



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 6 Nollaig 2018

Thursday, 6 December 2018

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

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Meat Processing Plants

1. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine his views on the price beef farmers are receiving for their produce from factories; the number of times to date in 2018 that beef processing factories have been fined for breaching EU carcass trimming rules; the range of fines imposed; the maximum level that can be imposed; the number of factory inspections by officials in 2018 to check grading and trimming is in compliance with regulations; the names of factories fined to date in 2018; and if he will make a statement on the matter. [51344/18]

Deputy Charlie McConalogue: I ask the Minister to discuss the poor price that beef farmers are currently receiving for their produce from meat factories. I also ask him to detail the number of times to date in 2018 that beef processing factories have been fined for breaching EU carcass trimming rules, including the range of the fines and the maximum amount that can currently be imposed. I further ask him to provide data on the number of inspections carried out by departmental officials to check whether grading and trimming in the factories is in compliance with EU regulations. I ask the Minister to ensure that there is transparency in the inspection system and that those factories that have broken the rules are named.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): The question of the price paid is a matter for producers and processors. Steers and heifers are purchased and paid for on the basis of the quality payment scheme pricing grid.

To date in 2018 there have been 521 inspections across 32 slaughter plants and 44,332 carcasses have been inspected. A total of 19 carcasses were found to be non-compliant with the EU reference carcass trimming specification which is 0.05% of the number inspected. Under legislation and SI 363/2010, non-compliance with the carcass trim specification attracts a maximum on the spot fine of €200 per carcass.

Regarding the maximum level that can be imposed, any person who commits an offence under the current regulations is liable on summary conviction to a fine not exceeding €5,000 or to a term of imprisonment not exceeding six months or to both. Recourse to this approach would preclude the possibility of an on the spot fine and conviction would require proof of intention beyond a reasonable doubt.

Carcass classification and carcass presentation controls in slaughter plants are carried out by a dedicated team of specialist staff in the beef carcass classification section within my Department. Additional monitoring of carcass presentation by my Department's veterinary public health inspection staff is currently being rolled out. This will provide further assurance to stakeholders that the appropriate dressing specification is being applied. These staff will provide a supporting role for the beef carcass classification staff. Upskilling of my Department's veterinary public health inspection staff has occurred at regional seminars and local training of officers is being provided. Furthermore, information seminars were held for both industry and farm representative bodies regarding the enhanced controls.

As part of ongoing dialogue with the industry both within the beef forum and directly with Meat Industry Ireland, I have stressed the need for positive engagement between suppliers and processors and I understand that Meat Industry Ireland has accepted that no individual farmer should be at a loss from a mistake made in a factory in the application of carcass dressing procedures. I further understand that processors will introduce a payment to the farmer supplier to reflect any loss in each case where the Department has applied a trim fine on a particular carcass. Such payment will be identified on the payment remittance docket so that farmers will be aware of the penalty.

Deputy Charlie McConalogue: I thank the Minister for his reply. The EU regulation on beef trimming specifically states that no fat, muscle or other tissue may be removed from the carcass before weighing, classifying and marking, except in cases where veterinary requirements are applied. The fact that 21 fines have been applied in 2018 shows clearly that there have been breaches of the carcass trimming regulations. Unfortunately, the performance of the Department in overseeing the trimming process has been poor. The Department has also failed to ensure accountability and transparency by naming those factories that have breached the rules. It has further failed to ensure that farmers who were affected and who suffered financial losses were informed. The Minister has been negligent in respect of his responsibility to ensure there is proper accountability in that regard. In fact, the factories have been shielded by him from having to account publicly for the fact that they have been breaching these rules. Will he give us an assurance today that the factories that have breached the trimming rules will be named and that he will not act as a ministerial shield, protecting them from being held accountable for this breach and leaving farmers short-changed as a result?

An Leas-Cheann Comhairle: We must observe the clock. The Minister has one minute.

Deputy Michael Creed: I thank the Deputy. One fine for one carcass excessively trimmed is one too many. It is important to remain focused on our objective, that is, to ensure we have

full compliance by the factories with the regulations. In terms of the inspections carried out to date in 2018, 0.05% of 44,000 carcasses were found to have non-compliance. Every non-compliance is one too many and, to enhance the level of further inspections, in quarter 1 of 2019, we are rolling out additional sets of eyes, as it were, on the kill line to ensure that the specifications are complied with.

The ultimate accountability in this will be to ensure that individual farmers are made aware that the carcass of their animal was excessively trimmed. They will be notified by the Department in that context. They will be remunerated for any excess trim in the docket.

An Leas-Cheann Comhairle: We are going to have to move on.

Deputy Michael Creed: What they do with the information is up to them but they will know the identity of the individual plants responsible.

An Leas-Cheann Comhairle: We will have to observe the time. There are other Deputies waiting.

Deputy Charlie McConalogue: I asked the Minister specifically to confirm if he will name the factories that have breached the trimming guidelines. He has avoided answering that question until now. I ask him to be specific and give an assurance today that he will ensure that those that breached the guidelines will be named by him and that he will not protect them from being held accountable for their failures in that regard.

This is yet another example of the way factories have been taking advantage of farmers. In recent weeks, prices have been under enormous pressure, for example, the prices for culled cows dropped from €3.70 a kilo to €2.70 a kilo, resulting in farmers taking a loss of €300 to €400 in some instances. Unfortunately, the Minister has failed to hold factories to account at a number of levels. We have seen how the beef forum, under his stewardship, has failed to hold them to account, and this is another example of that. Will the Minister give a clear assurance that he will publish the names of the factories, that every carcass will be inspected under a new regime in the new year, that the farmers will be compensated-----

An Leas-Cheann Comhairle: The Minister to respond.

Deputy Charlie McConalogue: -----for the losses incurred so far, and that there will be transparency in the system for beef trimming in the future?

An Leas-Cheann Comhairle: It is almost 10.45 a.m. and we have dealt with one question. I do not want to interject constantly but I ask all Members to observe the time.

Deputy Michael Creed: I do not accept that either I or the much maligned beef forum has failed. In fairness to all the participants in the forum, the resolution to this issue has been progressed through that. The fact that we are having additional staff trained and put in situ to enhance the level of inspections and the supervision of the kill line to make sure that the existing very low level of non-compliance is further inspected so that every farmer gets a fair crack of the whip in terms of the supervision of their cattle and that there is no excessive trim has been delivered through engagement. I have had direct engagement with Meat Industry Ireland, MII, but also at the forum. That has been a signal achievement. It may have taken a little longer than we would have wished but we are in a situation where, from the start of 2019, we will have additional staff dealing with this issue. Approximately 1.8 million cattle are slaughtered and, of

those, 21 excessive trims were detected in 2018 to date. That does not signal a huge failure-----

An Leas-Cheann Comhairle: Question No. 2.

Deputy Michael Creed: -----but every one is one too many. Our ultimate responsibility in terms of transparency is to make sure that every individual farmer knows-----

An Leas-Cheann Comhairle: I call Deputy Martin Kenny.

Deputy Michael Creed: -----and that they will be remunerated for any cost they have incurred-----

An Leas-Cheann Comhairle: I am asking for some co-operation.

Deputy Michael Creed: -----and that will happen.

An Leas-Cheann Comhairle: I am sorry, Deputy Kenny. I am asking for co-operation in the House. It is now 10.45 a.m. I think Deputies and the Minister have taken advantage of my leniency. I ask them to observe the clock. They have a responsibility, as will other Deputies later.

Common Agricultural Policy

2. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine the proposed good agricultural and environmental conditions for the next Common Agricultural Policy, CAP; and if he will make a statement on the matter. [51346/18]

Deputy Martin Kenny: I ask the Minister about the good agricultural and environmental conditions that are proposed to come forward in the next Common Agricultural Policy, CAP, which I understand will replace what were considered to be the greening measures in the past, and if he will make a statement on the matter.

Deputy Michael Creed: In June 2018, the European Commission published the legislative proposals for the CAP post 2020. The proposals recognise the role agriculture has to play in helping member states achieve their environmental and climate change targets. In this context, a significant feature of the proposals is the increased environmental ambition for the CAP post 2020. The new CAP reform proposals require member states to set out their approach on environmental issues in the new CAP strategic plans.

There a number of new approaches to addressing environmental issues through the CAP including: three of the nine key objectives set for the CAP post 2020 concern the environment; the *ex ante* assessment for the plan must incorporate a strategic environmental assessment; the proposals include greater environmental conditionality on EU payments with links to requirements such as the water framework directive and proposals for mandatory nutrition management plans; 40% of the overall CAP budget must contribute to climate mainstreaming; member states must make schemes available as part of the direct payments that provide additional supports for eco schemes which go beyond the increased statutory management requirements and good agricultural and environmental conditions; nationally, 30% of the rural development programme expenditure, excluding payments for areas of natural constraints, must be focused on biodiversity-environment-climate related measures; and non-compliance with statutory man-

agement requirements and standards for good agricultural and environmental conditions of land in the areas of climate and environmental health, public health, animal health, plant health and animal welfare will require an administrative penalty.

Detailed proposals for new good agricultural and environmental conditions and statutory management requirements were included as part of the draft regulations published by the Commission last June, and I have arranged that the detailed list to be forwarded directly to the Deputy. There are ten good agricultural and environmental conditions, GAECs, covering a range of issues, including permanent grassland, protection of wetland and peatland, and nutrient management plans. There are 16 proposed statutory management requirements. These concern compliance with a number of directives, including the water framework directive, the nitrates directive, and the directive on the conservation of wild birds.

Additional information not given on the floor of the House

I firmly support the principle that there must be a high level of environmental ambition in the CAP post 2020. I believe that protecting the environment and the sustainable development of agriculture go hand in hand. However, it is essential that the new environmental conditionality is implemented effectively, with common standards that are relevant and effective.

In addition, I believe that farmers play a vital role in the provision of public goods and need to be adequately recognised and recompensed for this role. It is important that the overall level of the budget acknowledges the public goods being delivered from farmers. This places a particular focus on environmental aspects of CAP.

Deputy Martin Kenny: The Minister's answer is quite vague in respect of many of these issues. Some of the aspects that concern many farmers are that the conditions that will be set out in these proposals will be ones they would normally have seen coming through the environmental programme such as GLAS, REPS or other schemes in the past. If they are to be taken up in Pillar 1, farmers are concerned about what will be in Pillar 2, which may be more extreme or onerous on them than what they have had until now.

I would like more information on the protection of wetlands, peatlands and so on. That would have a major impact, particularly on farmers with poorer quality, marginal and mountain-type land where they find it very difficult to make a living. If more hardships are to be placed on them in terms of those kinds of environmental protections, they need to see that they will get an adequate return for that, in other words, that they are paid for the public good they provide by the way they already farm. That is not too much to ask. If this is something that will be just a condition of Pillar 1, those conditions will be for everybody. Extra emphasis will be put on those farmers, and that needs to be paid for in terms of the public good they provide. They need to see that there is a clear avenue for that to happen.

Deputy Michael Creed: Our objective is to make the new Common Agricultural Policy as user-friendly as possible but within the context of the clear direction of travel, which is to have a Common Agricultural Policy that is far greener in its hue and assists us in meeting many of the challenging obligations we face, especially in the area of climate change. It is true that much of the landscape management in which farmers are involved, particularly in the more marginal lands to which the Deputy referred, should be recognised for what it is. It is not intensive agricultural activity. The requirement for things like nutrient management plans is not as obvious as it is in areas of intensive agriculture. Being able to devise a structure, an ultimate policy,

across Pillars 1 and 2 that will recognise the public goods that are delivered by certain sections of the farming community which are not involved in intensive agriculture and that are delivering huge gains in terms of biodiversity, water quality, climate change and so on, is an objective we share. We are acutely conscious of the CAP context.

Deputy Martin Kenny: Being conscious of it is different from making sure there will be money to back it up, which is what we want. That is the clear ambition of farmers and what they deserve to have. The fear among them, particularly those working on more marginal land and land that is difficult to farm, is that all of these environmental measures will be left to them and that in other parts of the country where there is what we would call more productive land the tasks to deal with the environmental impact of climate change will be less onerous. We need balance. In much of the north west where we see a huge amount of forestry and a strong emphasis on biodiversity, greening and so on, farmers consider they are doing this to make up for what is happening in other areas where there is intensive farming. While that is not to say there is anything wrong with intensive farming, there is a need for a sense of balance. Farmers need to be provided with an assurance that they will be remunerated for the work they do in that type of farming.

Deputy Michael Creed: I would like to be able to reassure the Deputy that the final outcome will meet the objectives to which he aspires. The onus and obligation will be greatest on those involved in intensive agricultural activity, where the challenge to the landscape, the emissions profile and so on is far greater than for those involved in a less intensive agricultural activity. That is logical. It is right and proper that the greater focus, in the context of sustainability and the CAP, be on those engaged in more intensive agricultural activity. The big challenge is the budget, as the Deputy noted, and it will not be resolved easily. As the Deputy is aware, the current proposals envisage a substantial reduction across Pillars 1 and 2 in the order of €45 million for each of them each year. That is something on which we are also focused.

Milk Supply

3. **Deputy Jackie Cahill** asked the Minister for Agriculture, Food and the Marine the status of the latest developments regarding SMP intervention at EU level; if he will provide data for sales; the plans the European Commission has for SMP intervention tendering in 2019; and the position of the Government in that regard. [51345/18]

Deputy Jackie Cahill: I ask the Minister the status of the latest developments regarding skimmed milk powder intervention at EU level, if he will provide data for sales, the plans the European Commission has for skimmed milk powder intervention tendering in 2019 and the position of the Government in that regard.

Deputy Michael Creed: As the Deputy is aware, in recent years the European Union has accumulated large amounts of public intervention stocks of skimmed milk powder which are overhanging the dairy market and having negative effects on wider dairy markets and market sentiment. In the 2015-17 period a total of 405,478 tonnes of skimmed milk powder were bought into public intervention. The sale of intervention skimmed milk powder stocks is undertaken through public tenders managed by the European Commission and voted on by member states through the Common Market Organisation, CMO, management committee for animal products.

After the most recent tender on 20 November, there are approximately 165,000 tonnes remaining in public intervention stocks, representing a significant reduction of approximately one half of total public intervention stocks since the start of 2018. The increase in the price of accepted bids in recent tenders is a welcome development and bodes well for future upcoming tenders. This underlines the effectiveness of the approach taken thus far. In July the Commission proposed to extend the arrangement to reduce the threshold for the buying in of skimmed milk powder at a fixed price from 109,000 tonnes to zero for the 2019 period. This was accepted by the Council on 15 October. It should be emphasised that the revised purchase model applies in 2019 only. As I have noted, as the new regulation does not prohibit the buying in of intervention stocks, buying in can continue, but on the basis of a tendering route.

Deputy Jackie Cahill: It might be effective, but, unfortunately, it is farmers who have paid for it. I am very concerned that the Government has given another blank cheque to the European Commission to remove the floor price for skimmed milk powder in 2019. Only last April the Minister told me, "...my Department also engaged with the Commission on recent measures to limit further piling up of SMP in 2018 without due justification, including ensuring that the Commission's proposal to reduce the fixed price ceiling to zero be specified as for 2018 only, to avoid setting a precedent for the longer term." There has been a complete U-turn. Unfortunately, we are facing into 2019 with milk processors telling us that milk markets will be under pressure. It is unacceptable that the guarantees given to us last year have not been honoured, given that the Minister agreed to have no floor price for skimmed milk powder and said it was for one year only and would not happen again. We now see that we will be in a similar position in 2019 and this will affect the confidence of farmers. At the end of the day, this had an impact on milk prices in 2018 and, unfortunately, it will probably have a greater impact in 2019. It is not good enough that guarantees the Minister gave us last April have been reneged on.

Deputy Michael Creed: I take the view that a substantial overhang of skimmed milk powder at the start of 2018, in excess of 370,000 tonnes, was a significant dampener of dairy markets. I do not think there is one industry representative to whom I have spoken who is critical of the manner in which the European Commission off-loaded the skimmed milk powder intervention stock, which has worked to the extent that it has practically been halved. That gives confidence to the dairy market. I accept the Deputy's point that the industry is talking about 2019 being challenging. However, it would be far more challenging if global dairy markets were to be as they are and we were to have not only the 370,000 tonnes of skimmed milk powder intervention stocks we had this time last year but, in fact - if the Deputy had gotten his way - additional intervention stocks added in the last 12 months. To its credit, what the Commission has managed to do is reduce the overhang. This has improved market sentiment, which has to be beneficial to dairy farmers.

Deputy Jackie Cahill: The Minister talks about what the position would be if I had gotten my way. The floor price of skimmed milk powder was agreed to to protect dairy farmers' incomes. If I had my way, the floor price would be kept in place and I make no apology for saying this. It was agreed in the last round of CAP proposals that there would be a floor price in the purchase of 109,000 tonnes of skimmed milk powder in each calendar year. The Minister gave us a commitment that it was being taken away for one year only. As he said, stocks have reduced greatly, but he has now given another commitment for 2019. How can farmers have any faith that what was agreed to will be kept in place? The taking away of the floor price of skimmed milk powder in 2018 had a dampening effect on skimmed milk powder prices. That is fact. The intervention product was sold significantly below the fixed price and the price pro-

cessors received for skimmed milk powder all through 2018 was below the floor price. That was the direct result of the European Commission taking away the floor price. As the Minister admitted, we are facing into what will be a more difficult marketing year in 2019 and the Commission has already taken away one of the prime supports farmers need to stabilise markets. I am extremely disappointed that he has allowed this to happen for a second year. As he said, stocks have been greatly reduced. Whatever justification there was for doing it in 2018, it is not there for 2019.

Deputy Michael Creed: Undoubtedly, if the Deputy sings the same tune repeatedly, on some occasions he will hit the right note. It is unfortunate that he does not recognise that what has been done in 2018 has worked. We have managed to dispose of stock without impacting adversely on the market. As what was introduced for a 12-month period worked, we have decided to extend it for a further 12-month period. It was originally introduced for a 12-month period, but it is being extended for a further period of 12 months. Intervention instruments are still available but not on the automatic basis on which they applied prior to 2018.

Brexit Issues

4. **Deputy Michael Collins** asked the Minister for Agriculture, Food and the Marine if the joint British and EU position is that sea fisheries are to be dealt with separately from trade in accordance with the wording of Article 6, paragraph 1, of the withdrawal agreement (details supplied); and if he will make a statement on the matter. [51347/18]

Deputy Michael Collins: In the light of Brexit negotiations, I seek clarity on a number of issues related to Irish fishermen's rights. Will the Minister confirm that the joint British and EU position is that sea fisheries are to be dealt with separately from trade in accordance with the wording of Article 6, paragraph 1, of the withdrawal agreement?

11 o'clock

If I am correct, the wording of Article 6 of the withdrawal agreement ensures that fisheries are excluded from trade negotiations and unless an agreement is reached on or before July 2020 on the specific issues of fisheries, all the UK rights and entitlements within UK waters will revert to the UK in full.

Deputy Michael Creed: The withdrawal agreement provides for a transition period during which there will be absolutely no change to existing fishing rights of access or quota shares. The transition period will last until the end of December 2020 but could be extended. During the transition period, there will be negotiations on an overall future relationship agreement and fisheries will be part of those negotiations. If those overall negotiations are not concluded in time then a decision will have to be made in July 2020 either to extend the transition period or apply the UK-wide customs provisions. In the latter scenario, in accordance with Article 6 of the protocol on Ireland-Northern Ireland in the withdrawal agreement, seafood products will be excluded if no agreement on access and shares has been reached in the interim. This means that UK exports of seafood products to the EU would be subject to tariffs in the absence of a new fisheries agreement.

Negotiations on a fisheries agreement will, as is set down in the political declaration, take place in the context of the overall future economic relationship between the EU and the United

Kingdom. In other words, fisheries will not be dealt with in isolation.

Deputy Michael Collins: It is my belief that the terms of the political declaration made on 22 November this year are not binding on either the UK or the EU. Specifically, I believe that the wording in section XII, Fishing Opportunities, makes it very clear that what is set out in paragraphs 73, 74, 75 and 76 is aspirational and is legally binding on neither party. This causes serious worries for all Irish fishermen who currently are almost strangers in their own waters. Given the importance of Brexit to every single sector in Irish society, our fishing industry has serious and legitimate concerns. In order to prepare for the many challenges Brexit could bring, each fisherman needs to know the up-to-date position.

Deputy Michael Creed: Since 23 June 2016, and even before that, we have been working closely with the fishing industry and with other member states across Europe which are impacted by Brexit, in particular those who are fishing in UK waters and face the prospect of losing access and quota shares in certain circumstances under which the UK may depart the European Union. We have successfully built an alliance of like-minded member states which is mirrored by a similar alliance of industry in those member states. Through the Barnier task force, we have successfully prosecuted a view that is reflected in the withdrawal agreement and the political declaration. In other words, the political declaration carefully articulates the view that continued access and quota share are things to be dealt with in the context of the overall trade agreement. The UK has asks, which are myriad and relate to the passporting of financial services, aviation and other things, while we have specific asks in regard to fisheries. They will be interrelated in the future relationship and this view is shared by the industry.

Deputy Michael Collins: Irish fishermen who fish in Irish waters are far outnumbered by foreign vessels. They have seen the opportunities for fishing diminish in recent years and the disappointment they feel is also felt by inshore fishermen, who are also struggling. It is incredibly frustrating that Irish fishermen cannot get bluefin quota when their fellow Europeans have received it. There is a strong feeling that Irish fishermen are the poor relations in Irish politics and that these Brexit negotiations are proof of this. They need continued access to quota going forward.

Deputy Michael Creed: I am acutely conscious of the needs and asks of the industry and I have worked closely with its representatives. The industry has spoken on the withdrawal agreement and the political declaration and it acknowledges that they achieve all the objectives we have set in the context of the Brexit negotiations to date.

Ceisteanna Eile - Other Questions

Skills Shortages

5. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the steps being taken to cater for the shortage of skilled labour in the agricultural sector and the competitiveness issues arising if unaddressed. [51188/18]

Deputy Billy Kelleher: What are the steps being taken to deal with the skills shortage in the agricultural sector? What competitiveness issues might arise from these shortages, not just

in the context of farms but in the context of the entire process, including final sale?

Deputy Michael Creed: I am acutely aware of the shortage of labour that exists in some parts of the agrifood sector, and in the economy generally. It should be noted that the sector accounts for 7.9% of total employment, or approximately 174,000 jobs. As most of these jobs are based outside of our cities, they are crucial to the rural economy.

Food Wise 2025 highlighted the need for the attraction, retention and development of skills and talent right along the food supply chain. Investment in people is crucial for the success of Food Wise 2025 and the success of the sector as a whole. The human capital recommendations contained in the strategy are more relevant than ever, as we see skills and labour shortages developing. My Department has hosted two Food Wise 2025 skills workshops, involving all relevant stakeholders, to look at skills gaps and needs both at farm and at food and beverage industry levels. This process of stakeholder engagement has led to two important reports, namely, the report on future skills needs in the food and drink sector, published last year, and the people in dairy action plan, which I launched in June of this year. This incorporates a total of 29 specific actions which are organised into six key initiatives. The specific recommendations in both reports are in the process of being implemented and progress will be reported periodically to the Food Wise high-level implementation committee, which I chair.

Labour supply issues have been most acute in meat processing and on farm in the horticulture and dairy sectors, although I am aware that some other parts of the industry, including pig, poultry and egg production, are also beginning to face the same issue. While some potential exists to recruit labour from within the domestic and European labour markets, it has become apparent in recent times that this will be insufficient to meet the demand and, therefore, I and my officials have had extensive engagement with the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, and her Department in relation to employment permits for non-European Economic Area nationals.

I welcomed the announcement by the Minister, Deputy Humphreys, of an initial pilot quota of employment permits for the horticulture, dairy and meat processing sectors in May, with a further allocation for meat processing in August. While the number of permits allocated is relatively modest, at 500 for horticulture workers, 50 for dairy farm assistants and 750 for meat processor operatives, it is addressing the immediate shortage of labour. Alongside the dedicated pilot scheme for the agrifood sector, an overarching review of the broader employment permit system has been carried out by the Department of Business, Enterprise and Innovation. My colleague the Minister, Deputy Humphreys, published the report on this review in September and my Department, having actively participated in the review, is now on an interdepartmental group tasked with implementing the recommendations. I am confident that this exercise will lead to a permit regime that is more flexible and adaptable to the labour needs of the agrifood sector, particularly for seasonal employment.

I said at the time of the announcement of these permits that they were just one piece of the jigsaw in addressing labour supply and that the sector must also continue and intensify its efforts to source and retain labour from both the domestic and EU markets.

Additional information not given on the floor of the House

In this regard, my officials have been working closely with the Department of Employment Affairs and Social Protection to assist in these efforts. That Department has hosted a series

of information sessions and meetings with representatives from across the agrifood sector on the range of initiatives and supports available. It is clear, however, that there is no quick fix to address these issues. Instead, we must take a multifaceted approach and my Department will continue to progress initiatives in this regard.

Deputy Billy Kelleher: We have to monitor the situation continually. Some time ago the chief executive of Dairygold, Mr. Wolfe, said that labour shortages were a constraint on expansion for 25% of the company's clients and suppliers. It is a gripping issue that has to be addressed. The Department of Business, Enterprise and Innovation has five people looking at skills issues across the whole economy. I do not believe we have taken the issue as seriously as we should have. We need to think about skills shortages before they happen because currently we get skills shortages and then react to them. We need to shorten the time between a shortage arising and when we address it, such as by issuing work permits. I ask the Minister to ensure that the Department is more proactive in responding to the views of industry and advocates for the agricultural sector.

Deputy Michael Creed: I appreciate the Deputy's concerns. My Department is now involved in a working group with the Department of Business, Enterprise and Innovation and we will be proactive in trying to find a resolution to the issue. It is one of the downsides of an economy that is nearing full employment and I am acutely conscious of how it impacts on the agrifood sector, both inside and outside the farm gate. We will remain focused on it. We have had an initial response in the area of work permits but more needs to be done, both in terms of permitted workers and in the context of labour opportunities in Ireland's existing workforce.

