the leave. The Bill's approach reduces the protections currently in place concerning maternity leave and would create a position where spending time with children would become an issue of maternal choice rather than a right on which the mother can rely, even in a hostile work situation. For many, it will be seen as diluting a right women have fought hard to get and which they currently enjoy.

If the House will bear with me, I will provide some examples of protections and rights afforded to parents who have recently given birth. Section 14B of the Maternity Protection Act 1994 provides for the postponement of maternity leave in the event the child is hospitalised. As per the provisions of this Bill, should a pregnant employee transfer maternity leave to another person, this leave becomes "shared leave". However, as this is now "shared leave" and not maternity leave, the "relevant parent" in receipt of "shared leave" would not be entitled to postpone the leave if the child is hospitalised, as the Bill does not include any provision to allow for "shared leave" to be postponed and the 1994 Act does not recognise "shared leave". No changes have been suggested to facilitate this.

Also, as a brief overview, Part IV of the 1994 Act provides specific employment protections to mothers on maternity leave.

*6 o'clock*

For example, some of these protections prohibit being terminated or suspended from employment, being unfairly treated if maternity leave is taken during probation, during an apprenticeship or while on training and includes the right to return to employment and to suitable similar work on the expiry of maternity leave. Under the Bill, maternity leave that is transferred to the relevant parent becomes shared leave for the purpose of the Act, and, as such, all of the protections provided for under Part IV of the 1994 Act would not apply to that relevant parent as the Bill makes no provision for the employment rights and protections of those absent from work on shared leave.

Furthermore, the provisions of the Bill would result in the State being entirely non-compliant with long-standing EU legislation concerning the protection of workers who recently gave birth or who are breastfeeding. The Bill breaches EU Directive 92/85/EEC, which introduced measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. The directive requires that member states provide for a continuous period of maternity leave of at least 14 weeks to be allocated to a pregnant employee before and/or after the date of birth. Ireland has long been compliant with this requirement, as we provide 26 weeks of maternity leave, and would not envisage breaching or breaking this directive. However, under the Bill, if it were passed, the State would be non-compliant with the requirements of the directive because it requires that member states provide a continuous period of 14 weeks leave to the pregnant employee and not to anybody else. If it is not bad enough that it could disadvantage breastfeeding mothers, the Bill would result in infringement proceedings being taken by the European Commission through the European Court of Justice. As it would be a clear-cut breach of the directive, the infringement proceedings would result in significant financial penalties being levelled against the State.

There would be implications for the Exchequer as the Bill would require that my Department develop essentially a brand new system and scheme to enable claimants to share a social insurance payment. This would incur IT and administrative costs in developing the new system and its operation. It would take significant time to implement and it would need to go behind a



long list of progressive measures already in the queue. Suffice it to say, in seeking to provide one reform, the Bill undermines many existing benefits that families, and particularly mothers, enjoy.

The Government supports the fact that parents want choice, flexibility and the opportunity to spend more time with their children, and we believe the provision of family-related leave is one of the most important areas needed to create a balance between family and working life. However, supporting parents and families is not just about providing additional leave in isolation but rather it is ensuring a range of supports are in place. Deputies will recall, for instance, that as part of the budget my colleague, the Minister for Children and Youth Affairs, Deputy Zappone, announced an €89 million increase for childcare from 2019. Next year, the State will investment €576 million of taxpayers' money to support childcare.

I am also pleased that we have delivered on another commitment under the programme for Government for families. The Deputies will be aware that free pre-schooling provided under the early childhood care and education, ECCE, programme has been extended since this autumn, and all children will be eligible for two full years of free pre-school education before transitioning to primary school. These are impressive achievements and the Government is rightly proud of them and committed to helping the families of children with disabilities. In this regard, the Government has committed an additional €10 million through the access and inclusion model to ensure that children with disabilities can fully participate in the programme.

In recent years, the Department of Justice and Equality has also been instrumental in improving available supports to parents. The House will recall the former Minister for Justice and Equality, Alan Shatter, extended parental leave from 14 to 18 weeks, demonstrating the commitment of successive Fine Gael Governments to improving the supports available to parents.

The Government introduced the Paternity Leave and Benefit Act, which provides two weeks' paid paternity leave for fathers on the birth of their baby. In 2017, which was the first full year of the programme, almost 27,000 new daddies availed of the leave and benefit afforded under the Act, and the figures I released last week show that 51,400 daddies have availed of the scheme since its inception. This level of take-up of paternity leave is an positive development and represents a culture change. This is something we need to build on and grow. We do not need to do this at the expense of taking from mummies who are at home bonding with their babies.

The House will also recall that around this time last year, one of my first acts as Minister for Employment Affairs and Social Protection was to introduce legislation to extend maternity leave and maternity benefit in the case of premature birth. More recently, as part of this year's budget, the Government announced the introduction of a new paid parental leave and benefit scheme, which will be administered by the Department and will commence in 2019. The scheme will initially provide for two weeks of paid, non-transferable leave per parent, with a view to expanding it up to seven weeks in the coming years. Deputies will appreciate this new paid parental leave fulfils the commitment in the programme for partnership Government to increase paid parental leave during the first year of a child's life.