Deputy Billy Kelleher: The pay rates in the agricultural and processing sectors are on the lower end of the scale and any change in that brings about problems with competitiveness straightaway. Equally, it causes problems in recruitment. When people are paid €9 or €10 an hour but companies and factories can pay more, people drift out of the agricultural sector. In the short and medium term that can be addressed by work permits but for the long-term sustainability of agriculture and to ensure that there is a constant pool of people with skills and who are interested in making a career beyond the traditional farm manager and farm apprenticeship schemes we have to be more creative and imaginative in terms of policy and within the industry. When the Minister talks to the industry in general that is a key point that he should make. The industry must become an attractive one so that people will want to forge a career out of it, not only by owning farms but in all the sectors through to processing.

Deputy Michael Creed: The Deputy's point is very well reflected in the report by Tom Moran, the former Secretary General of the Department of Agriculture, Food and the Marine, in particular on the dairy side but also the labour issues inside the farm gate. One point he made is that a transition is required from farmers who have traditionally worked on their own to being employers, particularly those who have expanded substantially on the dairy side. That brings a host of additional challenges. Recruitment is one but retention is another. There is a host of issues around retention. It has to do with salaries but other issues too including terms and conditions of employment that the expanding dairy sector needs to grapple with. There is a lot going on in that area but it is not just the dairy industry and pay is but one element of that.

Laboratory Facilities

6. **Deputy Bobby Aylward** asked the Minister for Agriculture, Food and the Marine the status of the review and cost-benefit analysis of the regional veterinary laboratory in County Kilkenny which serves the farmers of the entire south-east region; and if he will make a statement on the matter. [51041/18]

Deputy Bobby Aylward: What is the status of the review and cost-benefit analysis of the regional veterinary laboratory in County Kilkenny, which serves the farmers of the entire south-east region? I have been raising this question for a long time and getting no answer.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): My Department has commissioned a cost-benefit analysis, CBA, of options that have been proposed for the future development of the regional veterinary laboratories, RVLs. The team conducting the CBA includes internationally-recognised, independent experts in economic analysis and animal disease surveillance. I expect a report and recommendations to be presented to me in the near future. The focus of this review has been to secure and improve the service to the sector at best value to the taxpayer.

My Department completed an initial consultative process with all relevant stakeholders on the options for the RVLs during the course of last year and the consultants undertaking the CBA have also consulted with stakeholders. Any decision that is made on the RVLs will be informed by both those consultative processes and the outcome of the CBA.

Deputy Bobby Aylward: I have been raising this issue since early 2017 and almost two years on it seems we are no closer to a decision on the six regional veterinary laboratories around the country which are under review. Meanwhile farming families are forced to operate under a cloud of uncertainty as we await the results of the cost benefit analysis the Minister commissioned, which has been going on for well over a year at this stage. There is huge concern in Kilkenny and elsewhere that the six remaining veterinary laboratories may be under threat of closure by the Department of Agriculture, Food and the Marine. I remind the Minister that good farming practice, food quality and our branding in this regard will be damaged significantly by any reduction in service. In a written response to a parliamentary question I tabled on this issue in October the Minister stated: "Any decision that is made on the RVLs will be informed by both those consultative processes and the outcome of the CBA." He said that already today. Can the Minister give us a firm indication today of when he will finally make a decision on the RVLs and put this issue to bed once and for all?

Deputy Michael Creed: The rationale for considering the regional veterinary laboratory structure and the cost benefit analysis is to make sure that what we have is fit for purpose. I envisage investment and not dismantling of services. The Deputy can rest easy. I am waiting for the advice on the roadmap but it is investment in these infrastructures we anticipate.

Deputy Bobby Aylward: The Minister seems to be kicking this issue down the road for almost two years and he does not seem to be overly concerned. This is very important to the people of the south east. The laboratory in the south east serves Wexford, Waterford, Kilkenny, Tipperary, Kilkenny-Carlow, Laois, Kildare and all the surrounding counties. We have these laboratories for a reason and for best practice in agriculture. They give a badly needed service to the farmers of this country. People in Kilkenny are worried about it closing, their jobs going and the lab being taken out of commission. We are trying to clarify for once and for all how it

takes two years to produce a report. That seems incredible. How long does a report have to take and how long more before it is established that this laboratory is being kept in place for future good farming practice and young farmers? The sooner I get that answer the better.

Deputy Michael Creed: I am trying to put the Deputy's mind at ease.

Deputy Bobby Aylward: I would not be asking the question if it was at ease.

Deputy Michael Creed: This €13 billion export-orientated industry is built on a quality production system that is verified in many instances through the regional veterinary laboratories. I felt it imperative to make sure that infrastructure was fit for purpose and if there is a requirement for investment that we have the appropriate targeted investment. I do not envisage dismantling the service, I envisage enhancing it.

Deputy Bobby Aylward: Will the Minister guarantee no closures?

Deputy Michael Creed: Did I not just tell the Deputy to put his mind at ease?

Question No. 7 replied to with Written Answers

Ports Facilities

8. **Deputy James Browne** asked the Minister for Agriculture, Food and the Marine his plans for the introduction of a border control post at a location (details supplied); and if he will make a statement on the matter. [50974/18]

Deputy James Browne: What are the Minister for Agriculture, Food and the Marine's plans for the introduction of a border control post at Rosslare Europort?

Deputy Michael Creed: My Department has been working to assess the infrastructure requirements at ports and airports that handle consignments of plants, animals and plant and animal products from the United Kingdom. This work is part of a co-ordinated Government-wide approach involving the Revenue Commissioners, the Department of Transport, Tourism and Sport, the Department of Health and the Office of Public Works.

On leaving the European Union, the UK will become a third country and as such checks to ensure compliance with EU rules, so called SPS checks, will be required on consignments of plants, animals and plant and animal products originating in the UK. These checks will be required whether the UK leaves with a deal or leaves with no deal. EU legislation requires that these checks are carried out at ports or airports that have designated facilities called border control posts, BCPs.

Consignments that will be subject to SPS checks when the UK leaves the EU are currently entering Ireland at Rosslare Europort. For this reason, Rosslare Europort has been identified as a future location for a border control post. Work is under way, in conjunction with the Office of Public Works, to identify a suitable site for the construction of the BCP. The BCP will be located in a central control compound that will also house the required facilities for the other governmental bodies.

The location, design and functionality of this compound needs careful and precise planning to ensure that it is fit for purpose and achieves value for money. The facility must meet and

be operated in compliance with EU legislative requirements.

As a result of the co-ordinated Government-wide process involving the various impacted arms of the State, certain efficiencies and savings have been identified through the potential to share specific areas of the facilities. My Department will continue to look for innovative, cost-effective solutions throughout the planning, design and implementation process.

Deputy James Browne: Rosslare Europort is a serious bone of contention for people in Wexford because it is owned, controlled and managed by CIÉ. It makes €2.5 million profit per annum which has effectively been sucked out of it every year to subsidise other parts of Iarnród Éireann. I appreciate that is not the Minister's area of responsibility but one of the benefits of CIÉ abandoning that port and using it as a cash cow is that there is space there for the Office of Public Works, OPW, and the Department of Agriculture, Food and the Marine to put in place the necessary buildings and works there. I understand the OPW is examining potential sites there but I know from Wexford County Council that it has not yet reached the planning application stage. For Rosslare Europort to start to reach its potential it would be important that these Department of Agriculture, Food and the Marine facilities, with customs and gardaí, are put in place. In the case of a hard Brexit in particular, there will be mayhem in Rosslare Europort for roll-on, roll-off trucks if the facilities are not in place.

Deputy Michael Creed: I appreciate those points and some of the history, which I was not familiar with, in respect of Rosslare. The infrastructure required is significant in the context of a border control post, including inspection bays and parking for trucks, dedicated areas for live animals, public offices, etc. A lot of the detailed planning is ongoing on the part of the Office of Public Works in terms of the overall Government approach to the infrastructure required to deal with Brexit. Traffic management, planning applications, staff requirements, IT systems and all those details are all part of the Brexit preparations. They are also evidence that, however effectively we pursue our negotiations with the UK, the arrangements we currently have are far better than any that will replace them in the context of the impact on trade and the cost of the infrastructure requirements. Plans are well advanced, however.

Deputy James Browne: As the Minister will know, 80% of goods by volume to the Continent cross the UK land bridge. The concern of the road hauliers is that even if the land bridge is left open via customs checks, things like checks and tolls, or even the fact that many of their drivers may be Polish or Romanian, will mean that even if there is not an actual technical block to them going over the UK land bridge, doing so may become uneconomical. The development of Rosslare Europort for direct links to the Continent will become very important. There was a surprising reported statement from the head of Rosslare Europort to Wexford County Council recently, to the effect that he reportedly said that the Government's policy is not to invest in ports. I hope he is being misquoted in the local newspaper because that would be quite a shocking statement to make. It would be interesting to have that clarified, but it is not the Minister's Department.

Deputy Michael Creed: I can certainly say that substantial financial provision has been made in my Department in the context of Brexit planning for infrastructure, staff, IT systems etc. It is inevitable that some of that investment will be in port infrastructure. Much of it will be through the OPW as well. I do not want to draw conclusions on what other people have said, however. The land bridge issue is really important for our access to the rest of the European Union markets. However, it is equally important to reflect on the fact that we are the land bridge through which the UK exports many of its products destined for Northern Ireland. It

is important to acknowledge the signalled intention of the UK to remain in the convention on common transit, which would enable us to continue to access the European Union markets via the UK land bridge. That is very important for all sectors of the economy but particularly for the agrifood side.

Fish Quotas

9. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine his views on recent negotiations resulting in the 20% reduction in the mackerel quota for fishermen here; and if he will make a statement on the matter. [51117/18]

Deputy Thomas Pringle: This question is about the annual mackerel quota allocation. Every year, doom and gloom is announced beforehand along with major potential cuts. Then the Department rides in on a white horse and saves the day by securing a smaller reduction. At the same time, the quota is reduced every year. What is the Department's view on the annual negotiations?

Deputy Michael Creed: The negotiations the Deputy refers to are those concerning the management of mackerel in the north-east Atlantic, which is Ireland's single most important fishery. The negotiations concluded in Bergen last week after five separate rounds and the parties to the final agreement were the European Union, Norway, and the Faroe Islands.

Ireland is the second largest EU quota holder and my officials participated in every stage of the talks. The countries involved in the negotiations have agreed to a 20% reduction in their mackerel quotas for 2019. The reductions reflect the available scientific advice that the abundance of this stock has declined. This level of reduction is seen by all parties as essential to ensure that the stock is fished sustainably. Irish fishermen will now have a quota worth over €55 million directly to our catching sector for 2019.

Agreement was also reached on a two-year extension of the sharing arrangement between the main parties - the EU, Norway and the Faroe Islands. This provides a welcome degree of stability for this hugely important fishery. Mackerel is Ireland's single most valuable fishery and, in my view, this agreement provides stability combined with a precautionary approach to help ensure the long-term sustainability of the stock. The scientific advice is currently being reviewed and assessed by the International Council for the Exploration of the Seas, ICES. The coastal states will meet again to consider the outcome of that review when it becomes available. This is expected to happen early in 2019. While the quota for Ireland is less than that of recent years, those quotas were unusually high by historical standards. The quota of 55,000 tonnes for 2019 is in line with our historical average quota. Ireland will continue to be cautious with this critically important stock.

Deputy Thomas Pringle: On the scientific advice, the fishing industry is very critical of it and questions whether it is accurate. What is the Department's view? Could the Minister expand a bit more on that? It is critically important in deciding the total allowable catch for any species. There is some concern within the industry as to whether it was accurate and reflects what is being seen on the ground. What role does the Department take in deciding on the advice? What is the Minister's official view on the scientific criteria that are used?

Deputy Michael Creed: As the Deputy is aware, the ICES advice was for a 61% cut in the

total allowable catch, which would have been 318,000 tonnes, of which our share would have been substantially less than the 55,000 tonnes we have got. What has been agreed is a 20% cut but also a review of the science in early 2019. Issues have been raised with the data inputs that contribute to the formulation of the advice. A benchmark review of those data has begun and that is expected to conclude in February. We are open to a review of that science. I have personally engaged with members of the industry on that matter. They are adamant that the science may be incorrect and cite previous instances where this has proven to be the case. It was incumbent upon us to have an open mind in that context and to take a precautionary approach in establishing the quota, which sees a cut but also intention to revisit that in reviewing the science. All of us have a shared interest in making sure the stock is fished sustainably. That is why we will be revisiting this in February.

Deputy Thomas Pringle: I still have not got to what the Department's view actually is on the scientific advice. Does it have a view? It seems that it does not and that it is just going to wait and see. Maybe we should take on a stronger role. If our fishing organisations and possibly the Marine Institute are taking a view that the scientific advice is wrong, surely the Department must have a view on it as well. That is vitally important in respect of whether this review will be taken on board or will be just another sop that fishermen will have to put up with.

Deputy Michael Creed: It would not be for the Department to deliberately undermine science. We are generally advised on these matters by the Marine Institute in particular. There is within ICES and implicit within the decision a willingness to reconsider the science, to look at how its conclusions were reached and at the data inputs that led to the suggestion of a 61% cut in the total allowable catch for 2019. The Common Fisheries Policy provides that we are obliged to take on board the science but also its socioeconomic impact. This is specifically provided for, although sometimes conveniently ignored by some commentators, to find a balanced outcome. We felt it was prudent to review the science once ICES had conducted its review. It is a reasonable position to take given that we in the Department are not scientists and we are advised by the scientists in the Marine Institute, whose findings feed into ICES. That will be reviewed in February 2019.

An Leas-Cheann Comhairle: Permission has been given to Deputy Heydon to ask Question No. 10 on behalf of Deputy Burke.

Brexit Supports

10. **Deputy Peter Burke** asked the Minister for Agriculture, Food and the Marine the supports provided to Bord Bia to assist agrifood businesses here find new markets for produce in the context of a potentially changed trading environment post Brexit. [51197/18]

Deputy Martin Heydon: Many agrifood businesses do much of their business with the UK. That relationship will change but I am a firm believer that every cloud has a silver lining and this might make us proactively consider other markets in an even more energetic way than we have done. What supports are there through Bord Bia for agribusiness?

Deputy Michael Creed: Bord Bia's work is critical to the success of the growth of our food and drinks exports. The agrifood sector accounted for more than 11% of total goods exports from Ireland last year and, since 2009, agrifood exports have increased in value by 74%, from €7.8 billion to €13.6 billion last year. Bord Bia has played a vital role in that export success by

enhancing and promoting our focus on quality, innovation and sustainability. The development of the Origin Green programme, providing proof of the sector's sustainability credentials, has played an important part.

Bord Bia works closely with my Department to prioritise and develop new markets, building on its significant investment in consumer and retail insights. As an agency, Bord Bia has played a key role in our Brexit response, facilitating conversations at the highest level with UK retail chief executive officers and ensuring that our ongoing commitment to the UK market is fully understood. In that context, I will meet many of our retail partners in London later this evening. We have no intention of stepping back from the UK market. On the contrary, we will redouble our efforts to build on our consumer reputation and strong relationships to maximise growth and supply high-quality and innovative products to our neighbouring island.

Bord Bia's Brexit barometer has been used to identify evolving client priorities and concerns and further inform Bord Bia's Brexit programmes and supports. As a result of the many findings from the two exercises it carried out in 2017 and 2018, Bord Bia has launched a series of Brexit support programmes focused on supply chains and customs requirements regarding trade and currency risk for the industry, as well as a customer engagement plan to communicate to key UK stakeholders the preparedness of Irish food and drinks suppliers.

In September 2017, I announced further funding of €6.745 million for Bord Bia to undertake a programme of additional activities, based on Brexit barometer analysis, to support the food and drink sectors in addressing the market challenges relating to Brexit. The funding was additional to the €1.6 million I provided to Bord Bia in autumn 2016 for grants to assist food companies highly dependent on the UK market and an additional €2 million allocated to Bord Bia as part of its 2017 grant for increased expenditure on programmes. In the 2019 Estimates, I provided a further allocation of €5.3 million to Bord Bia, bringing its total grant-in-aid to €46.6 million for 2019. This compares with a grant of €28.9 million in 2014 and represents a 60% increase in funding for marketing and promotion of our food offering over five years.

Additional information not given on the floor of the House

This year Bord Bia received approval to recruit 32 additional members of staff as part of the wider Brexit response. A recruitment campaign commenced in April 2018, and to date 24 positions have been filled. Recruitment is ongoing for the balance and it is hoped that these additional staff will be fully in place by 2019. At least ten of these positions will be based abroad. This will bring Bord Bia's headcount from 93 in 2008 to a maximum of 147 by the end of December 2018, amounting to a 63% increase over ten years.

Deputy Martin Heydon: There is no doubt that a 60% increase in funding shows the level of importance we are placing on the food and drink industry, which, as the Minister noted, accounts for 11% of our total exports from the country, which is important. Is the Minister satisfied we can maintain many of those UK contracts and suppliers? It is encouraging to hear he will meet key stakeholders in London this evening. Is he satisfied we can retain them or does Brexit pose the risk that some of our agribusiness will lose some of those markets?

The Department of Foreign Affairs and Trade has rolled out new embassies and representations all around the world. Does Bord Bia link in with it and take every opportunity through trade delegations and so on to try to open up those markets?

When Food Wise 2025 was drawn up, we were not familiar with the word "Brexit". Does

the strategy remain fit for purpose in the context of Brexit or are changes needed to bring us in line with modern realities?

Deputy Michael Creed: On the final question, it has never been more important to have a blueprint for the industry. Food Wise 2025 was intended to be an identification of the major roadblocks that were holding back the industry's capacity to meet its true potential, whether in the area of research and development, human capital or whatever. The programme has been rebuilt every number of years, and we are beginning the process of examining its next iteration and the challenges of the future. While Brexit is one challenge, the international trading environment, sustainability and so on are also challenges. Food Wise 2025 is a living document and it will be reappraised, but it has never been more relevant to identify the challenges and systematically dismantle them in a focused way.

The UK market will always be of great importance for us, and geography should always be a major determiner of where we trade. It is the biggest market on our doorstep and it is the one we understand most for cultural and historical reasons. Although the future trading relationship will be different when the UK is a third country, that is, outside the European Union, and we will have costs that we do not now incur, it should nonetheless always remain our major trading partner. It accounts for somewhat less than 40% of exports now, but I hope the hard-won space that we have on British supermarket shelves can be maintained, which is partly why we regularly engage with our retail partners, as I said I will do later. I recently returned from a trade mission in Indonesia. New embassies are important and Bord Bia is part of that global footprint.

Deputy Martin Heydon: In an international context, will the Minister expand on the importance of Origin Green and how it fits in with the trade delegations to which he is party? In the overall narrative of the quality of our industry, what role does the programme play?

Deputy Michael Creed: Origin Green is of significant importance because in the higher value-added markets where we want to have space on the supermarket shelves, our food suppliers are increasingly asked less about whether their food is safe, traceable, nutritious and so on but rather about antimicrobial resistance, animal welfare, climate sustainability and so forth. That is where Origin Green has come into its own. I had a meeting yesterday with the board and sub-boards of Bord Bia to be given an overview of how 2018 went. One of the points I made to them was that it was imperative that we constantly work to ensure that Origin Green, which has been a real door-opener for us, is fit for purpose and constantly proofed against the challenges of changing market dynamics, of which Bord Bia is acutely conscious. It has been important to what market penetration we have globally.

Agriculture Cashflow Support Loan Scheme

11. **Deputy Eugene Murphy** asked the Minister for Agriculture, Food and the Marine if the plans announced in budget 2018 to introduce a low-cost cashflow loan scheme for farmers have been abandoned in view of the fact that there seems to be no movement on a hardship fund to help bridge cashflow difficulties for farmers; and if he will make a statement on the matter. [50998/18]

Deputy Eugene Murphy: Will the Minister clarify whether the plans announced in budget 2018 to introduce a low-cost cashflow loan scheme for farmers have been abandoned, given

that there seems to be no movement on the hardship fund to help bridge the cashflow difficulties for farmers?

Deputy Michael Creed: One of my priorities is to improve access to finance for the agri-food sector. Food Wise 2025 identifies competitiveness as a key theme and includes a recommendation that stakeholders work to “improve access to finance for agriculture, forestry and seafood producers and Agri-food companies”.

The future growth loan scheme is being developed by my Department and the Department of Business, Enterprise and Innovation in partnership with the Department of Finance, the Strategic Banking Corporation of Ireland and the European Investment Fund. It will be delivered through participating finance providers and will make up to €300 million of long-term investment loans available to eligible businesses, including the primary agriculture, agrifood and seafood sectors. The loans will be competitively priced and will be for terms of eight to ten years. This is a long-awaited source of finance for young and new entrant farmers, especially the cohort who do not have high levels of security. It will also serve smaller-scale farmers, who often do not have the leverage to negotiate for more favourable terms with their banking institution.

Food companies have identified long-term investment finance of up to ten years as a critical need which is currently unavailable. The delivery of this product and its effects will be felt all along the food production chain. The fund is leveraged by Exchequer funding of €62 million, of which 40%, or some €25 million, will be provided by my Department. My Department’s contribution was announced as part of budget 2018 and will be paid to the scheme by the end of this year. Arrangements are being finalised to have the scheme in place and ready to be launched in early 2019. It will run for three years from its launch date, and further announcements in this regard will be made shortly.

In regard to general cashflow issues, I liaise with the main banks on issues relating to the agrifood sector and I welcome that they have followed through on their commitment to support the sector through a challenging period. The delivery of last year’s agriculture cash flow loan scheme has acted as a catalyst to encourage financial institutions to improve and develop new loan products for the sector. A recently announced initiative by one of the main banks mirrors the scheme in offering a discounted interest rate with extended and flexible repayment terms. The milk flex loan product developed by the Irish Strategic Investment Fund with dairy co-operative and private banking participation is another good example of innovation in this regard. In addition, many farmers rely heavily on co-operative and merchant credit and I have welcomed initiatives by some of the co-operatives in relation to credit facilities for their suppliers.

Deputy Eugene Murphy: While I have to welcome what the Minister says will come on board in 2019, it should be remembered that this was announced in budget 2018. If I am not mistaken, the Minister made a further announcement at the IFA AGM in January and indicated that it would be established in the autumn. I push this point on the basis that these are the most challenging times for farmers I have ever seen. They face the uncertainty of Brexit, the uncertainty of CAP reform and, most importantly, climate change. As the Minister has seen himself, weather patterns have changed dramatically and that is costing farmers dearly. Any business, but farming in particular, requires financial planning. As such, I urge the Minister to put this in place within a matter of weeks. Farmers need it desperately and there should be no further delay. If another payment announced on budget day did not occur when it was supposed to, there would be uproar in the country. I appeal to the Minister to do everything required to bring this in as quickly as possible.

Deputy Michael Creed: I confess to having been rather frustrated myself at the difficulty in progressing the matter. As the Deputy knows, the European Investment Fund Agreement Bill 2018 has concluded its passage through the Seanad and will come before the House today. It provides for the legislative framework under which the new loan fund will be delivered. A legislative basis is required because of the involvement of the European Investment Fund. It has been a more cumbersome and difficult process than we anticipated and it has taken longer than I would have liked. However, I am satisfied that it addresses a gap in the market for capital investment through unsecured lending over eight to ten years at an interest rate which is not currently available. I acknowledge that it is later than we would have liked, but it will be in the marketplace in early 2019.

Deputy Eugene Murphy: While I welcome that, one must consider what has happened already in 2018. There was a terrible fodder crisis last spring and the weather was appalling. In fact, we did not have a spring as it seemed winter went into summer. Farmers were initially unable to get fodder. In the Minister's own part of the country, the dairy sector was severely affected. There is now a beef price crisis. Farmers are under attack financially on all fronts and while I welcome the clarification the Minister has provided this morning, I urge him to put the fund in place as quickly as possible. Farmers will not be able to continue farming without having that financial planning in place. Such planning must be assisted by Government given the threats facing farmers. There is uncertainty from Brexit and there is no doubt that there will be challenges from CAP. A financial crisis on top of all that makes it next to impossible for farmers to continue to work at their trade.

Deputy Michael Creed: I accept the Deputy's point. If we were in any doubt, the 2018 Teagasc farm income survey published this week confirms it. I acknowledge that it has been a very difficult year. However, in the context of climate-related challenges, the stakeholder group we established has worked extremely well. It includes statutory, non-statutory, voluntary and farm organisation participants. We have seen the gap close substantially and there is now an acceptance that there is sufficient fodder in the country. There may be individuals who remain vulnerable and we must remain vigilant in that space. However, I accept the thrust of the Deputy's observations overall and hope this financial product aimed at capital investment rather than working capital will be of some benefit to the sector in 2019.

Hare Coursing

12. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine his views on the inherent cruelty involved in live hare coursing; and his views on whether Ireland's reputation is being damaged by allowing this blood sport to continue in the face of international bans on the activity. [51049/18]

Deputy Maureen O'Sullivan: My question is on live hare coursing. What are the Minister's views on the inherent cruelty in this activity? Is our reputation being damaged by allowing this blood sport to continue in the face of international bans on live hare coursing.

Deputy Michael Creed: I note the major improvements in animal welfare that have taken place in recent years. The Deputy will recall that my colleague and predecessor, Deputy Simon Coveney, brought forward major legislative reform in the form of the Animal Health and Welfare Act 2013, which replaced legislation dating back over 100 years. The Act enshrined the "five freedoms" concept and introduced mandatory standards to provide for positive welfare for

animals. I launched myself a new draft strategy on animal welfare in September. The strategy has recently undergone a public consultation process and the responses, which are currently being examined, have been very positive. As the Deputy will be aware, detailed debate was held around the issue of coursing during the passage of the Animal Health and Welfare Act 2013 and the Dáil voted overwhelmingly to allow the continuation of hare coursing in accordance with the legislation which specifies that the hare must have a reasonable chance of escape. I am fully committed to promoting good practices that respect the welfare of all animals and my Department devotes considerable resources to protect animal welfare and deal with breaches of animal welfare legislation. Under the 2013 Act, a person can receive a fine on summary conviction of up to €10,000 and on conviction on indictment of €250,000 and-or imprisonment up to five years. The Act provides for fixed penalty payments for lesser offences. The Act provides the framework within which the welfare of animals can be safeguarded and I am hopeful that the substantial and significantly increased level of penalties for offences of animal cruelty provided for under the Act will act as a deterrent to animal welfare abuses.

Coursing is regulated under the Greyhound Industry Act 1958 by the Irish Coursing Club, subject to the general control of Bord na gCon. The Irish Coursing Club is committed to maintaining high standards in the sport of coursing and it actively promotes the protection and conservation of the Irish hare. Coursing operates in a highly regulated environment coupled with a comprehensive set of rules directly applied by the club. Hares are sourced under licences from the Minister for Culture, Heritage and the Gaeltacht which are issued annually and subject to a total of 26 conditions. These measures include a requirement that a qualified veterinarian attend at all coursing meetings to report on the health of hares, a prohibition on the coursing of hares more than once in the same day, a prohibition on the coursing of sick or pregnant hares and a requirement that hares be released back into the wild during daylight hours.

Deputy Maureen O’Sullivan: I am tired of being told about the wonderful legislation. While it is wonderful in theory, there are many examples in which it does not work. I need only mention puppy farms, the fox incident about which the Minister knows well as it took place in Cork, badger issues, live hare coursing and fur farming. Hurling, camogie, basketball, rugby and soccer are sports. There is no glossing over the cruelty involved in live hare coursing, which cannot be called a sport. Evidence of that cruelty exists where hares are used as live bait for dogs to chase. People who attend coursing meetings see hares being terrorised as they run frantically around a field. They are hit hard by the dogs and sent tumbling through the air. The hares run in circles and sometimes leap over the dogs to try and escape. On current numbers, there is evidence that hares are endangered. Are we going to wait until the situation is as it is with the curlew and the corncrake and the hare is at risk of extinction? I note also the injuries to the dogs involved. I would love to know how many greyhounds are put down every year for failing to make the cut. Of course, we have an industry which exports greyhounds to countries in which there are no animal welfare provisions, including a recent report of two greyhounds being sent to Pakistan.

Deputy Michael Creed: The Deputy will recall that the House voted overwhelmingly in 2013 to allow for the legal holding of hare coursing events, subject to certain conditions and restrictions. Our obligation is to ensure those regulations are complied with fully. Compliance with licences is a shared responsibility of my Department through veterinarian attendance and of the Department of Culture, Heritage and the Gaeltacht, which issues the said licences. The Deputy digressed into a host of other issues, including badgers. She will be aware that my Department is moving to a vaccination programme for badgers rather than one of culling. While

culling will continue to be an element of management in certain areas, there is a movement towards vaccination and I consider it to be progressive. Hare coursing is highly regulated and much changed since the position a number of years ago. Greyhounds are muzzled now so that there is no slaughter of hares as may have previously been the case. It is highly regulated and it has the overwhelming support of the House.

Deputy Maureen O’Sullivan: If there were a free vote on banning live hare coursing, there would be a different attitude. After my Bill was sadly defeated, members of the parties that voted against it told me they would have voted in favour of it if there had been a free vote.

Unauthorised photography is forbidden at coursing meetings so people who attempt to video the meetings do so with great difficulty. Nevertheless, there is video evidence, with the most recent from the Ardpatrick and Kilfinane coursing in Limerick. Muzzling and other rules do not adequately protect the hare and the footage shows signs of great cruelty. The hare is struck by the dogs, and that is without mentioning the hare’s suffering during the capture and confinement period, which is totally against the animal’s nature.

While I am proud of Ireland’s uniqueness in certain areas, I am not proud that we are unique in this area. We are only one of three countries where live hare coursing continues. The practice is banned everywhere else. There is an alternative. Drag hare coursing works in other countries. If we will not even consider it here, I can only conclude that it is the cruelty in the sport that attracts people. It is time that we look at this when survey after survey has shown that people do not want this activity.

Deputy Michael Creed: That is an unfortunate slur on people who support and attend hare coursing and I certainly would not concur with the Deputy. Many people involved in organising coursing do much that is positive in breeding hares and protecting the species. Hare coursing is highly regulated and stringent conditions apply, as is right and proper. It is also right and proper that these events are policed, with breaches punished as provided by law.

Areas of Natural Constraint Scheme Review

14. **Deputy Niamh Smyth** asked the Minister for Agriculture, Food and the Marine the status of the ANC review; and if he will make a statement on the matter. [51189/18]

Deputy Niamh Smyth: I welcome the publication of the ANC review and that farmers in Cavan-Monaghan are unaffected by the loss of any areas. Will the Minister make a statement on the review?

Deputy Michael Creed: Under the current rural development regulation and subsequent amendments under the omnibus regulation, member states are required to change the approach to the designation of land under the areas of natural constraints scheme. To date, my Department had been identifying eligible areas using a range of socio-economic indicators such as family farm income, population density, percentage of working population engaged in agriculture and stocking density. From 2019, eligible areas must instead be designated using the following list of biophysical criteria, namely, low temperature; dryness; excess soil moisture; limited soil drainage; unfavourable texture and stoniness; shallow rooting depth; poor chemical properties; and steep slope. This process has now been completed and in recent weeks I have published details of the outcome and completed a series of consultation meetings with key stakeholders.

The outcome of the review project can be summarised as follows. The vast majority of land that was eligible under the existing scheme will remain eligible under the new approach. Some 700 townlands that would have previously been eligible are not eligible under the new designation. Farmers impacted financially by this change will receive a degressive phasing out payment in 2019 and 2020. More than 2,000 townlands will now be eligible under the new approach and will be eligible to receive a payment for the first time in 2019.

These changes to the 2019 scheme require a formal amendment to Ireland's rural development programme. This process is now under way to allow the 2019 ANC scheme to open for applications early next year. A separate appeals process with an independent chair is being put in place and I will make an announcement on this matter shortly.

Deputy Niamh Smyth: An additional allocation of €25 million has been provided for the areas of natural constraint scheme. Cavan-Monaghan is a Border region. This morning, colleagues have spoken of the impact of Brexit. I ask that positive discrimination be shown towards farmers in Cavan-Monaghan when that €25 million is allocated. Much of the land in the area is of poor quality and we have suffered as a result of flooding and the fodder crisis. In light of harsh weather conditions, Brexit and other factors, I ask that preferential treatment be shown in the allocation of the additional funds to benefit farmers on poorer land for whom ANC payments are of great importance. ANC payments make a great contribution to the local economy given that farmers in the area are very much constrained in what they can do with their poor land.

Deputy Michael Creed: The Deputy will be aware that we have some form on this as we also increased the allocation in the previous year by €25 million. In allocating that, we targeted those who hold the most disadvantaged lands of the three categories. Of the €25 million, some €14 million went to the most disadvantaged category, €9 million went to the intermediate category and the balance went to the low land disadvantaged area. I am inclined to take the same approach in 2019. We have consulted farm organisations to elicit their views. I appreciate the Deputy's observations on the farming landscape in Cavan-Monaghan.

Deputy Niamh Smyth: I welcome the Minister's engagement with farmers in the area who are at the coalface. When will the 2019 payments be issued? How will the payment changes or categories impact farmers in the Cavan-Monaghan area?

Deputy Michael Creed: Payments are usually made in the back end of the year, usually around the time of the ploughing championship. There are two tranches of payments, with the initial tranche made around September, and I do not expect that will change. The application process will be simultaneous with applications for basic payments. Farmers who have ANC entitlements will simply tick a box on the basic payment form and the payment will be processed accordingly.

Bovine Disease Controls

19. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine his views on whether it is counterproductive to eradicating tuberculosis to allow inconclusive TB reactor cattle to move to and be finished in beef herds (details supplied); and if he will make a statement on the matter. [51166/18]

Deputy Martin Kenny: Does the Minister believe it is counterproductive for the eradication of tuberculosis to allow inconclusive TB reactor cattle to move to and be finished in beef herds.

Deputy Michael Creed: Under EU Directive 64/432, inconclusive animals that have passed a retest are not required to be slaughtered. Research carried out in Ireland found that such animals were 12 times more likely to be positive for TB at the next test or slaughter compared with their test-negative counterparts. As a result of that research, my Department adopted a policy in 2012 which restricted such animals to the herd for life until slaughter, or allowed them to move to a restricted feedlot from where they would be slaughtered. Such animals cannot be traded on the open market. Allowing these animals to move to a restricted feedlot where, by nature of the official supervisory protocol in place, all animals are slaughtered, they are prevented from circulating with other animals which may be sold on the open market. This means the risk of them causing a new TB breakdown is further reduced.

Under the tuberculosis programme, a feedlot herd is a restricted herd that comprises a non-breeding unit which disposes of all cattle direct for slaughter and fulfils at least one of the following three criteria. First, the cattle are permanently housed and never on pasture. Second, there are no contiguous holdings or lands with cattle, meaning they must not have any neighbour contacts either through cattle being confined exclusively in yards or buildings or, if intending to graze cattle, the land is secured in order that there can be no contact with cattle, for example, surrounded by tillage, residential, industrial or recreational units or impenetrable rivers, roads or walls. Third, the boundaries are walled, double-fenced or equivalent so as to prevent any direct contact with cattle on contiguous lands, premises or holdings. Furthermore, there must be no evidence of in-herd acquisition or spread of TB. Thus, a feedlot herd is a herd that poses minimal risk of infecting other cattle because of effective isolation from other herds.

As part of an ongoing review of the tuberculosis programme, my Department policy on inconclusive TB animals is one of a number of areas currently being evaluated.

Deputy Martin Kenny: There is deep concern among farmers who neighbour feedlots that house animals for which test results have been inconclusive. They believe this practice carries a high risk and their economic sustainability is substantially impacted if their farm is beside a feedlot where this takes place. Wildlife moves in and out through farms. I take the Minister's point that in some circumstances, these animals are permanently housed. However, farmers tell me that is often not the case and that the animals are often grazing.

12 o'clock

They have serious concerns in this regard. I welcome the review that is taking place and I would suggest that that review needs to focus on that particular issue and recognise that the whole farming sector will be negatively affected if this continues to happen into the future. Everything that can be done should be done to eradicate TB. How many years are we working now on this process and we seem to be getting no closer to the full eradication of TB? It is one of the big issues for Irish livestock farming out there and we do not seem to be able to get to grips with it. This particular aspect needs to be dealt with in a very firm way.

An Ceann Comhairle: That concludes questions to the Minister for Agriculture, Food and the Marine. We move on to Leaders' Questions under Standing Order 29. I welcome the Tánaiste.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: We have fantastic people working in our health service and the outcomes for those who access it are generally very positive. The year 2018, however, has been marked by a number of incredibly tragic incidents that are still ongoing.

We had CervicalCheck and the implications of that. Deputy Alan Kelly hosted a very powerful meeting last night around some of the women affected there. We had the issue that I raised with the Tánaiste in November, highlighted by Mr. Justice Peter Kelly about non-qualified doctors in our hospitals.

Yesterday we had the report from the analysis of the scans at University Hospital Kerry. That found that 11 patients, one of whom has passed away, suffered delayed diagnosis. That person waited for 76 weeks, 18 months, for a diagnosis of lung cancer. A total of 44,831 X-rays were audited and found to be correct. That is an important figure to remember. A figure of 1,298 X-rays had significant errors, and 420 patients had to be recalled and, of those, some 59 required further tests. According to the report, these X-rays and the scans were read by a locum consultant who no longer works in the hospital, having resigned from it in October 2017. Can the Tánaiste confirm that that person is not working in the Irish health service at the moment?

On the broader issue, there are currently more than 500 consultant positions filled by non-consultants. They are either locum, fixed-term or specified-purpose contracts. That represents 16% of the total population of consultants. There are further 199 unapproved posts. We have vacancies at therapist level, nurse level and GP level right across the health service. It is straining under the pressure of work, which is being exacerbated by these vacancies. A key recommendation of the report yesterday was that we would define acceptable volumes of work for individual radiologists. That is surely a concept that can be extended right across the health service. How does one define “acceptable volume of work” for anybody in the health service when there are such vacancies and such demand? The Government is continuing to put its head in the sand about the impact of those vacancies on patient care, and on people working in the service and the pressure those vacancies are putting on already pressurised work environments.

Does the Tánaiste accept that the vacancies across our health service are unacceptable? Does he accept that the vacancies are allowing doctors who are not qualified to work in positions that they should not be in? Is he concerned about the impact these vacancies are having on the quality of care available and the impact that these are having on morale among those working within the health service?

The Tánaiste: I thank the Ceann Comhairle. The Deputy has a lot of questions there.

First, I wish to express my heartfelt sympathies to the patients and families involved in the recent case and the report that was published this week. I acknowledge that this was a time of real uncertainty for many patients and their families. I appeal for confidentiality to be respected for the families concerned.

It is important to note that the aim of this look-back review has always been to ensure patient safety, to identify whether any clinically significant radiological findings had been missed

and to ensure that those identified were managed correctly in the interests of patients, with patients being communicated with appropriately and at the right time. Throughout the review process the HSE has had a comprehensive communications process, including provision for open disclosure and dedicated clinical co-ordinators to liaise with patients and GPs. This included a freephone helpline and a dedicated website. I have been advised that all patients have now received follow-up and care, as needed, and have been provided with support from the South/Southwest Hospital Group. The report of this process provides assurances that the issues have been examined appropriately from a clinical perspective. In its report the serious incident management team, SIMT, has made a total of 16 recommendations and the HSE has confirmed that the implementation of the recommendations of the report is already well under way.

Legal proceedings have been issued in three cases and they will be managed by the State Claims Agency.

All imaging related to one individual consultant radiologist between 24 March 2016 and 27 July 2017 were reviewed. The HSE has advised the scope agreed for the review was focused solely on University Hospital Kerry. The consultant radiologist was placed on administrative leave pending a full review and has since resigned their position. The Irish Medical Council was notified of the concerns in relation to poor professional performance by this doctor in October 2017 and its assessment is still under way.

The total number of patients identified during the review with missed or delayed diagnosis is 11. Four of the patients identified with either missed or delayed diagnosis have now passed away. Of the 11 patients, eight had either re-presented to the health service or their diagnosis was made by the normal multi-disciplinary review. These patients had been diagnosed by the time of the look-back review. A further three, however, were found during the look-back review process and diagnosed thereafter as a result. Following repeat imaging during the recall, 59 patients were identified as requiring further clinical follow-up and-or investigation. Ten further patients have been referred to other hospitals for specialist care.

Deputy Dara Calleary: Four families have lost their loved ones because of this and we do not know how many more of the other seven may be affected. I join in the expressions of sympathy but it is not good enough. We do this every time we have an incident, and that sympathy is heartfelt but we do not learn from it. We need to learn that this must not happen again in another hospital. We need to have some sort of patient focus at the heart of Government that actually says we will not continue to come into this Chamber every few months offering sympathy. We need action. I have identified the recommendations from the report on what are determined to be acceptable workloads. Is that something the Government will take on board and implement across the health service at all grades? Will it give health professionals workloads that they can manage, the support they need to do their job and take a proactive role in filling the vacancies at every level? The Government cannot keep putting its head in the sand about our consultant, GP and nurse vacancies. We need proactivity to fill those vacancies to take the pressure off our health professionals and to avoid a situation where we come back to another expression of sympathy.

Finally, I repeat my question - is the person involved in this case still working in the health service?

The Tánaiste: I do not disagree with anything the Deputy has said. We need action and action is taking place. The whole point of this look-back review was patient-centred. It was

to expose failings if they were there and how they happened to ensure that they would not happen in the future. There are 16 recommendations and they are already being implemented in some cases, and they all will be implemented. Yes, there are vacancies across our health system and the HSE and the Department of Health are working to ensure that those vacancies are addressed. There has been a significant increase in the number of nurses in the healthcare system in the past 12 months. There have also been increases in the numbers of consultant doctors. Therefore, all of the actions for which the Deputy is calling are under way. I agree with him that it is simply not good enough, but all the same, it needs to be said that what families expect and want when their loved ones go into hospital is that they receive the highest quality of care and that if mistakes are made, they will be exposed quickly through the systems that pick them up and that we learn lessons from them in order that they are less likely to be repeated in the future. That is what is happening in this case.

Deputy Pearse Doherty: I also want to refer to the review published yesterday by the HSE of the 46,000 radiology scans carried out at University Hospital Kerry in Tralee. The report has found that 11 patients had their diagnosis of cancer delayed and that four of them have since passed away. Some of the 11 patients received the report by taxi, which is not an appropriate or patient-centred way to deliver a report to any victim. Our thoughts are with the families, in particular, at this very difficult time and all those affected by the scandal. While I welcome the publication of the report, there are a number of outstanding issues on which we require clarification which I hope the Tánaiste will be in a position to provide.

First, less than two pages of the report deal with recommendations to prevent a similar situation from arising in the future. When asked yesterday by my colleague, Councillor Toiréasa Ferris, what was the timescale for implementation of the recommendations, hospital management could not give her an answer. Unless management accept its failings and responsibilities and puts measures in place to address what happened, it can and could happen again. The concerns about misdiagnoses and hospital scans were being raised by hospital staff and GPs and it seems that the appropriate action was not taken until a later stage. Therefore, I want to know what are the HSE and the Minister going to do about it? Will a timeline for implementation of the recommendations be produced and will it be published?

The matter of most concern is that, over a year after the issue first came to light, not only are guidelines on the volume of work radiologists should be undertaking not in place but the process to develop them does not seem to have even started. What specifically is being done about this and will the guidelines be produced without delay? That is absolutely crucial because the workload of the consultant in question was a key contributory factor in patients receiving a misdiagnosis or there being a delayed diagnosis. That issue needs to be addressed urgently.

The report acknowledges that four people died as a result of receiving a misdiagnosis or there being a delayed diagnosis, but there is a fifth person whose family believe she passed away as a result of the same factor. She had been told that her case was part of the review in February, but she heard nothing after that point. Unfortunately, she has since passed away. Will the Tánaiste give an assurance that the hospital will engage with her family in order that they can receive the answers they are so desperately seeking?

There is a real possibility that people may have to go through the courts to get justice in what clearly are cases of medical negligence. We already know that one application has been lodged. Will the Tánaiste give us an assurance that that will not happen and that the hospital and the HSE will engage with victims and families to ensure they do not have to through the

rigmarole of the convoluted legal process to get justice? In some cases people are terminally ill. The issue is time sensitive and we need to ensure action will be taken immediately, something which has not happened heretofore.

The Tánaiste Simon Coveney: The report was only published in the past 48 hours. It contains 16 recommendations and my understanding is they are being implemented. Tragically, four people have passed away since the review began. I do not know the circumstances of each individual case. Therefore, in the circumstances we should be careful about what we say in apportioning blame. Families who still have questions to ask and need answers need to receive the full co-operation of the hospital and the HSE. The review was triggered by complaints which led to concerns about the quality of care patients were receiving in the hospital. As a result, all of the scans and workload linked with one consultant doctor were re-examined, from which we have learned lessons which raise serious questions which need responses.

I do not have the guidelines on the workload of radiologists in front of me, but I expect that there would not be a problem with making them available. It is the job of the HSE and hospital management to make sure they have teams available that can work in a way that is consistent with medical guidelines. If there are a family or an individual to whom the Deputy is referring with particular concerns, I do not have their details, but if the Deputy makes them available, I will certainly ensure the Minister's office is made aware of them. We are trying to ensure the response will be patient-centred, that lessons will be learned, that systems will be put in place on the back of the mistakes made to make sure they will not happen again and that if families continue to have concerns or questions to which they need answers, the hospital and the HSE will provide them. People should not have to go to court to have basic questions answered about patient care and patient safety in the hospital.

Deputy Pearse Doherty: The problem is that it has not been patient-centred and that people are going to court because there is no other avenue available to them to get justice. I mentioned one of the 11 patients who was identified in the report as having received a misdiagnosis or in respect of whom there was a delayed diagnosis which had resulted in severe negative outcomes for his health. Between March and October 2016, the now 71 year old who is a husband, a father and a grandfather had three chest X-rays, in which his cancer was not picked up. The radiologist whose work was reviewed is not the only one who was involved in the case; there was another doctor who reported on at least one of the scans. The symptoms persisted and, at the insistence and because of the persistence of his wife, the GP referred the man in question for another X-ray in early 2017 when his lung cancer was finally diagnosed. The error had not been detected and despite the delayed diagnosis, he was scheduled for a CT scan in June that year, months after the misdiagnosis had been identified. His wife persisted and ensured that the scan was brought forward to April. It was discovered that the cancer had spread at such a rate that it was wrapped around the main artery to his heart. He went through what his wife described as "horrific treatment", but it was too late. I am informed that he only has a short time left and that the family firmly believe that if the cancer had been detected in any of the three earlier X-rays, it would not have been terminal. They have asked me to make the point that they have to fight for appointments in the health service to receive the care and treatment needed. They have to fight for grant aid in order to provide such basic things as a downstairs toilet in order that the man in question who was failed by the health service can live out his final days in comfort. He is on oxygen 24 hours a day and his family are devastated. They are appealing to me to ask the Tánaiste, the Taoiseach and the Government not to force an individual who has been so let down and failed to go through a complicated legal process. We need to ensure

we wrap him and his family in the supports available, provide grant aid without them having to fight for it and appointments without them having to demand that his treatment be fast-tracked. It is not patient-centred and the family should not have to go to court. I want assurances from the Tánaiste that everything that can be done will be done to provide the best treatment available for the individuals affected in whatever days they have left and that a process will be put in place to avoid their having to take the legal route.

The Tánaiste: The family to which Deputy Pearse Doherty refers is clearly going through a very traumatic time. I assure him that the State, through the HSE, Kerry University Hospital and the Department of Health, will do everything it can to ensure the individual concerned gets the maximum care possible to manage what sounds like a case of terminal illness.

My understanding is that three legal proceedings have been issued in relation to cases that were dealt with in the report. The State Claims Agency will be managing those cases. It is always the objective of the State to try to deal with such cases in a patient-centred compassionate manner to prevent families having to go to court. That is not always possible but that is what the State Claims Agency will try to do.

Deputy Mick Barry: This Sunday a 34 year old mother will leave her home in Wilton in Cork city and travel up to Dublin. On Monday she will head out to the airport and take the 7.50 a.m. Ryanair flight to Barcelona. Her name is Noreen O'Neill. She is the mother of a two year old boy, Michael, her first and only child. Michael will not be going on the trip as flying is not good for him. He was born with bilateral frontal polymicrogyria, a drug-resistant epilepsy. The condition caused Michael to suffer up to 20 convulsions per day before he even reached his first birthday.

The Irish health service offered Noreen ten different anti-convulsive medications for Michael but, unfortunately, none of them worked. In January of this year Noreen began treating Michael with cannabidiol, CBD oil, which served him well and for four full months he was seizure free. When the seizures returned in the summer Noreen increased Michael's CBD dosage. He is now at maximum dosage but the seizures, far fewer than before the treatment began, have not gone away. Noreen tried to get a licence for tetrahydrocannabinol, THC, under the licensing system introduced by the Minister for Health, Deputy Harris. However, each one of the three neurologists she approached declined to apply for the licence, which left Noreen with two choices: watch her son stay gripped by seizures, as they possibly worsen, or go to Barcelona. Barcelona is the home of the Kalapa Clinic, which has been overseeing Michael's CBD dosage in recent months via Skype. It is at the Kalapa Clinic that Michael's first prescription dosage of THC is now being made up. Noreen O'Neill will fly back into Dublin Airport at midday next Wednesday with enough THC to last Michael until the end of January.

Does the Tánaiste feel any sense of shame that he is a Minister in a Government which forces Irish women to go abroad for healthcare for their children? Does he accept the very fact Noreen has to make this journey is a sign that the licensing arrangement is at best inadequate and falling short for many people? Will the customs officials take Noreen to one side next Wednesday and confiscate her child's medicine? Does the Tánaiste agree that the law should not be an ass and must change so as to provide for the healthcare needs of the population and to prevent this kind of situation from happening in future?

The Tánaiste: I am not familiar with the individual case to which the Deputy refers but I am familiar with the issue and I have been personally involved with other families affected by

it. The cannabis for medicinal use access programme the Government is to implement aims to facilitate access to cannabis-based products or preparations that are of a standardised quality, and which meet an acceptable level of quality assurance under the manufacturing process. The programme will provide access for patients who are under the care of a medical consultant for the following medical conditions which have failed to respond to standard treatments: spasticity associated with multiple sclerosis, intractable nausea and vomiting associated with chemotherapy and severe treatment-resistant epilepsy, which appears to be the issue to which Deputy Barry refers in relation to Michael.

An expert reference group has drawn up operational, clinical and practice guidelines for healthcare professionals treating patients through the programme and has advised that cannabis oils should be used for the purpose of achieving accuracy and consistency of dosage for patients. Departmental officials are working on secondary legislation in the form of three statutory instruments which will underpin the access programme. The Government and I do not think it is appropriate that politicians are the ones making decisions as to what is appropriate health treatment for children or adults.

Deputy Ruth Coppinger: We did last night.

The Tánaiste: That was not in relation to drug treatment. What we are trying to do here is ensure that medical practitioners - consultant doctors - can work with families, like the family mentioned by Deputy Barry, to ensure that children are getting appropriate treatment and that we can import where appropriate treatments that are not available in Ireland. The Minister has shown more than willingness to facilitate the licensing for that on application. I am not aware of a single application that has come from a consultant to import medicinal cannabis that has been refused. There is a process here. A number of Deputies have repeatedly raised the issue to try to ensure that we have a streamlined system that works with families. That means mothers do not have to travel abroad, to Amsterdam, Barcelona or elsewhere to bring back products, and that we can have a system where in certain circumstances children can access drugs that need to be imported from abroad. However, that does need to be in the context of the supervision and recommendation of a consultant doctor, who is trained to make medical decisions in the interests of patients.

Deputy Mick Barry: There is a system in place but the system is not working. There are thousands of people in this county who need medicinal cannabis, sometimes for their children. How many have got the licence? Only 12 have got the licence, which means that less than 1% of people who need it have got it, and 99% of people who need it have not got it. One of the reasons for that is there is a chill factor for neurologists. THC is still illegal below a very low dosage and neurologists are nervous about that. THC is a schedule 1 drug that is not prescribed for medical purposes. That needs to change to the way it is in the Netherlands.