The Government and the Deputies share the common goal that greater support and flexibility must be provided to families and it is Government policy to support fathers to assume a greater share of caring responsibilities for their children through the introduction of paid parental leave. The establishment of paid parental leave will enable fathers to become more involved

in the care of their young babies without compromising any existing right and entitlement that a woman has.

The Government recognises that some women, particularly those who are self-employed, as has been mentioned, might gain from the proposal to share some element of their maternity leave. However, I would not be in favour of rushing into legislation that could have serious detrimental impacts on mummies. Furthermore, I am unsure as to the level of demand these proposed changes have sprung from. The officials can recall only one representation being made to the Department in the past two years.

Rather than proceed with the Bill, the Government feels that a proper consultation should take place to unpick and revisit the provisions of the 1994 Act. It would be prudent to establish in the first instance whether there is a problem and, if so, what exactly it is and what we need to do to address it without taking away the hard fought entitlements of mummies in this country.

Everybody in the House, whether male or female, or Government or Opposition, shares the objective of wanting to support families. The Government and all Members are committed to providing every support we can for parents and families. The Government's key initiative in this policy area is the introduction and extension of paid parental leave for both parents. Our aim is to give more leave and not take away a mummy's special time with her baby.

The Government will oppose this Bill, not least because of the ideas I have laid out and because there are fundamental technical and legal issues that makes the Bill's provisions unworkable. It does not take cognisance of existing provisions in the 1994 Act, it breaches long-standing EU directives and it removes employment protections afforded to parents who take leave following the birth of their baby. In view of the fundamental flaws in the principle of the Bill, I do not consider that it can be rectified by reasoned amendments. It is the Government's position that we would convey completely the wrong signal if we allowed it to proceed.

I am sure that none of us wants to introduce measures that would negatively impact on families. The Government believes that the best way to proceed would be to have a consultation process, perhaps through the committee, to find out the prevalence of the issue the Deputies are trying to resolve, and I accept their bona fides, and come up with a more practical, less regressive and more progressive response to it.

**Deputy John Lahart:** I thank the Minister for such a comprehensive response. She does not seem to like the Bill. I thank the Oireachtas Library and Research Service for its research material, which is very useful. One of its conclusions about the Bill proposed by my colleagues, Deputies O'Loughlin and Lisa Chambers, is that it seeks to adopt a similar approach to that taken in the UK. The Library and Research Service states that while it was not yet clear whether the Bill would obtain the support of the Government - that is clear now - it is likely to be welcomed by parents as a move towards a more progressive workplace.

The Minister has left.

**Deputy Thomas Byrne:** The Minister with responsibility for social protection should be here. It is outrageous.

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker please.

**Deputy Thomas Byrne:** On a point of order-----

**Deputy Finian McGrath:** I am in charge.

**Deputy Thomas Byrne:** On a point of order, is the Minister of State, Deputy Finian McGrath, a Minister of State at the Department of Employment Affairs and Social Protection? The Minister came in, made a series of allegations about the Bill that are false and then scuttled out. It is outrageous.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy should resume his seat. He is using up his colleagues' time.

**Deputy Thomas Byrne:** She smeared this side of the House in respect of the Bill and ran out the door.

**Acting Chairman (Deputy Bernard J. Durkan):** A Minister has the right to call on a colleague to deputise if he or she has another engagement. That has always been the tradition in the House.

**Deputy Finian McGrath:** I am also attached to the Department of Employment Affairs and Social Protection.

**Acting Chairman (Deputy Bernard J. Durkan):** He is also Minister of State at the Department of Employment Affairs and Social Protection.

**Deputy Fiona O'Loughlin:** Another job.

**Deputy Thomas Byrne:** That is a new one on me. He kept that quiet.

**Acting Chairman (Deputy Bernard J. Durkan):** In any event, the Deputy is eroding his own time. If he wants to go on like that all night, I do not mind; I am easy. I call Deputy Lahart.

**Deputy Lisa Chambers:** It is pretty poor form to walk out and not even listen to the response.

**Deputy Thomas Byrne:** After pillorying this side of the House

**Acting Chairman (Deputy Bernard J. Durkan):** I know. The Minister came in and spoke at that juncture.

**Deputy Lisa Chambers:** She spoke for 15 minutes and walked out.

**Acting Chairman (Deputy Bernard J. Durkan):** I am sorry. The Deputy knows this well that the rules of the House apply.

**Deputy Lisa Chambers:** I apologise to the Chair; it was never directed at him. However, a number of questions were posed by the Minister. We would have been happy to respond to them if she had seen fit to stay and listen to those responses.

**Acting Chairman (Deputy Bernard J. Durkan):** The Minister of State is well and fully equipped to reply to those issues.