The Tánaiste said that people should not have to go abroad under the system but people still have to go abroad even if they have the licence. Vera Twomey has to go to the Netherlands in order to get the treatment for her daughter Ava, as do other people who have licences. Even if one is lucky enough to be in the 1% the Government still forces people to go abroad for the healthcare needs of their children.

This is going to be a big issue in the next week. Noreen will post reports on her Facebook page, including videos of her travel experience and her journey. People will watch that and they will look very carefully to see what the customs officials do next Wednesday, whether they take

her aside and confiscate medicine that her child needs or recognise reality and allow her back into the country with the medicine that is needed for her son.

The Tánaiste: I put it to the Deputy that these issues need to be resolved in a way that prioritises the healthcare of the children. By and large, it is children we are talking about. Only 12 applications for import licences have been made and they have all been granted. The Minister has shown a willingness to try to ensure that when a doctor seeks an importation licence for a patient in his or her care, that licence is given quickly. We are also trying to ensure neurologists understand that these products are available, although they are somewhat limited in terms of where we can source them from. My understanding is that only Netherlands and Canada are licensed to export these products.

Department of Health officials are working intensively to try to ensure that we can streamline the process for appropriate drugs or cannabis products to come into Ireland so that children can get the treatment they need when then need it. That is perhaps a different thing from what Deputy Barry is asking for. The only focus of the Government and the Minister is to ensure that appropriate products of the right standard are being used by patients in Ireland under the supervision of doctors. We are working with the families concerned to ensure the process operates in a timely and streamlined manner.

Deputy Noel Grealish: I listened with interest to a report on RTÉ's "Morning Ireland" last Wednesday. The report outlined how health administrators and hospitals are asking people to use minor injury units where possible to avoid having to go to busy emergency departments. People attending one such unit in Smithfield in Dublin were glowing in their praise for the speed with which they were being seen and treated for minor injuries and ailments. They compared the experience with their previous experiences of spending hours waiting to be seen at hospital emergency departments.

That unit is one of 11 minor injury units dotted throughout the country that were designed to take the pressure off emergency departments. They deal with broken bones, dislocations, sprains, minor scalds and burns. I know from speaking to staff on a visit to the unit in Roscommon that it takes an average of 55 minutes from the time a person comes in the door until he or she goes back out having been seen and treated. I also know from a visit to the emergency department at University Hospital Galway that patients sitting in the waiting room for hours on end face a screen that pops up with a message advising them to use their local minor injury unit as a speedy alternative to the emergency department. It is good advice, but for the fact that Galway is the only major urban area in the country that actually does not have such a unit.

I have raised this matter before in the House. The first time was during Leaders' Questions two years ago with the then Taoiseach, Deputy Enda Kenny. As recently as March of this year I raised it with the current Taoiseach. At the time, the Taoiseach, Deputy Varadkar, agreed that there was merit in my suggestion for such a unit to be opened at Merlin Park University Hospital in Galway. He added:

It works in Dublin, Limerick and Cork. Why would it not work in Galway, therefore? I will certainly appraise the proposal and discuss it with the Minister for Health and the HSE.

Unfortunately, I am still waiting to see the proposal being acted upon. The idea is what we could call a no-brainer. More than 60,000 people every year are crowding into the cramped and outdated emergency department at University Hospital Galway. Three quarters of them are

discharged after being seen and treated without being admitted to hospital. Most of the 45,000-plus people would benefit from the availability of the option to go to a minor injuries unit where they could be seen and treated in a fraction of the time it takes today. As the Taoiseach put it, there are injury units in Dublin Limerick and Cork - there are two more in Cork county - why not Galway?

University Hospital Galway is one of the busiest hospitals in the country with ever-increasing waiting lists and growing numbers spending nights on trolleys in the corridors of the emergency department. All of these people would benefit from a minor injuries unit. If funding were allocated, it could be up and running next year. When will the Government stop paying lip service to the idea and actually follow up with action to provide a minor injuries unit for Galway, based at Merlin Park University Hospital?

The Tánaiste: I thank Deputy Grealish for raising this issue. Approval was given in May 2017 to the Saolta University Health Care Group, which oversees the hospital system in the west and north west of the country, to conduct an options appraisal for future acute hospital needs in Galway. As the Deputy is aware, the Galway University Hospitals operate over two sites, including the model 4 hospital and the Merlin Park site. It is important that services planning is done in an integrated manner between both sites.

As part of the options appraisal the Saolta group will undertake a medium-term planning project to assess the population health needs for the hospital catchment area to inform existing and future service needs. The assessment will provide an options appraisal for the infrastructural requirements needed in Galway to facilitate the delivery of safe high-quality timely acute elective and cancer care for patients throughout the west and north west. This assessment will outline a comprehensive plan to address requirements for unscheduled and scheduled cancer and maternity-paediatric care, including key enabling diagnostic and support functions. The new emergency department block envisaged under Project Ireland 2040 will also be considered in the context of the options appraisal.

Saolta University Health Care Group has advised that the options appraisal will be completed in the first quarter of 2019. I am advised by the HSE that there are no specific plans at present to develop a minor injuries unit at Merlin Park. However, there is continued focus on ensuring that Merlin Park capacity is used to ease pressure on emergency acute and complex elective care at University Hospital Galway, which is the issue Deputy Grealish is raising. The Galway University Hospitals continue to review patient services suitable for transfer to Merlin Park. Similarly, administrative logistical and support functions that are not location-sensitive may be redeveloped at Merlin Park University Hospital.

I am also advised that Saolta University Health Care Group is working with the HSE to examine the potential for development of a day services hospital block at Merlin Park subject to the usual capital approval processes. A full appraisal is under way. It is to be finalised in the first quarter of next year. The issue Deputy Grealish has raised today will be very much factored into those considerations.

Deputy Noel Grealish: I asked the Tánaiste to provide a minor injuries unit on the grounds of Merlin Park University Hospital. There are 11 such units throughout the country in major urban cities. University Hospital Galway services the west. At one point the Tánaiste said there were no plans to build a unit, but then he said it would be considered in the report or appraisal that will be carried out.

It is time to get off the pot and provide one of these units for Galway. The emergency department in UHG is one of the worst in the country. Week after week it has the greatest number of people on trolleys, and the Government is doing nothing about it. The Government says it will build a new emergency department. That has been going on since I got elected to the Dáil in 2002 and still it is not being built. The Government is talking about the proposal to build a new hospital in Merlin Park. I will be dead and buried before that happens. Let us be honest and fair about that.

All I am asking is for a minor injuries unit. These units work successfully. I visited the unit in Roscommon and I was impressed with it. I call on the Tánaiste to give a firm commitment now that a minor injuries unit will be built on the ground of Merlin Park University Hospital without delay. The buildings are in place. It is only a matter of kitting out one of the units and putting in place two consultants and several nurses. We could take 60% of the people attending the accident and emergency unit in University Hospital Galway. I call on the Tánaiste to give a commitment that the Government will provide a unit for Galway. Why should Galway be different from any other major city in the country?

The Tánaiste: I hear what Deputy Grealish is saying. A full appraisal is going on right now - it has almost concluded - to ensure that the necessary health infrastructure in both sites of the Galway University Hospitals is factored in as part of capital investment in the future.

There is a commitment by the Government to build a new emergency department in Galway. That will be followed through. However, for me to make commitments on the floor of the Dáil when there is an appraisal that is almost completed-----

Deputy Noel Grealish: The Tánaiste said it will not be built.

The Tánaiste: I am saying that I am advised that there are no specific plans at present because the appraisal process has not concluded yet. We have not made a commitment in advance of that appraisal being finalised. That is the context in which the Department of Health will make further commitments for Galway. I hear the points the Deputy has made and they are not unreasonable. There are successful minor injuries units in other parts of the country that take pressure off accident and emergency departments. The appraisal process will conclude in the next couple of months and we need to factor in that thinking when considering future investment in Galway.

An Ceann Comhairle: I point out to Members that Standing Order 29 sets out the time-frame for taking questions. It is a Standing Order the Members have written and adopted. I have written repeatedly to leaders to ask them to adhere to the time limits. The Committee on Procedures last week instructed me to write again. One of the considerations is that Leaders' Questions is broadcast, which necessitates adherence to time. It has been my observation that many Deputies studiously ignore the Chair when they are called upon to adhere to the time limit-----

Deputy Paul Murphy: The Ceann Comhairle should cut them off.

An Ceann Comhairle: -----and in so doing are instigating gross disorder in the House.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: The Ceann Comhairle will have to get cross.

An Ceann Comhairle: This is quite intolerable. The committees of the House will have to consider the matter and decide what to do about it in the future.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: The time provided for questions is 15 minutes and 15 Deputies have already indicated. Deputies must confine questions to one minute and answers should be brief.

Deputy Dara Calleary: In this morning's *Irish Independent* we read the news that Qudos Insurance, an insurance underwriting company which underwrites 50,000 people in this country, has gone into liquidation and may not be in a position to pay out on any existing claims. This is eerily similar to the Setanta story from a number of years ago, which has still not been resolved. Insurance is another matter about which the Government is putting its head in the sand. What plans are there to deal with the Qudos Insurance situation? What plans does the Government have to ask the Central Bank to take a hold of the insurance industry and give stability and certainty to policyholders?

The Tánaiste: The Ceann Comhairle warned me to respond within a minute.

An Ceann Comhairle: No, I reminded the Tánaiste of the rules.

The Tánaiste: There are between 40,000 and 50,000 policyholders here whose insurance policies are underwritten by Qudos operating under the name Patrona Underwriting limited. On its website today, the company makes clear that people who have insurance with it should contact their brokers. The insurance industry has been in contact with brokers to ensure that people can transfer, free of charge, their premiums from Qudos to another insurance provider. Companies and individuals should do that without delay because Qudos has indicated it is not paying out on insurance claims. The actual issue around claims must be clarified, including whether the claims can be covered under an Irish or Danish compensation fund. The company is regulated by a Danish regulator rather than an Irish one.

Deputy Pearse Doherty: Licensed moneylenders are currently permitted to charge anything up to 188% of interest, excluding collection charges. When collection charges are included the rates of interest increase to 287% per annum. There are an estimated 330,000 customers of these moneylenders and approximately €153 million on loan to them in Ireland. This represents around 2% of the overall market. Those statistics come from the Social Finance Foundation, which carried out a report and sought a cap on the interest rate for moneylenders. Today, I will move a Bill to introduce a cap on these extortionate charges, and next week we will use our Private Members' time to bring the Bill to Second Stage. Given the remarks of the Taoiseach last week, is Fine Gael disposed to introducing a cap on moneylenders to ensure this is the last Christmas that hundreds of thousands of people will be ripped off by these extortionate rates?

The Tánaiste: I share the Deputy's concern that some people are effectively being ripped off with extraordinarily high interest repayment rates to access money. We have to make sure that people are protected in that context. The Minister for Finance, Deputy Donohoe, is looking at this issue and I am sure he will respond to the Deputy's Bill accordingly. I cannot commit him to a course of action, but we are certainly taking this issue seriously. It is under review in the Department of Finance.

Deputy Jan O'Sullivan: Will the Tánaiste comment on the commencement of the remaining Parts of the Children and Family Relationships Act 2015, which has passed but has not been fully commenced? Will he address specifically the issues around same-sex couples which involve recognition of both parents as the parents of the child? The Minister for Health indicated that the Act would be fully commenced by the end of October, but it has not happened yet. Will the Tánaiste assure us that it will be fully commenced before the end of the year?

The Tánaiste: I will ask the Minister for Health to revert to the Deputy directly on that. I do not have an exact date but I do not see why this should not move forward quickly. If there is a blockage, we will find out what is causing it.

Deputy Paul Murphy: The programme for Government refers to the need to keep families in their homes. So bad is the crisis that not only are families not being kept in their homes but, incredibly, families who are in transitional housing from homelessness - own-door accommodation - are facing eviction from that transitional housing back into homelessness. A large number of families in Tallaght Cross, who are in accommodation provided by Túath Housing and are in various phases of having received notices to quit, are being pursued through the Residential Tenancies Board, RTB. They moved from the nightmare of living in hotels night after night and having to commute to schools to the slightly improved position of having own-door housing. They have been unable to find housing assistance payment, HAP, accommodation because of the crisis, and are now facing having to go back into homelessness. Does the Tánaiste or the Minister for Housing, Planning and Local Government agree that no families in transitional housing should be pursued through the RTB? Do they agree that these eviction notices should be withdrawn from the families in Tallaght Cross?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): The housing provided for these families has been a very secure source of accommodation for them over an 18 month period. A commitment has been given that no family will be evicted into homelessness from emergency accommodation.

Deputy Mattie McGrath: I attended a very pleasant function this morning at which the Ceann Comhairle honoured Brother Kevin Crowley, the Capuchin friar, for the work he does with the homeless. What is the Tánaiste or the Minister for Housing, Planning and Local Government doing for the families who have found that their mortgages were sold off by Permanent TSB to vulture funds in recent times? Two members of a particular family in Tipperary work in the Defence Forces and one of them is very sick with cancer at the moment. They are scared stiff as to the protections they have. What protections do those families have? This Government will not build houses, yet is allowing these terrorist vulture funds - that is what they are - to purchase family homes and mortgages. The Government's attitude is to hell with the people. People like Brother Kevin and others are left to feed them. It is happening more and more, and it is a vicious circle. The Government has failed abysmally. What protection is being put in place for these families?

Deputy Bernard J. Durkan: I have raised this matter on numerous occasions in the past. The Central Bank consolidation Bill could be a suitable vehicle on which to attach a specific item to deal with the matter, given that the banks were forgiven by the people and bailed out by the Government. It is now time for them to offer a similar accommodation to those who owe them money.

The Tánaiste: This is a significant issue. The Minister for Finance, Deputy Donohoe, has

responded in some detail to the issues which have already been raised about the transfer of mortgages from Permanent TSB to another service provider. However, the Central Bank rules will continue to apply. We are also committed to introducing new legislation. The Minister of State, Deputy Boxer Moran, has been central to the thinking behind that, which aims to protect people in their homes more effectively. The Deputy's accusation that the Government is not building houses is simply not true. We are seeing a dramatic increase-----

Deputy Mattie McGrath: The Government is evicting people from houses.

Simon Coveney: We are seeing a dramatic increase in the building of new homes across all levels, from the purchase market to social and affordable housing. If the Deputy cares to take the time to look at the numbers, he will see that.

Deputy Mattie McGrath: They are not in Tipperary anyway.

Deputy Jackie Cahill: The Milford Care Centre provides palliative care services for patients in Limerick, Clare and north Tipperary. This week, at a meeting concerning that facility's hospice care centre, a decision was made that from 1 January, all physiotherapy services, occupational therapists and social workers are to be withdrawn from the north Tipperary region. We have mentioned cancer and cancer treatment many times here this morning. It is just unacceptable to reduce the service that is available. This is being focused on north Tipperary. Obviously it is being done for budgetary reasons, but I ask the Minister to get the HSE to reverse this decision.

Minister of State at the Department of Health (Deputy Jim Daly): I am not aware of the issue. This is the first I have heard of it. I would be surprised if it was done for budgetary reasons prior to the new year, but I will undertake to find out what the story behind this is and come back to the Deputy.

Deputy Charlie McConalogue: This is a question to the Minister for Housing, Planning and Local Government. It relates to the development of a mica redress scheme for homeowners in Donegal who are affected by defective concrete blocks. As the Minister will know, following an announcement on budget day the Government made a commitment to develop a scheme by the end of this year. Unfortunately, this process has seen too many missed deadlines. Can the Minister give an assurance that this will not happen again and that the Government is on course to have a scheme agreed by the end of the year, with the remediation of houses beginning in 2019?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I am aware of the concerns raised by the Deputy and the commitments that were made at the time of the budget following consultations with Deputy McHugh, the Deputy and other Members. A scheme has been designed. A scheme for next year has been agreed and will be announced this year. I will be meeting with the Minister for Finance, Deputy Donohoe, and the Taoiseach to discuss further details around that scheme today.

Deputy Niamh Smyth: Perhaps the Minister for Education and Skills could take this. The programme for Government contains a commitment to promoting excellence and innovation in our schools. I want to raise the issue of St. Brigid's national school in Meath Hill, Drumconrath, County Meath, a wonderful school with 100 students and four teachers. Unfortunately, the school does not have what I would consider basic facilities. The students are in very cramped and inadequate classrooms. They have no PE hall, no storage, no principal's office, no general

office, no library and no disabled toilets. The school has applied for additional accommodation funding and has been unsuccessful. Does the Minister think it is acceptable that these pupils are without what I would deem the basic facilities for providing a good education? When will he be in a position to ensure that Meath Hill has adequate facilities?

Minister for Education and Skills (Deputy Joe McHugh): I am happy to check this particular application out. The Deputy mentioned a sports hall. As we move towards 2020, when PE will be on the curriculum, I am getting several representations from around the country asking about the investment trajectory. Next year we will have an extra €200 million in capital spending within the Department. There are a lot of pressures. The Minister for Finance, Deputy Donohoe, is coming under a lot of pressure to agree to expenditure and to show prudence. We have to marry the demand with the supply. There is not a parish in the country where schools are not looking for extra facilities or extra rooms. Obviously there are different population pressures. Within the ten year capital plan there is an allocation of €8.4 billion, and within that a plan will be mapped out to find the best way forward. I am happy to check that specific application out for the Deputy.

Deputy Michael Collins: Page 144 on the programme for Government states: “Our active membership of the UN is an important aspect of our foreign policy”. Does Ireland intend to sign the UN migration pact, and if it does, with what new conditions will Ireland have to comply?

Simon Coveney: The Minister for Justice and Equality, Deputy Flanagan, is travelling next week. It is Ireland’s intention to support the UN in introducing a new compact on migration. The idea is to try to build consensus across the UN structures to strike a balance between treating migrants in a way that is consistent with international law and recognising that countries have a right to manage their borders appropriately, and to ensure that those issues are dealt with as consistently as possible across the world. Migration, as the Deputy knows, is a huge challenge for many countries. This is a very good effort to try to do that. Not all countries in the UN will support it, but I am glad to say that Ireland will be one of those that will support those efforts.

Deputy Tony McLoughlin: My question was similar to the one that has just been answered concerning the UN migration pact which will be signed next week by the Minister for Justice and Equality. I wished to ask what the benefits and obligations for this country will be, but the Tánaiste has outlined that.

Deputy Lisa Chambers: I wish to raise the issue of Spinraza again. My colleague, Deputy Curran, raised it yesterday and the Minister of State, Deputy Daly, responded. It is my understanding from speaking to the families that the decision is due next week. It is imperative that all members of the Government do everything they can to ensure that the right decision is made and the children are provided with the medication they need to have a proper quality of life. If the wrong decision comes next week there will be severe difficulties within this House, and certainly among all of the families who are affected.

Deputy Jim Daly: It is expected that there will be a decision next week but that is not guaranteed. As the Deputy knows, this is a function independent of the Government. The Minister does not decide. The decision is made by an independent body. However, we do hope there will be a successful outcome.

Deputy Martin Kenny: I would like to know the position of the Island Fisheries (Heritage Licence) Bill 2017, which has passed Second Stage in this House and on which a committee report has been sent to the Minister. Like many Opposition Bills, the problem of a Money Message is hanging over it. I would like to know the position regarding that Bill and indeed all the other Bills in that position currently.

Simon Coveney: I am familiar with the Bill but I do not have the information on timing the Deputy is looking for. I will certainly raise it with the Minister for Agriculture, Food and the Marine, Deputy Creed.

An Ceann Comhairle: Three Deputies remain. If they ask their questions in 30 seconds we will take them.

Deputy Michael Healy-Rae: I am grateful to the other party leaders for raising the delayed diagnosis scandal in Kerry. I am sorry for the four families, but they do not want our sympathies. What they want is action. Yesterday I raised the issue of a lady who had a smear test in June. In November she was told it could not be read. Delays of this type have led to disastrous circumstances where people have lost their lives through misdiagnosis and delayed diagnosis. Surely the Government will have to bring the HSE to book on this matter. It cannot be allowed to continue.

Deputy Tom Neville: Page 48 of the programme for Government concerns rural post offices. Athea post office in County Limerick serves 400 to 500 people. It is approximately 13 km from the nearest post office. I would like to propose a solution. I have asked the Government to impress on An Post that a post-and-pay point should be established as well as a post point. This could provide international mail and weight mail services, as opposed to just TV licences and stamps. This is a solution that could be brought forward for any post offices that are in this kind of halfway house, post offices which are quite commercially viable. I ask the appropriate Minister to put pressure on An Post in regard to this.

Deputy Declan Breathnach: As the Tánaiste and many others in this House well know, legacy issues from the Northern Ireland Troubles continue to impact on many families. I refer not only to the Dublin-Monaghan or Dundalk bombings, but also to many individual cases that have had an impact both North and South. It is an issue that persistently comes up in the Joint Committee on the Implementation of the Good Friday Agreement and through the British-Irish Parliamentary Assembly. There is huge frustration among the affected families with the lack of response, particularly from the British, and the lack of progress in finding solutions to this issue. I want to ask the Tánaiste, genuinely, if any progress is being made and when we can see some success in giving these people hope of closure on their issues.

I o'clock

The Tánaiste: Deputy Michael Healy-Rae raised the issues in County Kerry which are the subject of a report published this week. The report raised very serious questions to which we need to respond comprehensively, and that is now being done.

Deputy Neville put forward a proposal to address a concern relating to a local post office in west County Limerick. I will ensure that the Minister, Deputy Bruton, is made aware of his suggestion.

Deputy Breathnach is absolutely right that legacy is a huge part of reconciliation in the

context of the work we all need to do in Northern Ireland between communities and families. There has been a reasonably successful public consultation process on legacy and the implementation of new legacy structures that have been agreed between the two Governments. That will require legislation in Westminster which not be introduced until well into next year. We continue to raise the issues of the Dublin and Monaghan bombings with the British Government in regard to releasing information that has not yet been made available. We will work in partnership with the British Government, particularly Ms Karen Bradley and her office, to ensure that the consultation that has taken place with all political parties in Northern Ireland and with many victims' groups is reflected in new proposals, whether through legislation in Westminster or new legislation that the Government will introduce in this House to ensure that we play our part in future legacy inquests.

Multi-Unit Developments (Amendment) (Sinking Fund) Bill 2018: First Stage

Deputy Darragh O'Brien: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Multi-Unit Developments Act 2011 to transfer responsibilities to the Minister for Housing, Planning and Local Government, establish a sinking fund in year one of a development's transfer of ownership and to provide for other matters.

This Bill is part of a suite of measures that Fianna Fáil and I have brought forward to help those living in multi-unit developments. Specifically, it strengthens provisions for sinking funds in such developments. The Government may be aware that more than half a million people live in multi-unit developments and sinking fund money is supposed to be put aside for the essential maintenance of the properties and investment in matters such as fire safety and water infrastructure. I have tried to make that clear to the Government on numerous occasions. It may be interested to know that a survey by the Society of Chartered Surveyors Ireland found that the vast majority of apartment and multi-unit developments in Ireland have not set aside adequate funds for maintenance and refurbishment. My Bill seeks to simplify the situation and clarify for what the funds should be used.

I have referred to this issue as a ticking time bomb and raised it directly with the Minister, Deputy Eoghan Murphy, who has just left the Chamber, and the Minister of State, Deputy English, most recently on 14 November. They are of the view that the number of units that would be affected by the Bill is quite low. That is not the case. Fianna Fáil is trying to be constructive in bringing the Bill forward.

The Bill proposes four changes to the Multi-Unit Developments Act 2011 which currently sets out the legal requirements for sinking funds. Of most importance is that it would transfer the responsibility for that Act from the Department of Justice and Equality to the Department of Housing, Planning and Local Government, which is where it should be. It makes the establishment of a sinking fund mandatory within one rather than three years and makes sinking funds a separate part of annual financial statements. It mandates an overall sinking fund report on future plans every five years, which is crucially important.

Approximately 90% of developments are not providing for a sinking fund for future works that may be required. There are also many defective developments which have been abandoned by insurers and bondholders. The Bill will help to simplify the process. It ensures clear respon-

sibility in regard to the prudent creation of a sinking fund for apartment blocks and multi-unit developments and the timely provision of information on the status of the fund. According to the Society of Chartered Surveyors in Ireland, which I thank for its work on this issue, three out of four property managers surveyed stated that less than 25% of apartment buildings and multi-unit developments have set aside adequate funds for such works. This is a massive issue for our country, affecting 200,000 homes and 500,000 people. In addition, almost 90% of the managers stated that they had been forced to raise additional levies for buildings under their management. It is clear that we need to strengthen the law in this sector, because as these apartment blocks and multi-unit developments get older, they will need more investment.

This sector has too often been forgotten. As I mentioned, more than half a million people live in multi-unit developments. The Government can do a lot more and that is why this is the third Bill I have published in this area. It is one of several measures proposed by Fianna Fáil. I have published a Bill to create an ombudsman under the auspices of the Property Services Regulatory Authority for owner management companies, of which there are approximately 7,000 in this country. That would assist the lay directors of such companies with legal advice and, at least, give them an office with which they could raise any issues.

Fianna Fáil has also published a Bill to recognise and provide for people who are paying management fees for their principal private residence as well as full local property tax. There ought to be a partial reduction in local property tax for those who pay management fees. That legislation proposes a maximum reduction of €300 in local property tax in that regard.

I hope that in the interests of co-operation, being responsible and waking up to the fact that this is a major problem, the Government will work with Fianna Fáil and other parties, as has been done on the Oireachtas Joint Committee on Housing, Planning and Local Government, to ensure that this Bill is passed quickly through the House. It will make a difference. It differs substantially from other legislation awaiting First Stage or Second Stage. I acknowledge that the Ceann Comhairle is working hard to ensure that Private Member's Bills such as this pass through the House.

An Ceann Comhairle: Is the Bill being 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 Member's Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

Consumer Credit (Amendment) Bill 2018: First Stage

Deputy Pearse Doherty: I move:

That leave be granted to introduce a Bill entitled an Act to place a cap on moneylenders' interest rates, by amending the Consumer Credit Act 1995.

Leaflets from legal and licensed moneylenders have been distributed recently in my part of County Donegal, an area of high deprivation which has more than double the national unemployment rate. Such leaflets are also being distributed in other working-class areas across the State. The moneylenders know that Christmas is on the way and that working and other families are under huge pressure to provide for a memorable Christmas.

Six and a half years ago, I first moved similar legislation. The then Fine Gael and Labour Party Government told me that moneylenders were a necessary evil and that many people had no alternative but to use them. I disagreed with that analysis then and I still disagree with it. However, several changes have taken place over the past six and a half years, especially the “It makes sense” credit union loan scheme which is available to those on low incomes. If the excuses offered at that are again presented, they must be challenged.

The Centre for Co-operative Studies in University College Cork has reinvigorated the debate with an excellent report on behalf of the Social Finance Foundation which was published in recent weeks. It cites the economic unfairness inherent in this type of lending, referring to further research which indicates there is “A huge transfer of resources and potential assets from poor communities to the directors and shareholders of loan companies”. We, as legislators, are allowing money to be transferred out of the pockets of the poorest in society and into the pockets of the shareholders and directors of companies that leech off the pain and poverty of those people. Global research, in particular that carried out in the United States, indicates that low-income house owners are stripped of approximately \$9.1 billion each year through the practices of the so-called alternative credit sector.

Research in Britain found that from three streets, on which there were 40 households, a staggering £240,000 was being paid each year to high cost lenders. This type of lending simply takes money off poor families and makes them poorer. The lending is concentrated in the areas where there are high levels of deprivation, unemployment and poverty. We need to ensure proper regulation and that we bring forward laws within which the Central Bank can be allowed to work. The Central Bank is carrying out good research on this issue. It began a process of consultation. It is considering the issues of advertising and other regulations, but it is staying clear of the issue of a cap.

My legislation - it is a very simple Bill - proposes to introduce a cap. The rates we currently see being charged in the market - 100% and 200% - are simply wrong. I echo the words of the Tánaiste and the Taoiseach in saying people are being ripped off. Let us put our money where our mouths are. We need to act on behalf of these individuals. The rates being charged are completely wrong and immoral. The lenders have no moral authority to engage in lending of this nature, regardless of the circumstances. The legislation I propose would place a cap of 36% on the rates moneylenders could charge. There are no ifs and buts. That is the maximum amount any moneylender would be able to charge within the State. Credit unions can charge 1% per month or an APR of 12% for this type of lending. I am open to reviewing the cap if it would allow more credit unions to move into the space of lending to low income families. In introducing the cap many years ago we showed that we considered a 12% cap to be necessary for credit unions. On the other hand, we are happy to allow moneylenders to charge 187% per annum. I intend to proceed to Second Stage next week. I ask all parties to support the legislation to ensure the thousands of families who are forced to sign up to ridiculous rip-off rates just in order that they can have a decent Christmas, fix the car, pay for the First Holy Communion or birthday of their child or meet an unexpected funeral expense would no longer be forced to do so. I commend the Bill to the House.

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 Pearse Doherty: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

EU Regulations: Motion

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

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

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No. 516/2014 of the European Parliament and the Council, as regards the re-commitment of the remaining amounts committed to support the implementation of the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 or the allocation thereof to other actions under the national programmes,

a copy of which was laid before Dáil Éireann on 20th November, 2018.

Question put and agreed to.

Fossil Fuel Divestment Bill 2016: From the Seanad

The Dáil went into Committee to consider an amendment from the Seanad.

Seanad amendment No. 1:

Title: In page 3, to delete lines 5 to 9 and substitute the following:

"An Act to impose certain prohibitions and restrictions with respect to the investment by the National Treasury Management Agency of assets of the Ireland Strategic Investment Fund in fossil fuel undertakings and, in particular, to require that Agency to endeavour to ensure that such assets are not directly invested in such an undertaking (and, where it becomes aware that an undertaking in which such assets have been so invested by it is, or has become, a fossil fuel undertaking, to divest the assets of that fund from such investment); to make provision for a restriction on such investment when the investment is of an indirect nature (as defined hereafter); to provide for a certain excep-

tion to the prohibition on investment of assets of that fund in such an undertaking where the investment is consistent with the national transition objective (as defined hereafter), the implementation of the State's climate change objectives and Government policy; for those purposes to amend the National Treasury Management Agency (Amendment) Act 2014; and to provide for related matters.”.

Seanad amendment agreed to.

Seanad amendment reported.

An Ceann Comhairle: A message will be sent to Seanad Éireann acquainting it accordingly.

Sitting suspended at 1.05 p.m. and resumed at 1.55 p.m.

Climate Change: Statements

An Leas-Cheann Comhairle: I believe we are expecting a number of Ministers and spokespersons.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): We are, and five minutes is very limited time, so I will try to be brief and perhaps just refer to matters that were not referred to in the committee yesterday.

The emissions figures for 2017 have been published and, overall, show a slight reduction in carbon emissions. The areas that drove this reduction were energy, which is down 6.9%, residential, which is down 5%, and transport, which is down 2.4%. It is acknowledged, however, that a good deal of the reduction in transport was the result of transport tourism, whereby petrol and diesel are purchased elsewhere. The areas where there emissions continue to increase are agriculture, which is up 2.9%, industry and manufacturing, which is up 3.4%, and public services, which is up 6.7%. This is disappointing. It is a fairly familiar story and follows the pattern of last year and the year before last. The underlying difficulty is that we have not succeeded in breaking the connection between carbon emissions and economic growth. Overall, as we look to 2020, the prediction is that we will effectively be 95% off target and will only achieve a 1% reduction by 2020. There is, therefore, a need to step up massively our commitment in this area.

As the House will be aware, the national mitigation plan was published in July 2017 and sets out the signposts of the direction of travel. The national development plan went into much more detail and set out detailed projects, with €30 billion provided for sustainable transport and climate action. The plan has a very strong pipeline of projects, but this transition plan shows that even with this, we will be 47 million tonnes off target. Of this figure, the national development plan will meet 27 million tonnes, so there still is a very substantial amount of work to be done. For this reason, I will develop a whole-of-Government strategy. I have the agreement of Cabinet to come back to Government early in the new year with such a strategy and I will seek to have it implemented on the same basis as we implemented the Action Plan for Jobs. There will be oversight from my Department but also the support of the Taoiseach and the Cabinet committee to ensure actions committed to are timelined and delivered.

2 o'clock

That has been an area, or at least an approach, that has been successful where the co-ordination of a number of Departments is being sought, especially where line businesses may draw their eyes elsewhere. It is crucial that we deliver on our climate change commitments on a cross-government basis. The national mitigation plan sets out 20 actions that have not been delivered within the timescale envisaged. There are 22 actions which are complete and 14 which are entirely new commitments, while many of the others are on track. On the 20 actions that have not been delivered, it is mainly because they have been delayed. If we had time, I could go through them in detail. They have mostly been delayed by a short time, are partially complete or, for example, in the case of carbon tax, where there was to be an examination of its impact, we have the report from the Economic and Social Research Institute. From the point of view of the Oireachtas, therefore, we have the material to deliver that action. There are, however, some actions that are at the evolutionary stage of their development. We will need to inject an impetus not just into all of these 20 areas but also way beyond them.

The report, usefully, also shows some of the new things that are developing and worthy of note by the Oireachtas. They include the €3 billion green bond that was raised, the higher biofuel blend, in which I know Deputy Stanley is interested, the carbon price evaluation by the ESRI which has been published and the new ambition for renewables - that 55% of our power will come from renewables by 2030. Today, the figure stands at about 30%. Good progress has been achieved on the emissions trading system, ETS, in other words, the cap and trade element, which is of relevance to the big power users. Our target is to be down by 37% in 2020. It has been a success.

The report also points to the new renewable heat scheme that will be starting with subsidies of 30%. I refer also to the new heat pump grant that was introduced for households in September last year and the new excellence in energy efficiency design, EXEED, programme for the commercial and industrial sectors, in which it has been piloted at 24 locations.

There were very important environmental regulations for near zero energy buildings and renovations. The first compressed natural gas station was also reported, as well as ongoing planting of forestry. It is a good compendium, but we are clearly at the start of a project to which we need to ramp up our commitment radically.

This week I was in Katowice where the climate action conference was held. It was organised by the United Nations and the message was very stark. The window to act to prevent catastrophic complications for the globe is closing rapidly. On the positive side, most of the technologies we need to apply to meet our commitments are available. It is a question of finding the policy tools and funding mechanisms to allow them to happen. It is a major challenge but one that, if we work together across the House, we can meet.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): I am pleased to deliver the annual transition statement on climate change adaptation on behalf of the Department of Culture, Heritage and the Gaeltacht and the Minister, Deputy Madigan. Maidir le hoiriúnú d'athrú aeráide sa Roinn Cultúir, Oidhreacht agus Gaeltachta, tá dhá phlean oiriúnaithe earnála á n-ullmhú ag mo Roinn - ceann amháin a théann i ngleic le bithéagsúlacht agus ceann eile a bhaineann leis an oidhreacht thógtha agus seandálaíochta.

A draft climate change adaptation plan for biodiversity has been drawn up by scientific staff

in the National Parks and Wildlife Service, NPWS, of my Department. It has been circulated to staff within the NPWS, external biodiversity and climate change experts, members of the interdepartmental biodiversity working group and the biodiversity forum which is represented by NGOs, academics other relevant stakeholders. The draft plan also formed the basis of a stakeholder workshop which was held on 16 October. There were 40 participants which represented various sectors and included staff from the regional climate change offices and the NPWS. The workshop sought feedback and inputs on various matters, including climate impacts and consequences for the biodiversity sector, adaptation actions and cross-sectoral linkages. The draft plan is being redrafted and reformatted to reflect the sectoral guidelines published in May and the feedback and inputs received from other sectors and actors. We will endeavour to ensure the revised draft biodiversity sectoral climate change adaptation plan will be subject to public consultation in January 2019.

The following climate change risks to biodiversity have been identified to date. I refer to changes in species abundance, changes in species distribution, disruption of species interactions, loss of species, the arrival and spread of non-native species, changes in the composition of communities, the loss of habitat area and changes in the functionality of habitats. As well as the direct impact on biodiversity, there may be consequences for the delivery of ecosystem services required for human well-being. As an example, changes in the functionality of habitats may reduce the capacity for water retention or the control of non-native species may be very costly to the Exchequer.

I dtaobh na hoidhreachtá tógtha agus seandálaíochta, ceapadh saineolaithe i nDeireadh Fómhair chun cabhrú le plean oiriúnaithe earnála a ullmhú. Cuirfidh sé seo le staidéar taighde cúlra a choimisiúnaigh mo Roinn agus a críochnaíodh in 2017. Stakeholder advisory meetings were held in February and October, with the discussion feeding into the preparation of a tender for the delivery of a climate change sectoral adaptation plan for the built and archaeological heritage. Stakeholders included representatives from the Department of Communications, Climate Action and Environment, the Office of Public Works, the City and County Managers Association, the National Museum of Ireland, the Heritage Council, the Royal Institute of the Architects of Ireland, the Irish Landscape Institute, the Royal Irish Academy, the Discovery Programme, the International Council On Monuments and Sites, ICOMOS, Ireland and the Federation of Local History Societies.

Leantar le teagmháil idir contrapháirteanna sa Ríocht Aontaithe, Albain, Sasana agus Tuaisceart Éireann, agus le contrapháirteanna níos faide i gcéin atá ag oibriú ar oiriúnú láithreáin oidhreachtá d'athrú aeráide d'fhonn faisnéis agus smaointe a mhalartú agus eolas a chur ar fáil don phlean oiriúnaithe earnála. Discussions with the Environmental Protection Agency, EPA, ensured built and archaeological heritage impacts were built into the climate pillar call to achieve resilience in the marine and coastal environment. The Department of Culture, Heritage and the Gaeltacht made a presentation to the national adaptation steering committee on 4 July on the potential impact of climate change on the built and archaeological heritage. The following climate change risks to the built and archaeological heritage have been identified to date arising from the potential to have warmer, wetter winters - increased intensity of storms, a rise in sea levels, coastal erosion and increased flooding. They include structural damage to monuments and historical properties, coastal erosion undermining structures or leading to loss of ground adjacent to the structure, exposure and the erosion of archaeological sites, the collapse of unstable masonry elements such as chimneys and roofs, the loss of historical landscape features such as trees and the impact on building fabrics, including increased saturation, mould

and fungal growth in interiors and on contents and increased corrosion of metal elements.

Tá sé beartaithe plean a bheith curtha le chéile faoi shamhradh 2019, le tréimhse chomhairliúcháin phoibil san áireamh. Cuireann mo Roinn fáilte roimh an gcaidreamh leanúnach andlúth oibre leis an Roinn Cumarsáide, Gníomhaithe ar son na hAeráide agus Comhshaoil maidir leis an dá phlean a fhorbairt faoi fhómhar 2019.

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

On behalf of the Minister of State at the Department of Public Expenditure and Reform, Deputy Moran, I am pleased to present to the House the annual adaptation transition statement on the policy measures adopted by the Office of Public Works during the past year to help to adapt to the effects of climate change on flood risk management. In the past year the Office of Public Works has launched the flood risk management plans that detail the risk and feasible measures to address flooding from rivers and sea which are the primary sources of flood risk. It not only looked at flood risk and its impact today, it also studied the flood risk and impact in two potential climate change scenarios in the future.

The catchment flood risk assessment and management programme, CFRAM, that delivered the plans was the largest national study ever undertaken of the risk posed by significant flood events, or one in 100 year floods, and followed best practice. In 2012, 300 communities were selected for the study as they were the most likely to be impacted on by future flooding, including 90 coastal communities. These communities represent 80% of the national potential risk and are home to almost two thirds of the population. While the CFRAM programme assessed flood risk in all large urban areas, approximately one quarter of the communities had a population of less than 500 people, while half of them had a population of less than 2,000. On 31 May, with the Taoiseach, the Minister of State launched the flood maps for these communities. The plans set out how we can manage flood risk both for these communities and nationally.

The Minister of State also announced a €1 billion investment in a further 118 flood relief schemes in the coming decade. It will mean that, together with the 42 schemes completed and 33 under way, the Government can protect 95% of properties assessed as being at risk from a one in 100-year flood. A new website, www.floodinfo.ie, on which people can view the maps and plans by location, was also launched. At the start of this ten-year programme of investment the Minister of State, Deputy Moran, announced that the Office of Public Works, OPW, working with local authorities, would be starting work on detailed design for 50 of the 118 new flood relief schemes. He is pleased to report that there has been proactive engagement since between the OPW and the local authorities on the arrangements and structures to be put in place to advance implementation of the first tranche of projects. Project inception meetings have focused on the establishment of project steering groups, governance structures and the resource and procurement requirements. The OPW has already put in place frameworks of engineering design consultants and environmental consultants which are helping to expedite the delivery process.

In the past year the OPW has either work completed or work under way on flood relief schemes to protect 80% of the properties assessed to be at risk of significant flooding. All schemes are designed and built in line with international best practice. It includes ensuring they can be adapted in the future for potential climate change. Measures have been put in place for the at-risk properties where investment in a flood relief scheme is not feasible. The minor flood mitigation works and coastal protection scheme put in place during the past year remains a valuable measure to address localised flood risk. The OPW has committed to the investment of €5.6 million in 65 localised schemes by local authorities. The work of the interdepartmental

flood policy co-ordination group, chaired by the Minister of State, is also focused on climate change adaptation measures for flood risk management.

Significant progress has been achieved this year by Met Éireann and the OPW in establishing the flood forecasting service, including the appointment of a chief hydrometeorologist who is leading the delivery of this service. The publication by the OPW in the past year of flood risk maps, developed by the catchment flood risk assessment and management, CFRAM, programme, which include maps reflecting the impact of future climate change, is a valuable resource to inform local authorities in their preparation of local and sectoral adaptation plans in 2019 and planning decisions, as well as in planning emergency responses.

The work done by the OPW in the past year in adopting measures to adapt for climate change has been significant. In particular, the launch of the flood risk management plans demonstrates the proactive approach taken in addressing the possible impact of climate change, both in planning to manage flood risk and the delivery of flood relief schemes. The Minister of State is confident that the focus on climate change in flood risk management will allow the investment made today to be easily adaptable to deal with the impact of climate change in the future.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I am making this statement on behalf of my colleague, the Minister for Transport, Tourism and Sport, Deputy Ross.

I welcome the mobilising of Ministers with responsibility for the largest carbon emitting sectors in our society. It is timely in the light of the fact that COP 24 is taking place this week in Poland, with the aim of finalising implementation of the Paris climate change agreement. This engagement demonstrates that, similarly, the Government supports the commitment to tackle climate change and reduce national emissions. It is clear that we face an enormous challenge. It is only through collective ambition and cross-departmental efforts that Ireland will begin to transition to a low carbon society and achieve our long-term goals.

Transport has a critical, yet challenging, role to play in the national mitigation effort. It is a sector in which fossil fuel use is firmly embedded and travel demand is growing owing to economic recovery and a growing population. Despite this growth in demand, 2017 saw a welcome fall in transport emissions for the first time in four years. However, we must be on our guard. Despite technological advancements in improving vehicle efficiencies and new lower carbon fuels, we continue to grapple with the reality that emissions savings from cleaner vehicles are being offset by strong growth in transport demand. We must remain proactive in seeking to decouple demography and the economy from climate emissions.

In transport we are doing this through four main avenues. First, there is increased investment in sustainable mobility. Improving public and active transport services and infrastructure is key if Ireland is to cater in an environmentally sustainable way for increasing travel demand and provide a meaningful alternative to the private car. Under the national development plan, €8.6 billion has been committed to public and active transport in the next ten years. Forthcoming key projects include MetroLink, BusConnects, the DART expansion programme and increased funding for cycling and walking infrastructure across the State. Prioritising investment in the public transport network is working. During the reporting period of 2017 alone, an additional 16 million public transport passenger journeys were made, while the number of walking and cycling trips also increased, particularly in the greater Dublin area.

The second strand employed to reduce transport emissions is promoting a switch away from fossil fuels to lower emitting alternative power sources. Even with an expanded and enhanced public transport system, some people will not be in a position to move away from the car. In these cases we need to encourage a move towards cleaner alternatives. Under the national policy framework for alternative fuels infrastructure for transport, the national ambition that by 2030 all new cars and vans sold be zero emissions capable was clearly outlined. To support this ambition, a low emissions vehicle task force was established to accelerate the deployment of low carbon transport technologies. Phase 1 of the work of the task force focused solely on incentivising electric vehicles. Several of its recommendations were adopted in budgets 2018 and 2019, expanding the suite of supports available for electric vehicles. The impact of these incentives is seen clearly this year, with significant growth in electric vehicle sales and increasing numbers of low or zero emissions vehicles on the road. Phase 2 of the work of the task force is under way, focusing on promoting other alternative fuels and technologies, including natural gas, biomethane and hydrogen. The task force in its work puts emphasis on the heavy duty vehicle sector which accounts for nearly one fifth of transport emissions. In the coming years I hope, with the support of the task force, to see movement towards cleaner fuels in this competitive sector.

Meanwhile, in the light of the commitment that from summer next year no more diesel only buses will be purchased for the urban public bus fleet, the Department is launching a low emissions bus trial next week. The trial will assess a range of alternative fuels and technologies to further inform future bus purchasing decisions. Not only will new cleaner buses reduce emissions, they will also provide the opportunity for the public to experience the benefits of non-conventional fuels and begin to normalise their uptake in other transport areas too.

The third channel which plays a major role is the biofuels obligation scheme. The percentage rate of biofuels as a share of road transport energy has doubled since 2010. It is intended that the blend of biofuels will continue to increase incrementally on a sustainable basis in the future. Owing to heavy reliance on oil in the transport sector, this is a critical mitigation tool. In 2017 alone, biofuel use reduced transport emissions by over 3% without impacting on travel activities. It is making an important contribution to reducing transport emissions.

We are tackling emissions through the use of better vehicle standards. We are pushing at European level to achieve more efficient production standards to ensure all cars, vans and trucks registered in Europe will increasingly be more efficient. This presents Irish consumers with cleaner vehicles and a greener choice. Not only are we delivering measures to reduce transport emissions, we must also improve the transport sector's resilience in dealing with the effects of climate change. In 2017 my Department published its first sectoral adaptation plan, developing resilience to climate change in the transport sector, in which risks facing the sector were identified. We have experienced the consequences of extreme weather events, with damage to infrastructure and disruption caused to public transport services. Key transport stakeholders are making great strides in climate adaptation, identifying vulnerable areas and future proofing them to withstand more extreme weather events. We will continue to build this capacity to ensure Ireland stays safely on the move, regardless of the changing climate. We will continue to work with agencies to raise awareness and build our resilience to climate change. We face a challenge to decarbonise our society. The Department is deeply committed to taking on this challenge.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I am pleased to present the annual transition statement on the agriculture, forest

and land use sector on behalf of the Department and the Minister for Agriculture, Food and the Marine.

As one of the key sectors involved in the first national mitigation plan, it is only right to restate the vision for the sector which is an approach to carbon neutrality in the agriculture and land use sector, including forestry, which does not compromise capacity for sustainable food production. This is consistent with the principles of both the Paris Agreement and the European Council conclusions of October 2014 which recognised the role of agriculture and land use in tackling climate change and their contribution to achieving climate ambitions. One of the first actions we committed to in the national mitigation plan was to engage with research to elaborate further on the concept of carbon neutrality. We expect that project to commence shortly. In the meantime, we are continuing to take a three-strand approach to emissions reduction: reducing emissions where we can, increasing carbon sequestration, and displacing fossil fuel and energy intensive materials with renewable sources.

The sector has been engaging in positive environmental actions, but I will focus in the main on some of the actions that we have taken since I presented last year's transition statement.

In terms of the rural development plan, we continue to invest in our mitigation measures, with approximately 49,000 farmers active in the green low-carbon agri-environment scheme, GLAS, and almost 25,000 farmers participating in the beef data and genomics programme, BDGP, where in excess of 1 million animals have been genotyped to date. Building on the success of the BDGP, we will introduce a new pilot scheme in 2019 targeted at suckler farmers, which will be called the beef environmental efficiency pilot, BEEP. This new scheme will aim to improve the carbon efficiency of beef production further.

Given the importance of afforestation to the achievement of sequestration ambitions, one of the new mitigation measures we have identified and introduced this year is a knowledge transfer group, KTG, scheme for forestry. Other forest measures taken this year include increasing the rate of financial support across all categories, with larger increases for broadleaf planting. A change in supports for road building was also made. In addition, we have seen the introduction of the woodland environmental fund, which will help to expand Ireland's native woodland resource further.

On the energy efficiency side of things, our farmers are availing of investment options like biomass boilers and air source heat pumps under the TAMS II pig and poultry and young farmers capital investment schemes. This year also saw the launch of a new collaborative initiative between the Government and industry known as the agricultural sustainability support and advisory programme. The Department, Bord Bia and Teagasc are working together on how to effect further positive change at farm level through research, advisory services and carbon audits.

My Department is busy preparing its first statutory adaptation plan for the three areas identified in the national adaptation framework and for which my Department has responsibility. The areas are seafood, agriculture and forestry. We published an adaptation planning document for the agricultural and forestry sectors last year and advanced work on the seafood element, which will set the groundwork for future adaptation planning.

Increased environmental ambition is a key element of the new Common Agricultural Policy, CAP, proposals. I view this as an opportunity. However, the importance of having a well-funded CAP is more pertinent than ever if we want to see this ambition become a reality. Our

farmers are custodians of the land, so supporting them in good environmental practices and enabling them to respond to climate challenges and opportunities is not only an investment in our agricultural sector but also in wider rural and general communities.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I welcome the opportunity to update the House on the past year's progress. The year went by quickly. On behalf of myself and the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, I reaffirm our Department's commitment to working collaboratively with colleagues across Government so that we can collectively and successfully deliver and implement critical climate mitigation and adaptation actions and measures.

Since our statements last year, we launched Project Ireland 2040 in April. It is the overarching planning and investment framework for the social, economic and cultural development of Ireland. It includes a detailed capital investment plan for the period 2018 to 2027 - the €116 billion national development plan, NDP - in support of a long-term transformational spatial strategy, that being, the national planning framework, NPF, with a time horizon out to 2040. The aligned and shared vision of the NPF in tandem with the NDP represents a joined-up planning and investment strategy for Ireland's future growth and development focused on a series of ten shared national outcomes. Foremost among these is climate action and the national objective to transition to a low-carbon and climate resilient society by 2050. Policy that will assist in making that transition and meeting our climate obligations is woven through the NPF and the NDP. Shared outcomes reflected in both documents that are fundamentally supportive of climate action include compact growth, sustainable mobility and sustainable management of waste, water and other environmental resources. All of these include significant elements of policy that provide a strong platform for the development of measures and actions in response to climate change.

The overall NPF strategy seeks to achieve a better balance of development between the regions and a greater focus on Ireland's cities, supporting Ireland's rural fabric and targeting more compact growth in the development of settlements of all sizes from the largest city to the smallest village.

The NPF includes a number of specific measures. First, the Department is undertaking a review of the 2006 wind energy development guidelines. The review is addressing a number of key aspects, including sound or noise, visual amenity, setback distances, shadow flicker, community obligation, community dividend and grid connections. We will shortly commence a public consultation on the revised draft guidelines, together with the comprehensive environmental report under the strategic environmental assessment process, with the aim of issuing the finalised guidelines following detailed analysis and consideration of the submissions and views received during the consultation phase, which will be in approximately two months. When finalised, the revised guidelines will be issued under section 28 of the Planning and Development Act 2000, as amended.

Second, in collaboration with the Department of Communications, Climate Action and Environment, which leads on renewable energy policy, my Department is exploring the potential for enhancing national planning guidance on solar energy, which is often the subject of debate in the House, while also taking into account solar energy projects being assessed by planning authorities and the scope for future development of the sector in the context of the ongoing development of renewable energy policy. Should the need for specific planning guidance for

solar farms be identified, this work will be further scoped and progressed. We do not believe that there is a need for such guidelines currently, but we will keep the matter under review.

We are also progressing the national marine spatial planning framework, which is making its way through the Houses. It was discussed in the Seanad and by a committee and is currently undergoing a public consultation phase, which will inform the framework. That plan will align itself with the NPF and we hope to have it completed and published in early 2020. We will be focusing on it. I will update the House during next year's statements.