**Deputy John Lahart:** This remains to be seen, but I have confidence in the Minister of State.

The point I was making is that the Library and Research Service seems to contradict what

the Minister said. It calls to mind the great quote from the movie, “The Shawshank Redemption” where the governor is asked if he is being deliberately obtuse. I thought the tone of the Minister’s contribution was quite aggressive, contrary to the spirit of the Bill proposed by my two colleagues. The opportunity to share maternity leave includes the ability to share the associated State maternity benefit. Where maternity leave is shared, the maternity benefit would be apportioned between the parents of the child in proportion to the period of maternity leave taken by each parent. I do not believe anybody could see a flaw in that. It is referred to as shared-leave benefit in the Bill and is additional to the paternity leave benefit.

The Bill also clarifies that shared maternity leave is supplemental to the paternity leave of two weeks. In her opening contribution, Deputy O’Loughlin, also made the point that it would facilitate greater equality in that it would allow both parents to share rearing responsibilities. If enacted, the Bill will be a positive step towards creating a more modern workplace, enabling parents to have greater flexibility in the care of their children. By affording parents the opportunity to share maternity leave, parents would, therefore, be in an optimal position for determining the best arrangements for their children. Other factors come into play, including financial arrangements. Depending on the circumstances, sometimes it may be economically viable for a mother to share part of her maternity leave.

We have highlighted that the Bill would not give rise to any additional costs to the Exchequer given that State maternity benefit is paid directly to mothers.

The UK introduced a similar concept under its shared parental leave scheme in 2015. This enables parents to share the period of parental leave. The parental benefit is also apportioned between the parents in accordance with the length of parental leave taken. The mother and her partner have an entitlement to 39 weeks shared parental pay in the UK. However, as the mother is statutorily required to take two weeks’ maternity leave, shared parental leave is available for 37 of the 39 weeks.

The Minister drove a coach and four through my two colleagues’ proposal without giving it proper consideration. The thrust and spirit of the Bill are there to be seen. The same happened in the House yesterday when my own Bill was being debated. We introduce Bills and everybody on this side of the House is open to significant amendment being made in the spirit of the Bill to ensure the broad thrust, principle and ambition of the Bill are carried forward. The Minister is now proposing that it be put off until the middle of next year in order that some kind of consultation can take place. I ask the Minister of State to reflect on that and take on board the spirit of what my colleagues are suggesting. A more generous response from Government would be most welcome on this side of the House. I know some of my colleagues will seriously contest some of the arguments the Minister made.

**Deputy Thomas Byrne:** I reiterate my disappointment that the Minister, after smearing the Opposition regarding the Bill, ran out the door. She made a number of statements that do not stand up to scrutiny. I find it difficult to believe her speech was written by civil servants.

The pregnant workers’ directive entitles women to 14 weeks’ maternity leave and requires them to take two weeks. I would like the Minister at some point to come back to correct that. The Bill is about ensuring that mothers can exercise their rights, but they can decide, if they so choose, to share that particular right. The Minister’s exposition of the pregnant workers’ directive is utterly wrong and should be corrected on the floor of the Dáil. She should look up the directive to see what it contains. She should also examine what other countries are doing.

There has never been a Commission fine; that is complete and utter nonsense. The excuses for opposing Opposition Bills are becoming ever more interesting and complicated. This is a progressive Bill to deal in all likelihood with a small number of families who want and fully choose to avail of its provisions and the rights furnished in it.

The Minister referred to breastfeeding. She is correct to highlight the importance of breastfeeding. Which of the young fathers among us has not helped their partners and wives with expressed breast milk when their wives want to go out, have to deal with other matters or are not in the family home that day? Most fathers I know are expert in assisting their partners and wives with giving expressed breast milk to babies. What the Minister said about breastfeeding is another bogus argument on her part.

The Bill is about mothers and families, and giving the choice to the small number of them who will avail of it. We are talking particularly about families where the mother is the main breadwinner or where mothers are self-employed and do not have the entitlements that many employees have. It is likely that a small number of people will take it up, but it could be life-changing for those who want to do it. No one will force anyone to do it. The Minister's assertion that employers will force people to do it is contrary to the facts.

I have no doubt that the Government has been hobbled by major employers and their representatives regarding this Bill and that is why it is opposing it. The major law firms and recruitment companies have made considerable commentary about the Bill. I compliment my colleagues on succeeding in getting it noticed. However, those companies are talking to their clients who presumably will not want men taking leave unexpectedly in the way that pregnant women and new mothers can - as well as men and other partners. They do not want that to happen. I suspect that is what this right-wing Fine Gael Government has succumbed to - utter hobbling by industry, big business and employers who do not want the additional rights in the Bill given to families.

That is the fundamental problem here. That is the truth of what is happening. It has been dressed up very nicely by the Minister, but it has been dressed up wrongly. This provision exists in other countries and is taken up by a small number of people. No issue relating to European law has ever arisen in those countries. None of the public commentary on the Bill by the major law firms with European law departments has mentioned breaches of the pregnant workers' directive. This is a red herring.

The Bill needs to be supported and passed by the House to give families the option to continue their lives and do what they want to do. The pregnant workers' directive requires women to take two weeks and it is likely that most mothers will want a higher number of the 14 weeks, even those who want to avail of this measure. However, they will have the choice as to whether they want to give some of it to the husband or partner and that will be entirely up to them.

If changes to the Bill are needed, they can be made on Committee Stage. There will be public consultation and pre-legislative scrutiny. We know it is the right thing to do. We do not need to consult big business to see whether we should put this forward. We do not need to take the warnings of law firms as they warn their employer clients about the Bill. We do not need to go with that. We in this House need to do what is right, and give extra rights and entitlements to families. This has to happen and the Minister of State should reflect carefully because I know he is not someone who listens to what big businesses say. I would appreciate it if the Minister of State looked at this issue closely. It was new information to me that he was a Minister of



State at the Department of Employment Affairs and Social Protection, but I am glad to hear it. He should look at this issue closely to see what the rights and wrongs are and whether the Cabinet made the wrong choice in opposing the Bill this week which is when it presumably was brought before it. It is a progressive measure and fundamentally misleading to the House to describe it as regressive. It is progressive, a word that has been used by many of the law firms that have commented on it. As Deputy Lahart stated, the Oireachtas Library and Research Service has come in against what the Minister stated. As she stated to Deputy Lisa Chambers, Fine Gael is ideologically opposed to the Bill. That is the truth of the matter. We can see the evidence in those who commented on the Bill and warned their clients and members about it during the summer. They had reason to be concerned and warn people about the Bill. We now find that Fine Gael is opposing it for utterly bogus reasons.

**Deputy Robert Troy:** I, too, welcome the opportunity to contribute to the debate on the Bill which fundamentally is about choice. There is absolutely nothing in it that is mandatory. There is nothing in it that will force either parent to do anything that they would not choose to do themselves. The arguments I heard the Minister make were disingenuous and she should have had the courtesy to at least wait to listen to the debate, given the fact that the Bill comes within her remit. I acknowledge that the Minister of State has responsibility in the Department too; therefore, he will have an opportunity to bring the concerns raised back to the Department.

The Bill is about allowing the mothers of newborn children to share their maternity benefit entitlements with the child's other parent, if they wish to do so. It is important that we move towards broadening parental choice, promoting gender equality and supporting a healthy work/life balance. The Bill allows parents to share between them the 26-week period of paid maternity leave but subject to the approval of the mother who cannot be discommoded in any way. If she does not wish to make that choice, she does not have to. The Bill is about supporting her right to choose how maternity leave is to be taken. The Minister was wrong. She used phrases such as "preventing the mammy from bonding with the child." She was almost trying to insinuate that we were nearly forcing a mother who wanted to stay at home with her child not to do so. That is factually incorrect. In Ireland mothers have a statutory entitlement to 26 weeks of maternity leave paid for by the Department of Employment Affairs and Social Protection. Mothers have a statutory entitlement to take a further 16 weeks leave without pay. Fathers are entitled to just two weeks of paid paternity leave and can only take some of the mother's entitlements if she dies. That is not right. The Bill will broaden entitlement and choice. The Minister gave kudos to the Government for its recent announcement in budget 2019 in which it committed to introducing an additional two weeks of paid maternity leave for mothers and fathers on a use it or lose it basis. What she failed to say was that it really should not have been an announcement in budget 2019 but in budget 2020 because it will not take effect until December 2019. We have moved to a new stage in this Administration where the Government is announcing budgetary measures 12 months in advance.

What are the benefits in introducing shared paternity benefit? It gives an opportunity in a situation where perhaps the mother is the main breadwinner, self-employed or a Member of Dáil Éireann, for whom currently there is no maternity benefit available. If a colleague of ours in the House gives birth during the Dáil term, there is nearly pressure on her to return to work within a short timeframe as a result of the fear that she will lose out because she is not operating and fully representing her constituents. Perhaps there are instances in which it would be more beneficial for the father or the second parent to avail of the benefit. It would be the choice of the mother in conjunction with the second parent. It would also offer the father greater involve-

ment in the child's life. A recent study conducted by the Overseas Development Institute found that Ireland was the most unequal of the 32 countries studied by it. Just 7% of men provide childcare, which is lower than the figure in Iraq, which is quite amazing. By allowing parents to share leave facilities, the Bill offers greater gender equality by allowing both parents to play an instrumental role in the early months of a child's life.

In this debate we frequently look to other jurisdictions and ask what is happening there, if it is working well and what is international best practice. During my time as my party's spokesperson on children, the countries always referred to in the provision of childcare and in terms of child welfare and getting it right from early age were the Scandinavian countries. Lo and behold, Sweden was the first country to introduce shared maternity leave in 1974, long before I was born. There is international evidence that demonstrates that this is happening and good. It offers a greater opportunity for both parents to provide caring facilities at an early stage in a child's life. It means that if the mother needs to go back to work for whatever reason, the family will not lose their statutory maternity benefit entitlements. Ultimately, the bottom line is that it is about choice. It would not be mandatory. It is not forcing people to do what they do not want to do. I ask the Minister of State to use his position within the Department of Employment Affairs and Social Protection and at the Cabinet table to try to encourage his line Minister to review the decision not to support the legislation which will not be voted on until next Thursday. It would at least allow it to move to the next Stage and if there are amendments to be made, they could be debated and made. I am sure, like any legislation, it can be improved.