Regarding the Energy Performance of Buildings Directive, EPBD, approximately 40% of total energy produced in Ireland is used in the building sector. The directive sets ambitious goals for energy efficiency and renewables in buildings by requiring nearly zero energy building, NZEB, performance for new buildings from 31 December 2020. In addition, the directive requires that major renovations to existing buildings are completed to a cost-optimal level where feasible. The implementation of NZEB is a key action for the built environment in contributing to Ireland's national low-carbon transition and mitigation plan. This has been completed for buildings other than dwellings and will take effect from 1 January 2019. It is planned to be in place for dwellings from mid-2019. These will contribute to emissions reductions from 1 January 2021.

A new element of the revised EPBD is the provision of infrastructure for the charging of electric vehicles. A lack of recharging infrastructure is seen as a barrier to the uptake of electric vehicles in the EU and the revised directive has new provisions that aim to accelerate deployment. We are in the process of drafting these regulations and will be publishing them for public consultation in 2019. We will have the regulations in place by March 2020.

Under the social housing retrofit programme, local authorities are undertaking an ambitious programme of insulation retrofitting, with the support of the Department, on the least energy efficient social homes. The programme has had two phases. Phase 1 focused on lower cost improvements such as cavity wall and attic insulation. Phase 2 is targeting higher cost, deeper retrofit measures, for example, fabric upgrades and glazing. Since 2013, funding of €120 million has been provided to improve energy efficiency and comfort levels in more than 65,000 local authority homes, benefiting those at risk of fuel poverty and making a significant contribution to Ireland's carbon emissions and energy reduction targets for 2020. Potentially, more than 2 million houses are to be addressed in the years ahead. That will be a focus for us.

I will not go through the issues of water and so on, but I can read the statement out to the House if needs be.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the Leas-Cheann Comhairle for the opportunity to update the House on this matter on behalf of the Minister for Health, Deputy Harris, who cannot be present.

Climate change adaptation planning within the health sector is crucial and involves two key areas, those being, the protection of the health and well-being of our population and ensuring the resilience of our health service so that it can continue to operate during severe weather events. The Department of Health continues to work with key stakeholders within the wider health sector and other key sectors to identify the priority actions associated with climate change adaptation for the health sector.

Deputy Sean Sherlock: May I rise on a point of order?

An Leas-Cheann Comhairle: Yes.

Deputy Sean Sherlock: I find this disconcerting. Minister of State after Minister of State is rolling in here, giving us a five-minute statement, going through the motions and then walking out again. This is one of the greatest crises that we have faced nationally and globally in generations. More respect should be given to the issue at hand in the first instance.

An Leas-Cheann Comhairle: The Deputy has made his point.

Deputy Sean Sherlock: There is an obligation in law for the Ministers to present cases or what they are doing as per their own Departments. There is no opportunity to interrogate that whatsoever.

An Leas-Cheann Comhairle: The Deputy has made his point. I was told that seven Government Ministers or their representatives would be here with the lead Minister, Deputy Bruton, who has sat through it all.

Deputy Richard Bruton: I should also say that we had two and a half hours in the Oireachtas Joint Committee on Climate Action yesterday so it is not the case that it is not being taken seriously by Government.

An Leas-Cheann Comhairle: The Order of Business indicated seven Government Ministers with five minutes each. I have no control over that.

Deputy Sean Sherlock: There are young people here today. The optics of this with regard to how this Parliament deals with this issue are atrocious. I wish to record that.

An Leas-Cheann Comhairle: It is a matter for each Minister. We have no control over who should or should not be in the House. I call on the Minister of State to continue.

Deputy Catherine Byrne: The Department of Health continues to work with key stakeholders within the wider health sector and other key sectors to identify the priority actions associated with climate change adaptation for the health sector. The Department has been represented on the national adaptation steering committee since 2014 and more recently on the Government's high-level climate action steering group chaired by the Minister for Communications, Climate Action and Environment. The health sector has also been represented by a specialist in public health medicine in the HSE at the national adaptation steering committee and a variety of other relevant fora, including the Climate Change Advisory Council adaptation committee.

Vulnerability assessment of the health infrastructure and services is a key component of our planning. Some of this is already occurring through severe weather planning and emergency management structures in the HSE. It provides for vulnerability assessment for all services provided by the HSE and will form the basis for the bulk of vulnerability assessment across the sector. The planning is service and geographically based and overlaps with business continuity planning in many cases.

There has been preparation and activation of emergency plans followed by lessons learned during the weather events of 2017 and 2018 such as Storm Ophelia, Storm Emma and the heat-wave experienced during summer 2018 that will be incorporated in future planning scenarios. Current weather and climate-related risks continue to be assessed. For example, during severe weather events, there have been dynamic public health risk assessments and public health medi-

cal advice developed to protect the public.

Future risk assessment may largely depend on the results of the vulnerability assessment and also on the adaptation actions of other sectors as health impact is mainly an endpoint of the effects of climate change on other sectors. Adaptation options that are already required to manage current risks are being implemented and will continue to be mainstreamed, monitored and reviewed. Ongoing business continuity planning will meet some of the requirements.

Another important action involves assessing current information systems in order to develop appropriate data which is capable of identifying changing patterns of illness and disease related to climate change and to measure and monitor same through health surveillance and investigation. Work has commenced with the EPA to agree a research agenda for the sector relating to climate change adaptation and health. In addition to the work relating to climate change adaptation within our own sector, the health sector is providing expert public health expertise to other sectors on the health impacts that need to be addressed in their plans.

The delivery of a climate change adaptation plan for the health sector will require a high level of collaboration across sectors on an ongoing basis to create evidence-based solutions that are collectively aligned with our pursuit of a transition to a low-carbon, climate-resilient and environmentally sustainable economy together with the achievement of a healthy Ireland.

Deputy Timmy Dooley: I welcome the Minister and his comments and the extent to which he has been dealing with this issue since his recent appointment. At the outset, I want to put on the record my genuine disappointment at the lack of other ministerial representation here. It is not a comment on the quality or abilities of the junior Ministers. It says a lot about what other Ministers see as their responsibility in terms of their Departments when they cannot show respect for the issue, let alone the House, by being present. For far too long, the issue of climate change has been foisted on the shoulders of the Minister and Department responsible rather than all Ministers treating it with the level of importance with which it must be treated if we are to have any meaningful impact on reducing our emissions, maintaining temperatures at the desired level and addressing the commitments the Government has already entered into. The real failure of a joined-up Government approach is evident here. Notwithstanding the Minister's interest and effort, I feel the failure to have senior Ministers here speaks to that issue in a very strong way. I could understand how one or two Ministers of State might have to represent a Minister but it was known for a while that this debate would be held here today. It really is an appalling vista that all of the other Departments just sent their junior person in with a script. It does not indicate that the Government has finally got to grips with the subject. I have sympathy for the Minister. If there is a way of communicating back from this House, it is incumbent on the Taoiseach to pull his Cabinet together. When he became Taoiseach, he said that climate change would be the biggest issue for him. He has recently said that broadband would be a priority as well so it seems that whatever the issue of the day is will be a personal crusade for him but we need more than words. We need action and buy-in from other Departments.

I have listened to the Minister since his appointment and get a real sense that he gets it, that he understands and is committed to addressing this issue. It has been the same in any Department in which he has worked. He remains committed but this issue will not be resolved on the shoulders of one committed Minister and the words of a Taoiseach every now and again when he is faced with a question. It requires action. Even the scripts that were read into the record today by Ministers of State do not give me any real hope. There is talk of what we have done and might do - almost taking credit for where we are. We are in an appalling position. In fair-

ness, the Minister has identified that.

I will dwell on some of the comments made by Ministers in the past week as they relate to climate change. The Minister for Transport, Tourism and Sport was quoted as saying that the continued delivery of diesel buses was very regrettable. He sent his junior Minister in here today to tell us that they will continue to buy diesel buses up to the middle of next year. That does not bode well for where we are trying to go. The Minister for Communications, Climate Action and Environment told the Oireachtas Joint Committee on Climate Action this week that we have not succeeded in breaking the link between economic progress and emissions in the industry, agricultural and transport sectors and that by 2020, the year by which we have a target to reduce emissions to 20%, we will only have reduced emissions by 1%. To me, these words were a sign that the Minister got it. I welcome these frank admissions and believe they are appropriate. However, we are past the point where Ministers can be communicators or bemoan the lack of progress. To quote Joseph Curtin from the Institute of International and European Affairs, “we don’t need more analysis, we need leadership.” The Ministers are responsible for driving that change. If today’s presentations tell us anything, it is that we are back to the case of them being followers of the Minister for Communications, Climate Action and Environment, which does not speak well for what we need to do in the coming months.

With a few exceptions, all of us in this House have become exceedingly good at talking the talk with regard to climate change. The narrative put forward is that we will do it better in the future but we are running out of time because the future is upon us. The Intergovernmental Panel on Climate Change has been clear. The report finds that limiting global warming to 1.5 degrees would require rapid and far-reaching transitions in land, energy, industry, buildings, transport and cities. This action needs to be taken within 12 years. There is a narrow window in which this must happen and I do not get the impression that the Government as a whole has any sense of direction in that regard. It requires us meeting our targets; we have discussed the failure to meet 2020 targets *ad nauseum* and indeed have acknowledged that we cannot have this same discussion a decade from now. I would argue that we cannot have this discussion this time next year. We need to see significant actions taken during that period of time. This means that the policies and legislation for the step change which needs to take place is required immediately. There is a false economy in the prospect of putting off these measures. Short-term compliance costs to try to close the gap are now likely to be in excess of €100 million. Ireland is also exposed to significant fines post-2020 and the purchase costs associated with the purchase of the credits and beyond. This would be far better invested in meeting targets than paying the cost for the failure to invest.

A number of actions should be taken next year to put Ireland on the correct trajectory. The development of a competing plan, as announced by the Minister, is a cause for some concern. It is important that this does not interfere with or supersede the report of the all-party committee. I hope the Minister will make a commitment today that this will not take place and the recommendations of the committee will be implemented as a priority in any future plans developed by Departments.

On the legislation which underpins today’s statements, there is significant room for improvement. I produced the Climate Action and Low Carbon Development (Emissions Targets) 2018 Bill, which sets specific targets. Having listened to the Minister’s comments on my legislation, I am prepared to work with him to set binding targets in domestic legislation that will advance matters.

What occurred in budget 2020 on carbon tax was deeply disappointing. We want any monies raised through future carbon taxes to be used for the decarbonisation of the economy, rather than being allowed to fall into the black hole of the Exchequer.

Deputy Brian Stanley: I welcome the opportunity to speak on what is probably one of the most important days in the current Dáil when we assess the current position through annual transition statements on climate change. I welcome the Minister's open and honest statement yesterday at the Joint Committee on Climate Action. It indicated that he is trying to grapple with these issues and is showing commitment and energy. That none of the other senior Ministers are present is disappointing. A procession of Ministers of State read out statements on the Ministers' behalf. It reminded me of four or five lads standing at the back of the chapel during mass, talking about the match and what went on the night before in the pub and the scandal in the neighbourhood. They would watch the people in front of them and every time the people in front of them, who were participating, stood up or sat down, the lads would follow suit before continuing to talk. In other words, they were present but not actually part of the game. It is disappointing that this is also the case today.

Figures were released this week from the United Nations Climate Action Conference that show exactly the catastrophic nature of what we are facing. The Minister admitted that we are falling 95% short of our emission reduction targets. It is shocking that we are failing to meet all our targets to address climate change. While I welcome the slight decrease in carbon emissions this year, we have a huge distance to make up.

As a small island, there is a question as to whether Ireland should bother. We have a responsibility to our children and grandchildren to act. We have a responsibility to the population of the world, particularly countries such as the Philippines that are vulnerable to climate change.

We should not see climate change as a burden. The Minister is a former Minister for Jobs, Enterprise and Innovation and we should see this as an opportunity to create long-term sustainable jobs. Decoupling economic growth and development from increased greenhouse gas emissions is exactly what is required. We need to talk about long-term jobs in biogas and biomass and we need to create opportunities. We also need more apprentices. Even if we find money tomorrow morning, who will carry out the work that is required? We need skilled personnel to do it, which means training apprentice carpenters, plumbers, electricians and plasterers.

We have opportunities to create security of energy supply on this island. We import almost €5 billion worth of fossil fuels every year. We now have an opportunity to address that and turn it around. We need to use our semi-State companies to achieve this. Bord na Móna, the ESB and Coillte can form the backbone for providing employment opportunities in this area in the time ahead, much as semi-State companies did in the past.

Addressing carbon emissions covers many different areas and will require many changes in planning, developing new crops, reducing waste and recycling and reducing more of the waste we produce. It will require changes in training, developing new scholarships and apprenticeships. We must also move ahead with large schemes in biomass and biogas.

To date, political will has been lacking in this area. Shortly after his appointment, the Taoiseach made climate change one of his priorities. I welcomed that because I had been banging the drum on this issue for years with two previous Ministers with responsibility for the environment, Deputies Phil Hogan and Alan Kelly. Based on the evidence to date, we have not moved

a long distance. Many of the key players involved in the energy sector and climate change, including those operating the electricity grid and regulating the industry, as well as energy suppliers and the Government, have failed to show vision or energy. The energy types of the near future will be very different and the power systems of the future will use very different energy sources. Last week, I brought before the House a Bill on microgeneration, a technology that will play some part in broadening the portfolio of energy sources available.

In 2015, when the Climate Action and Low Carbon Development Bill was going through the Dáil, I said we needed to set sectoral targets. That remains the case because if we do not set targets, we will not reach them. In response to my Bill last week, the Minister indicated that a money message might be necessary. That is not the case. I deliberately drafted the legislation in such a way as to ensure it would not necessitate a money message. I do not want the Government to hold up the Bill for that reason. I want it to go to committee and to be progressed. It is an honest attempt to try to address microgeneration, an area that we have not moved on in this country.

The Government has taken some action, but they are baby steps at best. The lack of action in renewable energy has been staggering. Our offshore wind resources are among the best in Europe but we have little in place to take advantage of it. There is just one wind farm off the coast of Arklow. There is great potential in offshore wind and we have much ground to make up.

While it is good that peat plants are converting to biomass, we are not establishing a native biomass industry to create the supply chains required. Instead, amazingly, we wind up importing fuel from across the globe to power these plants. This could be an income stream for farmers and a job creator in the midlands. Failing to act in this area demonstrates a lack of vision. If the Minister does one thing in his term in office, he should work with the Department of Agriculture, Food and the Marine to push this issue. It is a pity the Minister for Agriculture, Food and the Marine, Deputy Creed, is not present as I would like to hear what he has to say on the matter. His absence is very disappointing.

Our large agriculture sector means we have one of the best biogas resources in the European Union. Again, we have hardly developed that resource and we must move ahead with it. We must have at least 500,000 electric cars on the road by 2030. Considering the tiny number we have to date, albeit one that is improving, we must move ahead with this technology very quickly. There is a welcome commitment for €100 million for cycleways. The Minister must involve local authorities in this because without them, these facilities will not be developed.

Steps have been taken, but we must improve and work quicker. There must be political will from this House to drive it.

Deputy Sean Sherlock: I express my disappointment that there are not senior Ministers present for this discussion on such a vital topic. Nobody would deny that the Minister is absolutely committed to addressing climate change. His integrity in respect of the issue is beyond question. His interaction with the Joint Committee on Climate Action was one of quality and there was a clear commitment on his part to seek to tackle climate change in a systematic way.

Notwithstanding that, there are certain obligations under the Climate Action and Low Carbon Development Act. That is why we are having these statements today. The Act prescribes that details on emissions, inventories and projections should be published. We did not hear

from the Minister or Ministers of State clearly defined projections as to how they proposed to reduce greenhouse gas emissions. We are now at the stage where the annual transition statement is disconcerting in how it depicts a lot of positive action, without stating clearly how far this country is off course in tackling climate change. We are moving in the wrong direction in climate pollution. Emissions are rising, rather than falling, contrary to all targets, legal obligations and political commitments. Under the United Nations Framework Convention on Climate Change, Ireland agreed to cut emissions by 5% per annum from 2018 until 2050. Ireland is one of just two EU member states that will not meet these commitments. There is without question a need for radical action. We have to see a greater sense of urgency from the Government in dealing with the challenges we face. It must involve a clear policy on carbon budgets. Secretaries General have come before the Joint Committee on Climate Action. It has to be said that, in the case of most Departments, there is no sense of urgency about a set of mitigation policies that would contribute to the cutting of emissions. It was made clear in the recent special report of the Intergovernmental Panel on Climate Change that we had a narrow window of opportunity to enable global warming to stabilise gradually at 1.5° Celsius above pre-industrial temperatures. It has been well articulated that this will require unprecedented changes within the next 12 years. We have to reduce net carbon dioxide emissions by approximately 45% from 2010 levels by 2030. We have to transition to net zero emissions globally by around 2050.

According to the Minister, the EPA is in the process of updating its projections for greenhouse gas emissions to reflect the impact of a higher level of policy ambition. For example, the climate action commitments contained in the national development plan are being factored in. I think we need to see that happen sooner rather than later. We need to ensure that when this Parliament reports on the findings of the Citizens' Assembly, the policy outcomes that will result from the assembly's recommendations are more radical than, or at least equal to, those recommendations. We need to see more radical action at community level in respect of the potential to use wind energy and for the deep retrofitting of houses. Communities need to be helped to own and buy into energy projects. As we have articulated at the joint committee, there are numerous possibilities to do things across the agriculture and environment sectors, as well as others. They can be measured. Programmes should be under way within the next three months. If we do not start to act on a quarterly basis, with proper metrics and proper targeting, we will be using the same language again this time next year.

As the economy grows, there will be challenges. For example, the effect of increases in greenhouse gas emissions will need to be offset. The only way to do it is by ensuring the funds readily available to the Government are used in a way that will facilitate people on the ground who want to take radical action. It is clear from the report of the Citizens' Assembly that people are of a mind to take radical action. We need to put in place policies that will be backed up by proper funding and allow people to start to take action at all levels, down to community level. That means transitioning away from diesel and petrol vehicles towards electric vehicles and providing for the deep retrofitting of older housing stock, to mention just two examples of something that could be done in a very short space of time with some energy and commitment. If we are all here this time next year, when the country is meeting its obligations under the annual transition statement, we will need to give greater political urgency to this matter. By this time next year, we must ensure we will have reached a set of targets collectively and in a non-partisan way that will enable us to say we are seeing clear evidence of a reduction in greenhouse gas emissions. If we do not achieve these targets, we will be on a hiding to nothing.

Deputy Paul Murphy: When David Attenborough spoke at the climate summit in Poland

earlier this week, he summed up very well the situation the world was facing. He said:

Right now, we are facing a man-made disaster of global scale, our greatest threat in thousands of years: climate change. If we don't take action, the collapse of our civilisations and the extinction of much of the natural world are on the horizon.

In fact, the extinction of much of the natural world is not just on the horizon, it has already taken place. The devastating consequences of human action organised on the basis of capitalism, including debt and hunger on a mass scale, are already evident. I suggest the most powerful statement heard in Poland this week was made by a 15 year old Swedish school student, Greta Thunberg. She has been on a school student strike since August, at first all week and subsequently for one day a week. Over 20,000 school students around the world have participated in the strike. She spoke powerfully about this issue. She said:

Since our leaders are behaving like children, we will have to take the responsibility they should have taken long ago ... We have to understand what the older generation has dealt to us, what mess they have created that we have to clean up and live with. We have to make our voices heard ... For 25 years, countless people have come to the UN climate conferences begging our world leaders to stop emissions and clearly that has not worked as emissions are continuing to rise. So I will not beg the world leaders to care for our future. I will instead let them know change is coming whether they like it or not.

That sums it up for me. It also sums up the situation we face in Ireland.

The outcome of the deliberations of the Citizens' Assembly's on this issue, like the outcome of its deliberations on the repeal of the eighth amendment, has demonstrated that ordinary people are far ahead of establishment politicians on issues such as the environment. I remind the House that 100% of the members of the assembly voted in favour of the State taking a leadership role in tackling climate change, 97% voted in favour of the establishment of a new independent body to ensure climate change would be at the centre of policy making and 92% voted in favour of prioritising investment in public transport over investment in road infrastructure. The Government and the political establishment are continuing to fiddle while the planet burns. Their rhetoric is not backed up by any action. This is reflected in the fact that Ireland is second to last in the European Union in meeting targets. It is also reflected in the EPA's projections which show that we will achieve a 1% reduction by 2020, even though our reduction target is 20%. If the world's leaders, including the Government, are left to their own devices, they will continue on the road to absolute disaster.

I would like to speak about three biggest areas when it comes to emissions. Precious little is being done in the agriculture sector. The Government is not interested in touching the vested interests in areas such as agribusiness. There is a need for incentives to facilitate a radical shift away from agriculture based on dairy farming.

Nothing is being done in the transport sector. The Government bangs on about electric cars, but they are not the answer because they cause loads of problems. The processes used to extract the rare earth elements needed for electric vehicles are causing significant environmental problems in China. Instead, a different model of transport is needed. Fundamentally, we need a public transport model. The process being driven by the Government is furthering privatisation in the transport sector. It should be investing in public transport. The Luxembourg Government announced yesterday that it would make public train and bus travel free across that country. It

follows its counterpart in Estonia in taking such an approach. If the Government were serious about tackling climate change, it would announce that Ireland was next.

In the energy sector the Government is objecting and seeking to block the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 and the Prohibition of Fossil Fuels (Keep it in the Ground) Bill 2017 which are before the committee. The aim of the legislation is to block the further extraction of fossil fuels. There is no significant investment in renewable energy resources, even though it is clear that public investment is needed. The development of the Shannon LNG terminal is a further example of investment in fossil fuel infrastructure at a time when we need to be moving away from such infrastructure as part of a rapid and just transition to a zero carbon based economy. Two thirds of the gas that will be imported for the Shannon LNG terminal will be fracked gas from the United States which comes with various extra problems.

My conclusion is that we need a mass movement on this issue. That movement needs to be armed with an eco-socialist programme. It is only by taking the profits of the vested interests - big oil and gas producers and car manufacturers - out of the agenda and only on the basis of public investment, public ownership and democratic planning that we can take the drastic action we need to turn our world around.

Deputy Mick Wallace: It is clear from the most recent EPA figures that there has almost been zero movement on the issue of climate action in Ireland and that the policies being lauded as achieving progress are actually making things worse. Contrary to the views of the chief scientific adviser, business as usual cannot continue if we want to tackle global warming. There is no technological fix.

3 o'clock

Endless and exponential growth is incompatible with the survival of the human species. Natural gas is not a bridge fuel to a cleaner future. The sustainable expansion of the dairy herd is impossible. Burning wood for energy is not carbon neutral. Rail, not roads, are the future of clean transport. Electric cars are not the solution as long as they primarily run on oil, gas, peat and coal. The concept of biogas is a laughing stock among the scientific community. It was difficult to listen to Mary Robinson go unchallenged on "Morning Ireland" as she towed the Government line on the issue of climate change.

Agriculture is so bad that the Minister for Agriculture, Food and the Marine has been masaging the numbers. In June 2018, he tried to make out the improved efficiency in the dairy sector meant even though the herd increased by 22% between 2012 and 2016, emissions had increased by only 8%. In reality, total agricultural emissions were up by 8% in this period and dairy emissions were up by 24%. It means the millions we spend on efficiency and research in the dairy sector have produced no improvements since 2009. Beef and dairy are the most polluting and water intensive protein sources on the planet. They promote food insecurity. Our agricultural emissions are rising. We grow very few vegetables and little organic food. Our water and rivers are polluted. The fish, bees and insects are dying and the Government is doing very little to address these issues. Even Bord Bia's Origin Green programme is packed full of some of the worst polluters in the country.

Transport saw a 2.4% increase in 2017 after four successive years of increases. There are no hybrid or electric buses in Ireland and we are about to see almost 200 more filthy diesel

buses come on the scene. The Government has been talking about using compressed natural gas in trucks and buses, shutting down rail lines and building more roads for cars. The housing crisis is making people commute from further and further away. For many the cost, dearth of services and lack of frequency of services makes driving the only choice. We are well behind on adopting electric cars. However, until we further decarbonise our electricity, it is not the worst of our problems. Moneypoint has been shut down for over two months now, supplying only 3% of the island's electricity through the burning of gas. Seeing that we are getting by just fine without burning coal, why are we considering firing up the turbines again for another six years? The plan to convert our peat and coal plants to burn woody biomass and gas is a disaster for global warming. Woody biomass is not carbon neutral. It is a highly inefficient mode of power generation that releases stored carbon into the atmosphere. Even under the most well managed forestry regime, it will not be recaptured for at least 50 years. We do not have 50 years; we have 12. All around Europe new gas terminals are being built by US companies and financed by the EU. The Government is spinning the fraudulent nonsense that gas is a transition fuel to renewable gas. The US national security adviser John Bolton, is screaming that the EU has to stop buying evil Russian gas and should be buying it from saintly Israel and the US in the interest of global freedom and so-called democracy. Royal Dutch Shell invented the idea of gas as a bridge fuel in 2001. Nearly 20 years later we are saying the same thing while globally gas production is sky-rocketing. Natural gas is a filthy fossil fuel. Many scientific studies have shown that over its life cycle shale gas is as detrimental to global warming as coal. This is why we are building infrastructure and planning to put commercial vehicles on our power plants.

The Government is working for the extraction industry, which is destroying the planet, and not for the people who are suffering as a result. It is not just perpetuating an injustice on the Irish who will suffer tomorrow as a result of this inaction. The global south, which pollutes the least, is suffering right now from starvation, drought, extreme weather events, forced migration and debt. What is worse, our tax haven status allows us to rob the global south twice. In 2012, the last year we have figures for, \$2 trillion flowed into developing countries from the global north in aid, investment and loans. The same year, \$5 trillion flowed from the south to the north. The worst problems were illicit tax flows to tax havens in countries such as Ireland and Luxembourg. I am not shooting the Minister. He just got the job. It will be great if he will be able to make a difference. I feel sorry for the Minister having to listen to the likes of Labour Party Deputies who did nothing for five years talking about climate change now. I wish the Minister well. I respect him but he has a big job on his hands.