**Deputy Louise O'Reilly:** I thank the Deputies for bringing the Bill to the House. It is one Sinn Féin is happy to support. I note the opposition of the Government and the absence of the Minister. I do not mean that in a disrespectful way to the Minister of State, but it is a pity that the Minister saw fit to launch a broadside against the legislation in a negative way. As one Deputy said, there is the opportunity to amend and work together. The premise on which the Bill is being brought forward is a good one. I had a little chuckle when the Minister claimed to be protecting women from unscrupulous employers because that is why we have trade unions. It is rare to hear a Deputy from that quarter do anything other than defend unscrupulous employers. Women do not need to be protected in that way, however. Families do not scream out for that level of protection and they will not be touched or convinced by the Minister's words.

We believe it is not before time that this is on the agenda. I am happy to debate it today but it is overdue. The introduction of shared leave is a step that many parents will welcome, as will people who live in the real world and defend themselves against unscrupulous employers by joining trade unions to defend their interests. We have moved away from the Ireland of old that was forged by the conservative counter-revolution in the early years of the Free State and which destroyed ideals of equality and equal opportunities. What they gave us was a crushingly theological and conservative State, which told us a woman's place was in the home. We are due a referendum on that archaic clause in the new year and that cannot come quickly enough.

That referendum is one of many signs that our society is moving on. Nevertheless, there are a multitude of issues which linger on in law or which are not provided for. As a result, women must fight to see them rectified. The Bill seeks to address one of these issues, namely, maternity leave. Not only has the construction of families changed in recent times but so too has the nature of raising children. Partners now play a pivotal role in the upbringing of their children and the passing of the Bill would be a reflection of that fact.

My experience of maternity leave happened a long time ago. It was not today or yesterday

but I think I was allowed ten weeks. I was a student in college when I availed of the leave and I went back to college when my daughter was three weeks old. It would have been helpful for us as a small family to be able to share the leave because we had to share the parenting. The Minister expressed a grave concern for the breast-feeding mothers of Ireland but that can be managed and there are facilities to ensure this. If I was able to manage it 20-odd years ago when such facilities were not in place, women will be able to manage it now. The concern for breast-feeding mothers was something of a ruse. I do not believe that is why the Government opposes the legislation.

The first year of a child's life is crucial in his or her development and parents should be able to spend as much time as possible with their newborn children, having been given space and time to bond. Figures released by the Department of Employment Affairs and Social Protection show that approximately 51,000 fathers were awarded leave since the scheme began in 2016, with almost 2,000 taking paternity leave every month. I use the word "fathers" rather than "daddies" because we should stick to "mothers and fathers" rather than "mummies and daddies", as I heard being said earlier. The entitlement in both the Six Counties and the Twenty-six Counties is considerably less than what is available to workers elsewhere in Europe. Ireland was identified as an example of worst practice in parental leave rights in the European Union. It lags far behind other member states for maternity leave, paternity leave and parental leave. Sinn Féin strongly supports the introduction of statutory rights for flexible working arrangements, which can play a role in enabling workers to balance work with family and other responsibilities, thereby significantly enhancing a worker's quality of life. Although the situation has improved for prospective parents over the past few years, there is more to do. As was mentioned, this is evidenced by the fact that we all know of young women who go to job interviews and feel obliged to play down the prospects of taking maternity leave. In truth, if it was a man or woman in the position, with equal chances of availing of parental leave, there would be a level playing field and it would ensure the appointment was made on merit. There would be no disadvantage for women, who might be seen as being more likely to take the leave.

The 26 weeks of paid maternity leave to which new mothers in this State are entitled is paid at a low, flat rate. It is one of the lowest levels of payment in the European Union. The sum of €230 per week for mothers to remain at home is simply not enough, although I acknowledge that when I availed of it, it was only IR£77. That was a long time ago, however, and I suppose some progress has been made. We need to consider substantially increasing this payment if we are to be seen as taking the concerns of new parents seriously and supporting them in the formative years of their children's lives.

It would be remiss of me not to use this opportunity to mention a group of people whose access to shared maternity leave could be hampered because of the Government's failure to address their situation. Same-sex couples who have conceived a child through surrogacy or donor assistance are at a distinct disadvantage because only one parent is allowed on the birth certificate, leaving the other without legal protections because Parts 2, 3 and 9 of the Children and Families Relationships Act 2015 have not been implemented. That historic legislation, which complemented the referendum for civil marriage equality, gave rights to same-sex parents for their family formation to be recognised and protected. Three and a half years later, the families have started and the couples have conceived, but the legislation still has not been fully implemented and does not deliver for the couples in that regard.

I thank the Deputies for bringing forward this legislation. We are happy to support it and engage on the process, which is what people wanted to hear from the Minister. Her response

of crocodile tears for women treated badly in the workplace and her campaign on behalf of breast-feeding mothers are somewhat misguided. The intention of the legislation is clear and its purpose is not to do what the Minister outlined. Sinn Féin is happy to support the Bill and to work with all parties in the House to ensure the tabling of any necessary amendments, which, as indicated, will be received gratefully. I remind Deputies that we have until next Thursday. This is good legislation and, if it can be approved, we should pass it. The intent is clear and I urge everybody to come on board and support it.

**Deputy Jan O’Sullivan:** I compliment the two Deputies for introducing the Bill, which the Labour Party supports. There may well be a need to amend it, to which the Deputies said they are open.

I am surprised at the tone of the Minister’s speech. I wonder whether she wrote it herself or had input. I have some experience of being handed scripts but one always tries to put one’s own stamp on them. It does not sound to me like Deputy Regina Doherty, judging by her personality and so on, but I do not know. What I do not like about its tone is that it is condescending to women. It is as though we need some kind of paternalistic protection against our spouses, partners and employers but that is not the world in which we live any more. We are equal human beings who can stand up for ourselves. While we want rights, we do not want arms put around us to protect us from the big bad men who will try to push us around and tell us what to do. That is not the reality of the world in which we live.

I am too old to benefit one way or another from any of this but I happen to be a grandmother. I know many young couples who very much share in the parenting of their children and who try to figure out ways to organise their lives in order that they can share responsibilities. That is the way that we, as legislators, should guide social policy rather than saying women will be pushed around or that they will not be given space to be with their children in the early years of life. That is not how we should proceed in public policy. Our policy on the early years of childcare is that parents should have the opportunity for the first year of a child’s life to be with the child, through maternity leave, paternity leave and parental leave.

I thank the Deputies for bringing forward this legislation. We are happy to support it and engage in the process, which is what people wanted to hear from the Minister. The response from the Minister of crocodile tears for women treated badly in the workplace, and the campaign she is mounting on behalf of breast-feeding mothers, is all somewhat misguided. The intention of the legislation is clear and its purpose is not what the Minister outlined. Sinn Féin is happy to support it and to work with all parties in the House to ensure the tabling of any necessary amendments, which, it was indicated, would be received gratefully. I remind Deputies that we have until next Thursday. This is good legislation. If it can be approved, we should do it. The intent is clear and I urge everybody to come on board and support it. The flexibility around how that is worked should surely be a matter for the couple themselves. That is the principle of this Bill and therefore it should continue to the next Stage.

I note that Minister spoke of EU law and so on, but I am not sure where that was coming from. If there are specific matters in the Bill that require tidying up, I am sure that Deputies Lisa Chambers and O’Loughlin would be willing to examine those.

There have been positive developments in expanding maternity, paternity and parental leave in recent years. I very much support this and it must continue. There have also been positive developments in childcare in recent years, the cost of which is the big issue for most parents of

young children, despite the country's economic difficulties, and that must also continue.

I will not speak for long. I just wanted to express support for the Bill. Something I see from my children and their friends is that people have many different working hours. Some people work shift hours, whether they are in caring professions or the more traditional shift-type jobs, and they juggle their parenting time accordingly, generally in a spirit of co-operation rather than one parent being superior in the workplace and the other superior in the home, which is not and should be how it is.

I express our support for the intent of the Bill and my disappointment in the Minister's contribution.

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Finian McGrath):** I commend Deputies Lisa Chambers and O'Loughlin on bringing forward this Bill and thank them and Deputies O'Reilly, Lahart, Thomas Byrne and Troy for their contributions.

All of us here share the same objective, namely, to provide parents with choice and flexibility and to afford them the opportunity to spend more time with their children. We all recognise the importance of helping parents strike a balance between family and working life, and we must do everything we can to achieve this goal. A lot of work remains to be done by the Government to support families through the introduction of paid parental leave. There are ongoing negotiations at EU level on the work life balance directive and several Private Members' Bills have been generated by Members of this House. That is a positive contribution.

I am glad we had an opportunity to discuss these in detail in this debate. Such a discussion helps to provide different insights, to inform us all of the different needs of families and of possible approaches that might be taken, and it all helps to improve the various initiatives in development.

As outlined, the Government is committed to helping families. In 2013, we increased parental leave from 14 to 18 weeks. In 2016, the Government introduced paternity leave legislation to provide for two weeks' paid paternity leave for fathers on the birth of their babies and, as noted, the Government is delighted to see the positive response and increasing uptake of this leave by fathers.

Around this time last year we provided for the extension of maternity leave and maternity benefit in cases of premature births, which is in addition to the existing entitlement to 26 weeks' paid maternity leave. Only in the past month, the Government announced the introduction of a new paid parental leave scheme next year to deliver on the commitments in the programme for Government.