Acting Chairman (Deputy Bernard J. Durkan): I call on Deputy Fitzmaurice. We have one other speaker left to contribute after that. I remind Members that for reasons outside my control, the time remaining is very limited. There are seven minutes and 33 seconds before the Minister is called. I did not arrange it and I know Deputy Fitzmaurice did not arrange it either.

Deputy Michael Fitzmaurice: I will split my time with Deputy Catherine Martin.

Acting Chairman (Deputy Bernard J. Durkan): Is that agreed? Agreed.

Deputy Michael Fitzmaurice: We need to put things into context. In the past seven or eight years, 400,000 more people are working in Ireland. If we put wings on them, we will have a bigger carbon footprint. We have to make sure whatever measures are introduced do not hit people the wrong way, especially those from the poorer sections of our community. Many things can be done to help income. Unfortunately the dairy sector has grown in parts of the country. The Department's plan was to get rid of the beef industry because it is on its knees and

to try to plant the west of Ireland. If Fine Gael continues on the road of previous Governments of giving big landlord farmers €140,000 and €150,000 in CAP funding and giving small farmers €3,000 or €4,000, it will destroy the west of Ireland. We have asked for somebody to come forward. I would like to talk to the people who do the figures. I ask the Minister to facilitate it. Many farmers around the country have many trees that are not even accounted for. A tree audit needs to be done to make sure we are not missing out. We are not doing what we need to do.

The Government, like previous Governments, is aiding and abetting feedlots around the country, some of them with 35,000 cattle and absolutely no land to back it up. One always had at least an acre of land for an animal. We had a Bill on microgeneration. There has been push-back on it.

I listen to people who talk about the environment, global warming and climate change. Last weekend about 400 people attended an event. I checked the figures for air travel. Will we look at the idea of whether we need to go on planes all the time? How much carbon are they creating? There seems to be a focus on rural Ireland and a suggestion that it is the polluter of the world. Whether people like it or not, they will have to eat meat and vegetables will be produced. Rural Ireland will need to survive. Rural Ireland is doing its part. Much can be done through Government initiatives. We talked about biogas and anaerobic digesters. A drying system would help save water. When planning permission is submitted, environmentalists object. For years we have listened to the debate about importing €6 billion worth of fossil fuels. The reality is we were told Bord na Móna is closing down. What will we do? We will bring biomass in from Africa, Brazil and other countries. Evaluation is required. If one considers the situation concerning nitrates allowances, most farmers use only 60% to 70% of their nitrates allowance. The big barons are given derogations. A two-pronged approach is required. It is doing harm to the family farm. We will solve nothing if we do not concentrate on the traditionally farmed family farm and forget about landlordism, which is where we are headed, aided and abetted by Government incentives. The west of Ireland will not become the dumping ground for the carbon of the country.

Deputy Catherine Martin: David Attenborough's words at COP24 earlier this week echoed around the world when he stated that the collapse of our civilisations and the extinction of much of the natural world is on the horizon. Regrettably the Government is full of announcements and plans and we have seen very little real action. Senior Ministers cannot even be bothered to turn up for these statements. It shows their complete lack of interest in the most urgent challenge facing humanity. Sometimes I feel my eight year old daughter has more interest in and shows more climate change action than some of the Ministers in the Government. It is the children who are born now who will be affected. We are not talking about our grandchildren and great-grandchildren. It is children who are born now who will suffer.

The Government's national mitigation plan has 41 actions due for 2018, yet 20 of them are reported in the annual transition statement as not having been completed. The Government's national development plan, the vaunted Project Ireland 2040, was not even climate proofed. All the while, the Government's progress in decreasing our emissions towards the targets we have committed to has been glacially slow. It has been dragged kicking and screaming into even the tiniest of climate action measures. The Government's rhetoric keeps getting stronger and louder, but its actions continue to fail, as exemplified by the determination to build a third runway at Dublin Airport, build even more motorways across the country and extract more oil and gas from our seas.

The Environmental Protection Agency's emissions statistics released yesterday show that while our overall greenhouse gas emissions decreased marginally from 2016 to 2017, they are not falling fast enough. This change, which is less than 1%, can be primarily attributed to the reduced use of Moneypoint power station and a warm winter in 2017, rather than any new policy measures from Government. The bottom line is that we are way off target.

It is not all doom and gloom. There is a path and there are actions that can be taken if there is the political will and courage to take them. We need political courage from everyone in this House to call for and agree on a path for our country. There is no room for populist politics in the real climate action that is needed. The Government needs to make a seismic shift from concentration on road infrastructure to focusing on spending on public transport and walking and cycling infrastructure. It needs to invest in real alternatives to cars in cities and rural areas. The Government needs to focus on a sustainable model of land use based on diversification, food security, carbon efficiency and the protection of biodiversity, rather than focusing solely on agriculture that seeks to meet demand for its own sake. We must protect small farmers, young farmers and family farmers. This is essential not only for the environment but also to provide a fairer living for farmers, instead of maintaining a *status quo* that is catered to and serves only the big meat processors and retailers at the cost of the small farmer.

The Government needs to provide real opportunities for people who want to be green and to save energy. It is the Minister's job to make it easy for us to be green. He needs to fast-track Sinn Féin's Microgeneration Support Scheme Bill in order that those who want to invest in solar panels can be paid back for their investment while supplying the grid with clean energy. The Government needs to stop blocking my party's Waste Reduction Bill.

I strongly believe the people of Ireland want to make a real change. The Citizens' Assembly findings showed just how willing and eager Irish people are to turn this into a country that leads on climate action instead of one that is left behind. Despite the Citizens' Assembly and the community organisations and businesses throughout the country that are focused on building a better, cleaner, greener future, it is sadly becoming ever more difficult for even the most ardent optimists among us to believe that this Government has any intention of sincerely tackling climate change.

Deputy Richard Bruton: I thank Deputies for participating in this debate. We had a good exchange, as some of the Deputies acknowledged, for two and a half hours yesterday in the Oireachtas Joint Committee on Climate Action. That committee, as the House will be aware, has been appointed to report back by the end of January on how we should respond to the various reports on climate change, including the report of the Citizens' Assembly. It will also report on the reality that every Deputy has recognised that we are 95% off the target that was set. The truth is that when the economy started to recover, the structural changes that we needed in our economy had not been made. That is reflected in the consistent numbers, particularly for agriculture, industry and transport. Even in areas such as the public service, for which we are directly responsible, the figures presented in yesterday's report were also bad.

I welcome that the joint committee is doing this work. I view the committee as a major ally in persuading the wider public of the importance of what we are trying to do here. I hope we can achieve an all-party consensus on some of the issues to which everyone knows we must face up. The Green Party and the Taoiseach have signalled the importance of having in place a carbon price trajectory if people are to make the right decisions about the sort of infrastructure to which they commit in their own lives. They will be locked into a high-carbon intensity if

we do not make the right decisions. For instance, every vehicle on the road today will be replaced by 2030. The decisions that are made on what replaces them will be very important in that sector. The vast majority of homes have energy ratings of D and worse. Together we must find a way to make the required transition in the residential sector, either through community initiatives or smart-funding packages because the State cannot fund the €50 billion that will be needed. We have serious challenges across all sectors.

Deputy Wallace, whom I respect greatly in much of what he says, tried to project that the policies that have been adopted are getting us nowhere. That is an unfair assessment. Yesterday's numbers for 2017 reflected a bad outcome but the same projections by the same people show that the impact of policies will result in a significant increase in renewable energy. As the Deputy correctly stated, renewables are at the heart of the matter. Our electricity system will increase use of renewables from 30% to 55%. Our emissions will fall cumulatively by 22 million tonnes, closing approximately half of the gap that we must meet as a result of the NDP. We are making progress but it is simply not enough. There is no point - I am not talking about Deputy Wallace - in coming in and lecturing us as if nothing is happening, while not putting forward initiatives that can help us move it on. We must have an honest debate.

Some developments are very good but we need to accelerate them. We cannot fund some other changes. Many Deputies appear to believe that the State can fund all the change required, whether in agriculture, residential buildings or small business. The State cannot fund it all. This is about behavioural change and we all have to change. Every one of us, from the citizen and the enterprise to the public service, has to take this seriously. It will be important that we do so.

Deputy Stanley, who is no longer present, correctly emphasised the economic opportunities and new apprenticeships that can be developed. He also noted the changing face of energy and its implications for enterprise and the importance of microgeneration. These are important elements but there is another side to this issue. Deputy Stanley was remarkably silent on the challenge that both the Taoiseach and the leader of the Green Party put up to the House, namely, that we agree on a carbon price trajectory. If we are serious about it, that will be a significant element. There is no point in sticking our heads in the sand about the introduction of a carbon price. The ESRI, which many respect and quote, has stated carbon pricing could result in a 10% reduction in emissions from transport. It has shown what the impact would be right across various sectors. It has also shown that its impact would be greater on rich families than on poor families. Analysis has been done that show carbon pricing is not an unfair way of tackling climate change.

A carbon price also creates proceeds. Many Deputies correctly stated that the use of those proceeds must be seen to be fair, must be spread across the entire community and must address what many refer to as a just transition. We must ensure that regions or sectors that are particularly disrupted receive some of these resources to help them make the move to the new sectors.

Deputy Fitzmaurice, who is no longer here, made an interesting point that aeroplanes and ships are not counted. That is undoubtedly partly because 80% of the output of agriculture, the sector the Deputy was defending, is exported. The exclusion of planes and ships from the EU counting is related to it being a trading nation.

Deputy Wallace said transition fuels are fraudulent. Others say we should keep everything in the ground. The truth is that even in the most optimistic scenarios there will be use of fossil

fuels. Our choice really is whether we are dependent on Russian or Arab sources for them or whether we allow some to come from domestic sources. While climate change is really important, energy security is also important. We have to take a balanced approach.

I agree with many speakers who have said that we need to do a great deal more. Even the national development plan will only get us half way there. We need to deliver it and underpin it with many micro policies that make the difference. That is the work I have to do.

I thank the Deputies for wishing me well. Even those critical of what the Government is doing have generally wished me a fair wind in seeking to evolve policy in this area. I look forward to working with Deputies across the House. There is no doubt that this cannot be delivered by Government. There is no solution in Adelaide Road no more than in Merrion Street that will solve this. This has to be solved by engagement right across our community. That is one thing we will have to work on in particular. This is about far more than economics and economic tools. I am familiar with economic tools. They are part of the familiar toolbox of public policy but they will not be enough. Those who spoke about engaging with communities and getting bottom-up initiatives are absolutely right. This will not happen by top-down change; it has to be a partnership. It will be difficult to forge because none of this is easy. If it were easy, it would have been done long ago – that is the reality. This is difficult stuff. We have to persuade people to do things differently. Yet, the prize is extraordinary.

I will go back to this point. This was very much underlined in Katowice during the week. I hope to be back there next week to see a rulebook concluded in the final negotiations. One point made there was stark. I have said it previously and I repeat it now. The window is closing quickly for us to do anything about this. We have an opportunity now. If we let this slip while we are in a position to address it, we will have seriously failed the next generation and failed in our responsibilities to people who are far poorer than we are.

The second point is more encouraging. Most of the technologies we need are either developed or in development. We are not asking an impossible thing. The transition will be difficult but at the end of the transition we will have a better more connected community, a healthier way of living and a better management of the scarce resources of the earth that we are responsible for husbanding. There is an incredible prize as well as major challenge at stake. I hope that by working together with all Members, especially those of the all-party Oireachtas Committee on Climate Action and Environment, we can come forward with a package that will not only draw substantial support but also impact on the major changes we have to make.

Central Bank (National Claims Information Database) Bill 2018: Order for Report Stage

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

Question put and agreed to.

Central Bank (National Claims Information Database) Bill 2018: Report and Final Stages

Acting Chairman (Deputy Bernard J. Durkan): Thankfully we have few amendments. Amendments Nos. 1 and 2 are related and will be discussed together by agreement.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move amendment No. 1:

In page 5, line 27, to delete “or”.

We had a fruitful discussion and consideration of the issues on Committee Stage last week, including discussion on several proposed amendments. On foot of that consideration and an amendment proposed by Deputy Doherty relating to the inclusion of mediation as one of the settlement channels detailed in section 4, I agreed that I would propose an amendment on behalf of Government to include mediation as a potential settlement channel to be recorded.

According to the 2017 Mediation Act, “mediation” means a confidential facilitative and voluntary process in which parties to a dispute, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the dispute. There is a difference between this process and arbitration, which is also included as a channel.

While I believe it is correct to differentiate between these two, I wish to highlight that it is likely only to form a small part of the overall gap in information that we have regarding settlement channels. The majority of the gap lies elsewhere as currently we have no information on direct settlements by insurers or on settlements on the steps of the court. This is primarily what we are trying to address since there is a view that claimants may get up to 70% of awards. However there is no certainty around this as it may vary from company to company and there is no overall industry perspective on the matter.

One of the key purposes of collecting claims data by settlement channel is to give greater insight into how costs and awards differ depending on method of settlement. Insurers have expressed concerns that the publication of this information, in particular the settlement amounts made, may drive particular behaviours among claimants. The matter needs to be considered carefully by the Central Bank. While these concerns are being considered, the Central Bank will not be precluded from collecting such information.

The amendment offered today makes good on my commitment on Committee Stage and is relatively straightforward. I do not expect Members to have an issue with it.

Amendment agreed to.

Deputy Michael D’Arcy: I move amendment No. 2:

In page 5, between lines 27 and 28, to insert the following:

“(g) mediation (within the meaning of the Mediation Act 2017), or”.

Amendment agreed to.

Bill, as amended, received for final consideration.

An Ceann Comhairle: When is it proposed to take Fifth Stage?

Deputy Michael D'Arcy: Now.

Question proposed: "That the Bill do now pass."

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I thank everyone for their help in concluding the Bill. This is the second occasion that important insurance legislation has been moved through the Houses. I hope that we will move this through the Seanad next week.

I wish to put on record that I will meet the Garda Commissioner next week to discuss the establishment of an insurance section within the Garda National Economic Crime Bureau. I imagine I will be able to put on record in the Seanad next week the outcome when we are discussing the Bill there.

Question put and agreed to.

Irish Film Board (Amendment) Bill 2018: Order for Second Stage

Bill entitled an Act to amend and extend the Irish Film Board Act 1980.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I move: "That Second Stage be taken now."

Question put and agreed to.

Irish Film Board (Amendment) Bill 2018: Second Stage

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I move: "That the Bill be now read a Second Time."

I am pleased to introduce the Irish Film Board (Amendment) Bill 2018 to the House. The Bill was initiated in the Dáil on 6 November.

This is a short technical Bill which has the important objective of increasing the statutory limit on the cumulative capital outlay, commitments and liabilities that can be advanced to Screen Ireland, formerly known as the Irish Film Board, from €300 million to €500 million. As in the case of some statutory bodies which receive public funding, a limit was set by statute on such outlays when the Irish Film Board Act 1980 was passed. The limit must be reviewed by the Houses of the Oireachtas every five to six years. In this way, the Oireachtas can monitor cumulative capital funding to this statutory body each time the limit needs to be increased. Since the Irish Film Board Act 1980 was first passed, the funding limit has been adjusted upwards on five occasions. The Irish Film Board (Amendment) Act 2011 increased the limit to €300 million and it is now proposed to increase the limit to €500 million to allow Screen Ireland to continue to operate within an appropriate statutory limit. When the total 2018 capital allocation of €14.2 million is drawn down, it will reach €295.86 million and the limit permitted within the

legislation will have almost been reached. The 2019 capital allocation would breach the statutory limit in the absence of new legislation. Accordingly, I am very keen to advance the process of amending the legislation to increase the aggregate figure further.

The proposal to increase the limit on advances is an enabling provision. The funding of Screen Ireland is, of course, subject to the normal Estimates procedures. Screen Ireland is the national development agency for Irish film making and the Irish film, television and animation industry and works within the framework of the Irish Film Board Acts 1980 to 2011. Its statutory remit is to assist and encourage the making of film in the State and the development of a film industry in Ireland. It supports these sectors by providing investment loans for the development, production and distribution of film, television and animation projects. I am pleased to report that €20.04 million is to be allocated to Screen Ireland in budget 2019, an increase of €2 million on the figure for 2018. I am also glad to report that budget 2019 included an announcement that section 481, the Irish tax incentive for film, television and animation, had been extended to 2024. A time-limited regional uplift of 5% is also being introduced for the film tax relief.

Evidence of the necessity for this legislation is borne out by the activity of Screen Ireland in recent times. In the period since 2011, it has assisted the development of a total of 140 feature film projects, 120 documentaries and 30 animation projects. It has also supported over 140 projects for distribution and seen the development of 700 projects in the period. My Department recently commissioned international audiovisual consultants Olsberg-SPI with Nordicity to examine the sector. Its report entitled, *Economic Analysis of the Audiovisual Sector in the Republic of Ireland*, was published last June. The consultants measured the economic value of the audiovisual industry and made recommendations to support its future growth. The report showed that the audiovisual sector had contributed €1.05 billion to Ireland's economy in 2016 and supported employment of 16,930 full-time equivalents, of whom 10,560 were in direct employment. The largest contribution to employment came from the film, television and animation sub-sector which generated 11,960 full-time equivalent jobs, of whom just over 7,000 were in direct employment, including cast and crew. The report confirms that the audiovisual sector supports thousands of jobs in Ireland and that there is significant potential for further growth in the years ahead.

Government investment is vital to build on the many success stories I have outlined. In April this year I was joined by the Taoiseach and the Minister for Finance in launching the Investing in Our Culture, Language and Heritage plan for the period 2018 to 2027. It is an overarching capital investment plan which proposes funding of €200 million for the audiovisual industry and media production through Screen Ireland in the next ten years. The subsequent audiovisual action plan which I launched last June as part of the Creative Ireland programme has the potential not only to increase the number of full-time industry employees to an estimated 24,000 but also to grow its gross value to nearly €1.4 billion. The plan is informed by the aforementioned Olsberg-SPI with Nordicity report which sets out a detailed economic analysis of the audiovisual sector and provides an invaluable framework for the growth of the industry in the coming years. A steering group has been set up which will prioritise measures, oversee implementation and monitor risks and report regularly to me as Minister.

Screen Ireland aims to support and promote Irish film, television and animation through fostering Irish artistic vision and our diverse creative and production talent, growing audiences and attracting film makers and investment into the country. Recent years were significant for Irish creative talent and the screen industries, not only for the commercial and critical plaudits

of Irish film both at home and abroad but also its breakthrough onto the international stage. In terms of international recognition, the Irish film and screen industries have been recognised in the last decade, with 20 Academy Award nominations since 2008, with three wins; nine Golden Globe nominations since 2008, with one win; 17 Emmy Award nominations since 2008, with seven wins; and nine films at the Cannes Film Festival since 2007, with three wins. There has also been a consistent presence at major international festivals such as the Sundance, Berlinale, Tribeca and Toronto festivals. In the past few years Irish talent has been a consistent presence at the Academy Awards ceremony, with Nora Twomey's debut animated feature, "The Breadwinner", leading the Irish charge at recent ceremonies, alongside other nominations of Irish talent, including Saoirse Ronan, Consolata Boyle, Martin McDonagh and Daniel Day-Lewis. The industry's current flourishing is the result of years of investment in creative film making talent by Screen Ireland.

Screen Skills Ireland is a division of Screen Ireland and the national training and development resource specifically created for the film and television industry. Screen Skills Ireland is investing in people and skills and has developed and delivered over 60 courses and provided training for 1,558 individuals in 2017. Targeted and strategic training has been developed for the animation sector which is growing at an exponential rate. In addition, work based learning initiatives grew through participation in "Red Rock" and "Nightflyers", the VFX animation traineeship, the graduate traineeship programme and the new assistant traineeship in Kilkenny with Cartoon Saloon supported by SOLAS. It is fair to say Screen Ireland has undergone major change and development, both domestically and internationally, in recent years. Its vision is of a vibrant, creative and sustainable film, television and animation industry, with diverse voices, talent and opportunities. It speaks to and connects Irish film culture with audiences at home and abroad.

Screen Ireland is committed to addressing the issue of gender inequality in film making and screen content, in particular the roles of writers and directors. It will work towards achieving the target of 50:50 gender parity by 2020 in creative talent working in screen content. I am glad to report that there was a significant increase of 62% in the number of applications received, with female talent included, and an 82% increase in funding awards with female talent attached in 2018 when compared to the 2017 figures. Screen Ireland works with the industry towards ensuring dignity in the workplace in a number of ways across training and industry support. In response to reports of harassment in the audiovisual industry and in the light of the growing Me Too movement, Screen Ireland issued a statement highlighting its policy of zero tolerance towards the abuse of power within the workplace aimed at empowering industry practitioners to speak out against any abuse of power that they may experience within their own industry. In an increasingly competitive international environment I am glad to say Screen Ireland has been able to continue to effectively discharge its vital role of promoting the indigenous film industry and marketing Ireland as a location for international productions.

Our cultural and artistic identity as a nation gives us a competitive advantage that now more than ever must be exploited. As I have stated, the benefits of high levels of film and television production in Ireland will include increased international investment in the economy, increased employment in the sector, positive spin-off effects on the promotion of Ireland as a tourist location, and the improvement of Ireland as an industrial location for all aspects of creative endeavours.

I appreciate the Deputies' co-operation in expediting the enactment of this short and technical but very important Bill. I commend the Bill to the House.

Deputy Niamh Smyth: Fianna Fáil will support this Bill. As is the case with some statutory bodies that receive public funding, a limit was set by statute on such outlay, in this case when the Irish Film Board Act 1980 was enacted. The limit must be updated by the Houses of the Oireachtas every few years. The Bill is technical in nature and will allow Fís Éireann to raise the ceiling of the aggregated support provided to the film industry to €500 million. In recent years the Irish production sector has expanded in a positive way. This is a result of a number of big-budget TV dramas produced in Ireland, which started with “The Tudors” more than a decade ago. As a result, Ireland is the 17th most popular location in the world for filming TV shows and movies according to a recent study. Considering the size of Ireland by comparison with some countries which ranked higher than ours, this is something of which we can be very proud.

Fís Éireann is playing an important role in ensuring that this success translates into the development of our own indigenous sector. I note the high level of interest in the new writing development loans earlier in the year as an indication that these productions have led to a growing level of interest.

I wish to take this opportunity to note in particular the high level of female protagonists and producers in Irish film in recent years. Last year, seven out of ten Irish films had a female protagonist. This is something of which we can be proud. The monitoring that Fís Éireann has undertaken is of great value. However, I note that the number of female directors has stayed relatively stagnant at just over 20%. Further effort on the part of the Minister may be warranted to address this.

Deputy Aengus Ó Snodaigh: Tá mé ag tacú leis an mBille Bord Scannán na hÉireann (Leasú) 2018. Tá sé tábhachtach go ndéanaimid cosaint ar an infheistíocht atá déanta go dtí seo ag muintir na hÉireann sa ghnó scannáin. Tá sé tábhachtach go leanaimid ar aghaidh leis sin agus go ndéanaimid cinnte de go mbeidh infheistiú ó chomhlachtaí lasmuigh d’Éirinn agus ó chomhlachtaí in Éirinn sa ghnó seo ach go háirithe.

Is cuimhin liom nuair a toghadh mé i dtús báire go raibh ceist mhór faoin rud díreach atá faoi chaibidil againn anseo i section 481 agus an faoiseamh a bhí ar fáil dóibh agus go raibh dainséar ann ag an am go raibh go mbeimis ag fáil réidh leis. Is ceann de na cinntí maithe a rinneadh ag an am gur tugadh cosaint dó agus gur cuireadh leis ó shin. Inniu táimid ag déanamh iarracht cur leis na féidearthachtaí ghnó na scannánaíochta ach go háirithe chun a dhéanamh cinnte de go gcuirfimid leis an €1 milliún luach a deirtear go cuireadh le i 2016.

Tá a lán fostaithe ann sa ghnó agus aithnínm sna tuairiscí maidir leis an ngnó seo in Éirinn, go bhfuil beagnach 17,000 fostaithe. Sin a deir an tuairisc ach ní chreidim í agus tiocfaidh mé ar ais chuig an ábhar sin níos déanaí sa mhéid atá le rá agam.

The film industry is obviously a very important part of the cultural, artistic and economic life of Ireland. We have huge potential as a location and as a centre of creativity and artistic endeavour, as well as all of the other skill sets that those within the film industry, and some who have been shut out of it, can contribute if allowed. This legislation is welcome in that it helps to ensure that we can compete. When I was first elected, the danger was that if we got rid of section 481, we would allow other countries to steal a march on us. I do not think we have managed to get as much benefit as possible from the State’s investment in the film industry. That is what section 481 does. It is an investment that encourages foreign and Irish companies to invest through a tax benefit.

In an industry such as this there are always concerns, problems and issues. I will propose an amendment on Committee Stage providing not just for a passing examination but for a full report into the terms and conditions of workers. The most recent economic analysis of the audiovisual sector in Ireland that I have seen suggests that we are supporting the employment of nearly 17,000 people. In all of my dealings with them, people who work at various levels of the film industry, including carpenters, security men, drivers of cars and trucks, stunt men, directors and those who polish the finished product so that we can see it, say that sometimes the calculation of the number engaged in the film industry is skewed. Sometimes people work twice or three times in a year. They are counted twice or three times in the accounts because they work for different companies as various films or opportunities come up. They are recorded as working full-time. They might work for six months for this company, three months for another then somewhere else for a further month. There are often quite long gaps between engagements. That is recorded as though three people were employed. It is a concern.

There are also huge concerns about those who are not recorded. To this day there are many workers serving indefinite internships without pay. There are those who are titled trainees but whose traineeships do not have end dates. I do not know whether all of the trainees are accounted as full-time personnel in the film industry. There is a job of work to be done in ascertaining exactly how many are working at a given time. Then we can properly assess the value of our contribution to the film industry here and abroad.

There are also questions about whether we are getting the full value out of our facilitation of the film industry. Some of the criteria or application forms could be tweaked so that more foreign money might be spent on film production. Sometimes that funding goes askew via Irish-based companies. I am told that for a foreign film company to avail of this, it must have an Irish producer, an Irish address or whatever. The cost of going through some of the Irish companies may be greater than directly employing or recruiting staff. Those issues have been raised with me. I have not checked the veracity of the claims but in the absence of any indication to the contrary, it is key that they be addressed.