These are all positive developments and the Deputies' Bill seeks to round out the overall picture relating to supporting parents. While the Bill itself does not quite manage this, it has provided the Government with an opportunity to consider the needs of those parents identified and outlined by the Deputies. Of course we, including myself as an Independent, take on board the views expressed and the spirit in which they were made. We are not closing down this debate. I disagree strongly with the remarks that the employers hobbled the Government. I strongly support the emphasis on choice and gender equality, but I am very concerned that we do not reduce mothers' rights to stay with newborn children.



I agree with the Members on the subject of maternity leave for Members of the Oireachtas. It is something we must work on. I also agree with them on the rights of women, trade unions and statutory rights.

Several colleagues raised the EU directive. According to article 8:

Member States shall take the necessary measures to ensure that workers within the meaning of Article 2 are entitled to a continuous period of maternity leave of a least 14 weeks allocated before and/or after confinement in accordance with national legislation and/or practice.

The maternity leave stipulated in paragraph 1 must include compulsory maternity leave of at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice.

I hope the Deputies will accept the reasons put forward in this debate as to why the Government cannot support this Bill. The Bill falls short of the Deputies' intentions to provide another layer of support for families. I will not labour the point, but I think we are all in agreement, and I would be disappointed and surprised if we were not, that we cannot proceed with legislation that would breach EU law, foster a culture that expects mothers to return to work immediately post birth and would reduce and remove the long-standing, existing protections already afforded to those on maternity leave or who care for newborns.

This Bill, if enacted, would incur expenditure for the Exchequer as the Department of Employment Affairs and Social Protection would have to develop a system that would allow for the maternity benefit payments to be transferred from a mother to a father. As a result, this Bill will require a money message to proceed.

**Deputy Lisa Chambers:** That is not true. That is factually incorrect.

**Deputy Finian McGrath:** The Government accepts that the principles of the Bill deserve further consideration. To reiterate the point made earlier, none of us wants to introduce measures that will have a negative impact on families, and the Government believes that the best way to proceed would be to undertake a consultation process following the implementation of our new paid parental leave scheme. This will enable the Government to ascertain precisely what is needed to support women, including those in insurable and self-employment, to reconcile care for their newborn children with the demands of returning to work.

**Deputy Lisa Chambers:** I am very disappointed with the tone of the Government response in rejecting this Bill. For the Minister to deliver such a scathing response to a very well-intentioned Bill, which is supported by Opposition parties in this House, and then walk out of the Chamber without listening to a single response is very insulting to those of us who are passionate about this Bill and the positive implications we believe it will have for women in this country.

I will go through the Minister's response and deal with some of the points she raised. First and foremost, we are not seeking to reduce maternity entitlements. We seek to add flexibility to current entitlements to allow parents to share what is already there. It is already there and there is no cost to the Exchequer. Why not give parents the choice and let them decide what is best for them?

The Minister said she does not want to take away a “mammy’s special time with her baby”. That language is sensationalist and populist. Nobody is seeking to do that. I do not know if she was referring to mothers, their partners or their employers, because that is certainly not what we are seeking to do. If anyone seeks to force a woman against her will to return to work before she is ready, that should be a criminal offence that should be dealt with properly, but that is not something that anyone on this side of the House is suggesting. Were she here, I would say so to the Minister directly.

The Minister suggested that maternity leave would somehow become a commodity subject to negotiations. I agree with Deputy Jan O’Sullivan who eloquently made the point regarding the idea that women need to be wrapped in cotton wool and protected from their partners and employers. We are well able to protect ourselves. However, what we want is flexibility and a choice in existing legislation to allow us to direct our own future and family life and to make the decisions that are right for us. Currently, we do not have that choice. If a woman has given birth and is entitled to maternity leave, she either takes the full six months or whatever such leave she does not take is lost to the family. If she chooses to go back to work sooner, she must pay for childcare sooner because the dad or the other partner cannot take that leave.

The Minister did nothing to address the circumstances for a woman who is self-employed, owns her own business or is in political life. What do women in those situations do? Deputy Troy made a good point when he stated that women can often feel under pressure when they seek to advance in their career and want to get to work. That is their choice. They are under extra pressure, however, when they have to think about the fact that they have to pay for childcare because they want to go back to work sooner and they cannot even ask their partner to take the remainder of their maternity leave because that flexibility and choice is not available.

To deal with the EU directive, first and foremost, the requirement is that 14 weeks be made available but only two weeks must be taken. We are open to the tabling of an amendment to give effect to that. Any of the issues around the legislation and its implications for domestic legislation can be dealt with adequately by way of amendments, as is the case for any other Bill that has come through this House.

I thank the Sinn Féin Party and the Labour Party, and Deputies O’Reilly and Jan O’Sullivan, who spoke in favour of this Bill, clearly gave it some thought, recognise its intent and want to see it progressed and brought through the House. Both Deputies expressed dismay at tone and level of rejection from the Minister before she exited the Chamber, without giving due regard and consideration to what is being proposed.

As for the idea that there has been a lack of consultation, is every Bill that comes before this House subject to a public consultation process? It is not and why should it be? This is the House for consultation. We can discuss this together. The Minister even questioned whether there was a demand for this proposal or whether it was an issue. The fact that the woman either has to take the full leave or does not get it all and that the father or the other partner is entitled to only two weeks clearly shows there is an imbalance, which does not adequately reflect a modern progressive society.

In terms of levelling the playing field, and Deputy O’Reilly made this point also, there is no doubt in my mind that when a woman goes into an interview, she is treated differently from a male attendee at that interview if it is perceived that she is more likely to take maternity leave than her male colleague. That is the reality and a fact of life. We have legislation to protect

against that, but we cannot prove that happens, even though we know it does. Any woman of childbearing age going for an interview will tell us that she is mindful and concerned about this. Women take off their engagement rings before going for interviews. They are afraid they will be treated differently and discriminated against because they might take the time off. This is the white elephant in the room.

The Minister spoke about the issues involved for employers and that it might be more difficult for them to get three months' cover as opposed to six months' cover. What utter nonsense. Is the difficulty not the fact that if a company has a policy of topping up maternity leave, it is far more expensive to top up a salary that is higher? We know about the gender pay gap. It will cost businesses a little bit more to top up the salaries of men who might take time out, and it may make it a little more uncomfortable for them to facilitate their male employees taking time out, but so be it. That is not the concern in this House, rather it is that we should be moving towards an equal situation where women have the choice to direct their futures and do not need to be wrapped in cotton wool.

I sincerely hope that the Minister of State will bring back the comments from this House to the Minister, Deputy Regina Doherty, because until the vote on this measure next Thursday, there is time to facilitate this Bill moving forward and allowing for consultation with other Deputies and parties in this House. We are open to the bringing forward of amendments to make this Bill work.

**Deputy Fiona O'Loughlin:** I found the comments of the Minister not only aggressive, as was mentioned, but quite patronising and condescending not only towards the Members who introduced this Bill but to the women of this country. Basically, she was telling the women of this country that their place is in the home if they have a child. Many women make the choice to stay at home and that is fantastic for them, but there are many others who choose not to work in the home either because of economic necessity or because of a social desire. It is important that we give women the opportunity to work outside the home or be at home with their children, but the essential point is that choice.

I believe the Minister was misinformed. She spoke about us breaching EU legislation with respect to what we said. The EU requires a minimum of 14 weeks' maternity benefit to be available, only two of which must be taken by the mother. It is understandable a mother would take at least two weeks because obviously there is a recovery period after pregnancy and childbirth. Other European countries have brought in legislation to allow parents to share the maternity benefit period. For example, the UK allows parents to share all weeks except two weeks immediately before or after the birth. In Portugal, parents are able to take 120 or 150 days, with 42 days reserved for the mother and the remaining leave can be shared. We have made it very clear at all points that we can amend the Bill to include a period of compulsory leave. This is completely separate from the EU work life balance directive, which states that there must be a minimum four-month parental leave period to be taken before a child turns 12 years of age.

Since I sought to introduce this Bill, a number of individuals contacted Deputy Lisa Chambers and myself to give their support to it and suggested that following the 26 week period, the other 14 weeks, which are unpaid, could be used also. They thought that was a very good idea.

If we seriously want to reduce the 14% gender pay gap between men and women, boosting paternity leave entitlements and uptake is a vital step. More fathers taking longer periods of leave in place of mothers will improve the drop in women's salaries and career prospects fol-

lowing childbirth. That is important. Following on from that, employers would be less likely to discriminate against women when hiring and promoting employees. This Bill certainly provides the opportunity to create real social change both in the home and in the workplace. We need to avoid self-censorship by men who feel that if they take the leave, they would be sending out a signal that their work is not important to them.

A sea change in terms of attitudes and workplace culture is necessary. Despite what the Minister said, parents are the best judges of what works best for themselves and their babies. The intent of this Bill is to grant those parents the flexibility to make decisions regarding what works for them as a family. It allows for greater involvement by both parents in their children's lives and facilitates greater gender equality. We are aware that these provisions exist in Sweden, Denmark, Iceland, the UK and Germany. Sweden was the first country to introduce these benefits in 1974. Each parent there is entitled to up to three months.

There are many benefits to a father playing a more active role in his child's life and many of them are prevented from doing this by financial and cultural barriers. However, the high-profile Mark Zuckerberg of Facebook publicly took two months' leave when his daughter was born in 2015, and he could afford to do so, but this sent a very clear message to the tech world and that has filtered through the organisation. In the Dublin office, full-time employees who become parents but are not entitled to maternity leave are offered four months of paid baby leave. A Fianna Fáil councillor in Kildare has had the opportunity to do that and they said it was fantastic.

The OECD research shows that fathers' use of parental leave is highest when leave is not just paid but well paid, or half of normal earnings, so the level of payment is very important. Fair play to companies such as Facebook, Twitter and KPMG because they top up the employee's paternity benefit in such a way as they top up maternity benefit.

Question put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 22 November 2018.

The Dáil adjourned at 7 p.m. until 2 p.m. on Tuesday, 19 November 2018.