The issue of terms and conditions must be considered. Are workers paid overtime when the filming of a shoot which is scheduled to begin at 8 a.m. and finish at 6 p.m. is extended until 10 p.m. by the director? I have been told they are not. If one complains, one will be blacklisted and not hired for the next set or film. This is a small island and it is a small industry, which makes it very easy to identify malcontents. Actors may be affected by such decisions, but those who do much of the real work - I do not suggest that acting is not real work - in terms of the heavy lifting of creating sets-----

Deputy Richard Boyd Barrett: Tut tut.

Deputy Aengus Ó Snodaigh: -----or having responsibility for transport or health and safety, those without whom the actors would not have a stage or location, must sometimes work long after the producer has gone to bed.

There are many aspects to the industry. The Oireachtas Joint Committee on Culture, Heritage and the Gaeltacht examined this issue. Several issues were subsequently raised with members of the committee involved in producing its report, as well as with other Members who have a long-standing interest in the area. Organisations involved in the film industry want changes and we need a forum in which to listen to them. We must be able to ensure that action is taken where necessary and that legislation is in place to protect these workers, as is the case in every

other industry in Ireland.

The Bill relates to the Irish Film Board, but I wish to raise an important associated issue. As I stated, many of those involved in the film industry are temporary workers. We should examine how the Department of Employment Affairs and Social Protection treats and accounts for those workers. A difficulty arises for many such people in dealing with the Department, whether through the local social welfare inspector or the private companies which are now supposed to seek full-time work for people, when they are awaiting the next production. There can be several months between productions. Very few people in the film industry seamlessly transition from one production to the next. There is downtime. The Department should be mindful of the benefits that accrue to Ireland from the documentaries, dramas and other films that are produced here. It should consider its treatment of those who are genuinely working in the film industry and can prove that through membership of Equity or another union representing film industry workers.

As I stated, the Department of Employment Affairs and Social Protection has looked at issues to do with internships and so on. It should give detailed consideration to whether there is a proper internship structure within the film industry such that there is no abuse of workers' rights, such as charging young people who wish to be part of the film industry to be on set, and that proper rates of pay and working hours are in place. Those in the trade understand that shoots may run over time, but workers deserve to be compensated for additional hours worked, as would be the case in any other employment. That is of some relevance to the Bill because companies involved in some of the big shoots in this country refuse to go over budget even if that means that workers are left short. The disregard that is sometimes shown for workers in the industry is totally wrong.

There is no mechanism to resolve human resources grievances in the industry. To whom does one go in such a situation? One may go to one's union, but, as companies are set up on a film-by-film basis, the shoot may be completed and the film released by the time one's complaint is heard.

The promotion of the Irish film industry is of primary importance. There has been an absolute éacht and tremendous work in terms of what Ireland has produced in recent times. We could and should produce far more, given our history and creativity. We can tell stories and act and sell those stories in the medium of film to the best in the world. There should be a greater concentration on home-grown films rather than depending on big film companies to come into the country. Not very many of them have done so. Many people lauded the fact that Star Wars was filmed in Ireland but in reality that formed a minuscule part of the film, although it presented Ireland in a very attractive manner and was very beneficial to the tourism industry on the west coast. The production was not wholly filmed or edited in Ireland. It is probably true that no film is produced in one location from start to finish.

The recent changes in terms of locations and studios will probably attract more and bigger productions but we must also protect our investment, as well as the terms and conditions of those involved in the industry. We must ensure that recipients of funding under section 481 do not abuse that in any way, such as by making a killing for themselves while workers are not being fully paid. We struggle to address issues in many other aspects of our economy such as health, social welfare, housing and so on.

4 o'clock

As always seems to happen, some people abuse tax reliefs for their own benefit. The tax relief in question was set up specifically to attract companies to Ireland, enhance our home-grown industry and ensure we have first-class opportunities for all in the film industry, including those involved in making dramas and documentaries. We have proven we are capable of matching the best in the world. I will raise these concerns.

There is a short period in which to submit amendments. We have until 11 a.m. tomorrow to submit amendments before returning to this Bill next week. If I have not formulated those amendments, I do not intend in any way to delay the passage of the Bill but I want to make sure it is stated that my party and I will not tolerate some of the abuses I have heard about in recent weeks, some of which I was aware of before now through friends and colleagues who work in the industry. We have raised this matter in the House in the past. There is an onus on the Minister not only to pass this Bill but also to act on some of the points I have raised and that other Deputies may also raise to ensure the industry will be a fair one and that we will get the best out of it in many senses.

Deputy Joan Burton: Film, whether for cinema, television or small personal screens, is probably the most popular cultural activity, not only in Ireland but also on the planet. In that sense, having a screen or film industry in Ireland is very important in terms of the country's capacity to respond in cultural terms to the modern world and modern life. Almost every European country, and most other countries, seek to have a film industry.

The context of this Bill is raising the maximum aggregate amount of investment, loans, grants or moneys provided from €300 million to €500 million. That is broadly welcome. What is lacking in the Department, however, is a sense of current policy other than in a very narrow commercial sense. The Minister is in her job for quite a while now. Has she come to any view, as Minister, as to how the industry should be developed? We need to move on from the model that former Minister Michael D. Higgins established in the 1990s, which has been enormously successful. We need to move on with development. There has not been much information from the Department other than programmes that taxpayers find very difficult to understand. The Irish Film Board went out of existence quite a long time ago. I do not understand, therefore, why this Bill does not refer to Screen Ireland. Screen Ireland is inclusive of the broader industry because people consume the product in a variety of ways in addition to traditional film shown in traditional cinemas.

Let me outline what I would like to know in the first instance. In terms of the structures of Screen Ireland, why not have a project board that addresses in a formal way the issues concerning training, because this is where it starts, and also apprenticeships, including recognised apprenticeships, in the film industry? Has the Department any proposals on new apprenticeships so the many young people interested in working broadly in the screen, film and audiovisual areas will have an opportunity and structured way in which to seek to develop a career in the industry? Would the Minister be prepared to implement this structure directly through this legislation or in the form of ministerial regulations?

As we all appreciate, the difficulty with film is that it is project based. Staff move from project to project. Therein lies the problem, particularly for people starting off in the industry. I refer to how they get training, education and appropriate experience in a way that is constructive for them as individuals and also constructive for the future of film in Ireland. There should

certainly be a trade union-based industry in Ireland. If we do not have a structure, there is a risk that employees in the industry, especially in the early stages and in certain elements of the industry, will end up in very precarious employment while some of those on top will end up in very lucrative employment, most frequently self-employed people on contracts of limited duration for the length of a project. We need to think about that and reflect it in the Bill. The Minister needs to do so in order that those who have the objective of securing the tax reliefs and tax breaks will have a structure available to them by which they are made aware of what is necessary to proceed properly and treat people properly.

There was a disturbing report on film on “Prime Time” recently. We have all been approached by people on the production side and those working in the industry about concerns they have about terms and conditions of employment.

An issue arises about regional supports and how the industry is placed around the country. For instance, some supports are not necessarily available in the Cork area. Has the Minister considered this? Will she tell us what the problem is there? There are other parts of the country that might like to develop a film industry but it is a bit opaque as to how they might go about doing so. Private studios are being developed around the country. With the State having agreed to the disposal of Ardmore, what is the Minister’s view, from a policy perspective, on how the State should continue to be involved? Is the State just the awarder of grants and tax breaks or will it have a more central role in the industry?

In *Fine Gael*, there is an ethos of privatisation of everything and minimum regulation of everything. In this case, however, we need to hear from the Minister her take on regulation and the involvement and expression of the involvement and interest of the public in this area given that the public, through the tax system, ultimately ends up being a significant contributor.

People have raised other issues with me. I know the industry itself has done a lot of work on this, but what is the position regarding children on set and how are they protected when working on set? I know that guidelines have been produced for films, but the Department, given its role, needs to be a leader in this regard. I do not know whether the Minister has seen, been consulted on, or carried out her own consultations on the guidelines for children on set, whether they need to be encoded in a form of regulation to provide for appropriate and maximum protection for minors on sets, and how this should be approached.

I wish to ask about another feature of the industry which has received a lot of attention in recent times. I refer to the gender pay gap. We are all aware of the fact that there has been worldwide disclosure on the gender pay gap in the film industry, including in areas such as Hollywood that we would most associate with the film industry on an international scale. There has also been such disclosure in companies such as the BBC, which is heavily involved in film, and recent disclosures in RTÉ on gender pay parity. Does the Minister have a policy on this? Should we have a code that is reflected either in ministerial regulation or in the Act itself? I want to hear from the Minister what her policies are in this regard. This all fits into the broad ambit of employment policy and the conditions and protections that exist in the industry.

I am also conscious of the fact that throughout the country there are now many overall media, film, arts and culture courses that involve film as a constituent part in further education and in third level, college and university education. The project-based nature of the industry, however, means it is very hard for people to get a start in it. People who come from families that may already be in the industry have a head start because they know where they are going,

but others can find it very difficult to get a foothold. If we want to build up a sustainable cadre of people in Ireland who can express their creativity and their talents in the industry, it is very important there is a pathway for people to become involved in the industry in which they have spent a significant amount of time training or working for degrees, including postgraduate degrees. Again, the same issues arise worldwide. What is the Minister's policy on educational and training courses for the industry? Some are private; some are public. I hear suggestions from time to time that there may be too many courses and not enough employment available for all the people doing them. What is the Minister's and the Department's view on this?

I have raised with the Minister on many occasions the issue of Luggala, the home of the late Garech de Brún, who did so much for culture, music, film and the arts in Ireland. That estate, the 5,000 acres in the Wicklow Mountains, has been the scene of quite a few famous films and occasions. I and other Deputies have asked the Minister to consider acquiring the estate on behalf of the State. I realise and appreciate that this is almost exclusively a Fine Gael Government, that Fine Gael is averse to public ownership of additional assets and that its small number of coalition partners do not seem particularly interested in being involved in this at all. Luggala and its surroundings are very famous in Irish film history. Has the Minister in any way advanced her examination of the State taking Luggala, especially the land, into public ownership? I think we are all concerned that private property signs have been erected in recent months on the approach to an area which until now people have been free to access and which, as I said, is very much associated with films and film-making in Ireland.

I did not get a copy of the Minister's script. Does she have one available to give to us? I would like to know the details of policy as she has considered and developed it since she came into the Department. It is important that the Minister fills us in on these details.

Deputy Richard Boyd Barrett: This is a very important debate. I queried the description of this Bill as a technical Bill at the Business Committee, where it was originally suggested the Bill be taken all in one go, through all Stages, without pre-legislative scrutiny. The argument put forward was that it was a technical Bill and, therefore, it was justified to short-circuit the normal legislative process. Any short-circuiting of the legislative process, for almost any reason, must immediately raise questions, to which answers must be given. Sometimes it is justified, and I am not casting aspersions, but we must always check these things. A Bill that extends the loan capacity of the Irish Film Board by €200 million is definitely not technical. It is a very big decision to extend the board's loan capacity.

I accept that the annual allocation of money is decided as a budgetary matter. We have had these discussions with many bodies we have set up, particularly in recent years, such as State agencies and so on with loan capacities. They have been scrutinised very heavily and there has been pre-legislative scrutiny and all Stages necessary to scrutinise and amend Bills that deal with this matter. Since its inception, the Irish Film Board has lent out €298 million, I think, and, because it has reached the limit, we must now extend its loan capacity to €500 million. That is a hell of a lot of money and it requires serious debate.

Given we are so close to the wire, I do not want to push the Irish Film Board and, consequently, the entire Irish film industry over a cliff of no funding - I doubt anyone does - which is what would happen if we stopped or delayed this Bill. However, it should not have come to this. This debate should have begun earlier and there should have been more serious scrutiny of the Bill. I welcome the fact that the Government, the Business Committee, the Ceann Comhairle and so on agreed to split the debate into at least two sessions, whereby we take Second

Stage today and Committee and Remaining Stages on Tuesday, but this gives only until tomorrow to table amendments. That is not a whole lot of time for people who may be watching this and who are very interested in what is going on to submit amendments-----

Deputy Billy Kelleher: The Deputy is very optimistic.

Deputy Richard Boyd Barrett: -----to this Bill. There are many people watching this. I can tell the Deputy that for a fact. There is much interest in what is going on in the Irish film industry at the moment. Let us be honest, there is also a great deal of dispute about what is going on in the film industry. We need to resolve it because the film industry is very important. As I said as a preamble to all of my interventions on this issue, of which there have been quite a number over the past year, I want to see the Irish film industry seriously supported by the Government. I want to see more investment in the industry to allow us to operate even more effectively on the international stage and utilise the enormous talent existing in many areas in this country, whether it is writing, directing, producing, stagecraft, building stages, making props, lighting, wardrobe or make-up. We have all of those skills in abundance.

The industry has produced wonderful successes and many fantastic films, actors and directors who have given a small country like ours a disproportionate impact on the global stage. I would not want to do anything but support, promote and strengthen the State and public support for the industry. I also want to commend the Minister, Deputy Madigan, and the Minister for Finance, Deputy Donohoe. In response to some of the issues I raised in recent months, I was contacted by senior officials in the Department of Culture, Heritage and the Gaeltacht, as well as officials in the Revenue Commissioners, in the Department of Finance and in the office of the Minister for Finance himself, to discuss these issues. I welcome that there seems to be a very serious effort by a number of Departments to engage with the concerns I have and that have been raised with me to get a film industry that works for everybody and takes us to new heights of film production with all of the associated skills. I welcome all of that.

We do, however, have to address the issues, the disputes, the conflicts and the problems in the industry to ensure that it does achieve what it is capable of achieving. There are problems in this regard. To cut a long story short, what we need to do is to get to the facts of what is actually happening in the industry. There is a problem in trying to do that. We are not getting to the facts of what is going on in the industry. It is slightly disappointing to me, as a great fan of the arts, to discover through various interactions in the past year that there is ruthless competition in this creative industry. That is disappointing. We would have hoped there would have been more harmony and co-operation. There is, however, a hell of a lot of competition.

An Ceann Comhairle: It is a bit like politics.

Deputy Richard Boyd Barrett: It is a bit like politics, indeed. We might have hoped, though, that the arts would have been slightly different. We need to try to address some of these problems. The key to getting to the bottom of it is trying to find out what is going on and resolving the issues rather than what has been happening. There has been a slugging match between different factions with accusations, counter-accusations and allegations from one sector against another

One of the issues has evolved. It is very important because it is the condition of section 481 tax relief. I will read it for the Minister who has come in to replace the Minister for Culture, Heritage and the Gaeltacht, whom I hope will be back. The condition of getting section

481 tax relief, worth €70 million or €80 million a year, is that it acts as an effective stimulus to film making in the State through, among other things, the provision of quality employment and training opportunities. We should stress that in addition to that €70 million or €80 million from section 481, last year there were also €12 million worth of loans from the Irish Film Board. That amount varies between €12 million and about €15 million. That is a great deal of money and it is conditional on producing quality employment and training.

It is the obligation of the State, public representatives and the various Departments that oversee these funds to see if that is happening. That is the law. We need to find out if that is happening. The first step in doing that is to find out how many people actually work in the industry and how many people are trainees in the industry. I am referring to registered employees and trainees. We do not really know that figure. The Olsberg SPI report, for example, did help to make progress on answering how many people are involved in the industry. At the all-party Oireachtas Joint Committee on Culture, Heritage and Gaeltacht, and its report in January 2018, the Irish Film Board stated that there were 17,000 full-time equivalents working in the industry. Many workers from the industry came in after, however, and stated that there were actually almost no full-time jobs in the film industry. We therefore have a claim of 17,000 full-time equivalents on the one hand, and have workers who are experienced in the industry for many years stating there is almost no full-time employment for most grades in the film industry.

There is a big gap between 17,000 and almost none. What is the answer? The Olsberg SPI report begins to move us a little bit in the direction of answering this question. We discovered from that report that the 17,000 figure takes into account areas such as radio, video games, commercial advertising, animation, people who work in RTE etc. The 17,000 figure is not an accurate picture of what is going on in the Irish film industry at all. It includes all sorts of other areas. Now, let us get to the truth. How many people are actually working in the film industry? When it is broken down a little more, we are told further down in the small print of that report that there is an employment base of 6,300. That is considerably less than 17,000. That translates into 3,260 full-time equivalents, but full-time equivalents are not jobs. How many people, therefore, can we estimate actually work in the film industry? The answer is that we do not really know. It is probably somewhere less than or close to 3,000. Some people would put the figure at as low as 1,700 or 1,800 people.

That is a big difference. How many people are trainees? Can we track them? Do we know at what stage of their training they are at? No, we do not, because there is no training structure. Nobody knows when the training begins, how it is accredited, at what point a trainee is finished or at what point he or she becomes qualified in a particular grade or category of employment within the film industry. I understand there are about 77 different grades and categories in the industry, just to make it even more complicated. Recently, a worker from the industry informed me that there was a register of trainees a few years back. It actually had the names of the trainees. I suggest to the Minister that we need the names of the people who are registered trainees so that we can track who is a trainee, whether they are moving from one production to another, progressing through their training, becoming qualified and then having a career in the industry.

We also need to know who are the experienced workers in the industry and if they are gaining quality employment. I refer to the accusations of people being blackballed if they ask for direct PAYE employment as opposed to being categorised as contractors or subcontractors. Recently, on a “Prime Time” special, allegations were thrown around that particular groups of workers, represented by the Irish Film Workers Association, IFWA, and the GMB trade union, which were making demands for more direct employment in the industry were, in fact,

a troublemaking faction which just wanted to control it and a bit dodgy. I am not in a position to judge any of it. However, insofar as I have interacted with these groups, all they have asked for are conditions with which I am familiar in the construction industry, namely, direct PAYE employment on the basis that everything else is precarious. Rather than engage in accusation and counter accusation, the film industry and the Irish Film Board, in particular, need to be able to explain why it was not just the IFWA and the Irish Film Board which stated there was an issue of blacklisting, precarity and lack of continuity in employment. In January in a direct response to me and Senator Marie-Louise O'Donnell when asked if there was blacklisting in the industry the Equity representative said:

One need only look at the results of the survey that Equity published at the end of 2016 regarding the issues of bullying and harassment to see that what the Deputy is referring to is true. People are terrified of rocking the boat in any way, shape or form when they are in a precarious situation in work. One of the questions on the survey asked whether respondents had ever experienced or observed any form of bullying or harassment. Something in the region of 65% to 70% of people said "Yes". The next questions asked if they reported it. Of that 70% of respondents who had said "Yes", roughly 70% said that they did not report it for fear of not getting the next job.

That is from the actors. By the way, the Minister and I have been invited to a meeting next week in Stoneybatter of the theatre actors who are complaining about the same precarity and lack of security. Even those who are called the creatives in the industry are saying there is a serious problem, as well as transport workers, stage crew and so on. Whatever accusations can be made against them, they all have been working in the industry for decades. They can show the productions on which they have worked but say they are facing blacklisting. They go further in stating a relatively small group of companies receive the bulk of Irish Film Board grants and loans, as well as section 481 tax relief, but take no responsibility for their employees. Although some may have received between €30 million and €40 million in recent years in various forms of public support which I am glad they have received, they have virtually no employees. They take no responsibility for the people who work for them because of the special purpose vehicle, SPV, structure, which means that their official employer is a company which appears and disappears like a mushroom. Everybody knows that behind the SPV, the disappearing company is actually a parent company which is the one which applies for and receives section 481 tax relief. Who are the employers? One cannot have quality employment if one does not even know who the employers are. In fact, there are no employers because of the SPV structure, but that needs to be established. Following on from it, in order to resolve some of the issues, one needs to have a more representative Irish Film Board. It should involve producers, directors and actors, but it should also involve PAYE workers and those in non-management grades, including those in areas such as transport, stage crew and so on to ensure a broad diversity of management and non-management grades that actually have an input.

As Deputy Ó Snodaigh said, there is a serious question as to whether we need to open up section 481 tax relief to foreign producers. Is this an issue that is hampering internal investment? There is evidence that some of the big productions that could have come here did not come because of the particular way the industry is set up. There is also evidence that the structures are different in other countries. Why was "Game of Thrones" filmed in the North rather than here? If we are putting €300 million through the Irish Film Board and providing up to €1 billion in section 481 tax relief, is there something a bit odd that the State does not have any film assets of its own? It does not own any machinery and has just sold off the last bit of the national

studios at Ardmore to a private company. Imagine if we had no Abbey Theatre or municipal theatres and it was a completely free floating industry. Imagine if the national theatre became a place which only appeared to put on a play and then disappeared with nobody having jobs. We would find that a bit odd. However, we are told by certain sectors of the film industry that this is the only way one can structure it. I do not accept that for one minute. We had Ardmore Studios which made a big impact on Irish cinema.

These matters need to be examined. I am glad that we are having this important debate. I know that the Minister and the Minister of Finance are genuinely engaging. However, I will be submitting amendments to have a review clause inserted into the Bill to examine issues such as employment numbers, quality employment, and better and broader representation on the Irish Film Board. As a condition in passing the legislation, we need the Government to commit to dealing with these issues within a set timeframe to address the concerns raised and overcome some of the conflicts and give the film industry the boost and support it needs to thrive in the future.

Deputy Joan Collins: The Minister has stated this is a straightforward technical Bill which will have no impact on the Exchequer. That is because the funding to meet the extra loan capacity of €200 million will not come directly from the Exchequer. While I was not as involved as Deputy Boyd Barrett in the discussion in the past year about working conditions in the film industry, I have met workers in it to discuss the issue. The mind boggles when one hears a figure of 17,000 full-time equivalents. However, from talking to workers on the ground, the actual experience totally contradicts that number. When I met several film industry workers, they pointed out that the Irish film and television industry was heavily funded by the taxpayer. The money is distributed to companies in the form of tax relief and by the Irish Film Board which gives and lends money to Irish production companies which never seems to be returned. They also informed me that money was given for feasibility studies for productions which might never take off. Who is accountable for the expenditure of all of this money?

Section 481 was included to create equality and fair employment in the film industry. However, there seems to be little of it. Contractors have been brought in to undermine the terms and conditions of workers. Many of the contractors have been operating illegally for several years. Some of them facilitate the shadow economy and have gained a favoured position with production companies as they have done work at a cheaper rate. However, no checks have been carried out by the production companies to ascertain where taxpayers' money has gone. There is also the major issue of individuals being bound to false trainee schemes for which there is no curriculum and no start, middle or end date.

Deputy Richard Boyd Barrett: Or accreditation.

Deputy Joan Collins: These schemes seem to have no promise of a job upon completion.

Another common practice in the industry is contractors operating as the heads of departments and dictating to employees as if they were the employer. It is no secret that some of these individuals are the ones who insist that honest and outspoken employees be blacklisted. The recent "Prime Time" report was a hatchet job. The workers I have met are fighting for their livelihoods, so they will be boisterous in their arguments and in how they approach issues, but they are certainly not aggressive agitators, as was put forward in that "Prime Time" report. These men and women are being displaced for voicing legitimate concerns. They have worked in the industry for more than 20 years and know that there is trouble in every department, from

costuming and cameras to props, art, locations, hair and makeup, construction, driving and so on. They claim that the industry needs to change. Production companies seem to believe that they do not have to give workers any right or follow any requirement by law, the law being the Protection of Employees (Fixed-Term Work) Act 2003 and the Organisation of Working Time Act 1997. The companies give rights and follow the requirements on paper when they apply for grants, but not on the ground.

The people whom Deputy Broughan and I spoke to told us that they had worked in the industry for a long time and had seen bullying, blackballing and the consistent concern of crew members that they would not be on the next job if they asked for their basic rights and entitlements under the law. These people, who have families, children, mortgages and bills, are fighting for their livelihoods in this industry, which can well afford to pay workers a decent amount and offer them decent, quality and long-term job security.

It is a scandal that taxpayers' money could be used by an industry that perpetuates bogus self-employment. It is not acceptable. It is not for the Opposition to determine how to resolve this issue. We will assist, but it must be done by the workers, employers and Government in accordance with industrial laws.

The Joint Committee on Employment Affairs and Social Protection has launched an investigation into bogus self-employment. I have requested that the workers affected in the film industry be invited to the committee. I do not know how our investigation would support the Minister's interest in this situation, as we would be inviting people from a number of industries, including English language teachers, in which respect there has been a catastrophe in recent days. It is important that we invite workers from the film industry who have been impacted by this situation. The committee will investigate whether there is rampant bogus self-employment in the industry and how that might impact on workers, and determine how to feed its examination into the Department of Employment Affairs and Social Protection's investigation into such jobs.

I do not know whether I can support the Bill. As Deputy Boyd Barrett mentioned, it is a proud industry because people can watch a big movie and say that it came from Ireland. The many people involved in the industry would make one proud. However, we cannot continue to facilitate an industry over which there are serious question marks. This issue does not just arise in the film industry, but right across the board. As the Parliament, we have a responsibility to tackle it.

There should be a register of employees, trainees and apprenticeships in the film industry. There used to be registers previously, so having them back would assist in protecting workers. The Irish Film Board is composed of producers, directors and actors, but not workers. I was about to say "directly employed workers", but they are not even directly employed in the film industry. They are in bogus self-employment.

The joint committee will play a role in the Department's investigation by investigating the allegations that have been made to the scope section of the Department and appealed to its appeals office by employers. I would have to think long and hard about this Bill and would support any amendment that strengthened workers' rights in the industry. If we are to give more leeway and opportunities to producers to make more money, that money must go into workers' pockets in the form of proper pay and job security.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): There have been many contributions. I thank the Dáil and acknowledge Members' interest and support on Second Stage. I have taken note of the various views expressed and will try to answer some as best I can. It was heartening to witness the engagement on and interest in some of the issues that were raised. It showed the Deputies' collective interest in the audiovisual sector.

Deputy Smyth is not present, but she indicated her support for the Bill. I noted her positive contribution regarding the industry in general. She wants to see gender parity in the industry, which we will address by 2020 through many various measures.

Deputy Ó Snodaigh broadly welcomed the Bill. I acknowledge his points about section 481. The Minister for Finance has extended that relief to 2024. The Deputy also discussed terms and conditions and queried the statistics on the numbers employed.

Regarding the training regime, Screen Skills Ireland has responsibility for skills as the national skills development agency. Recommendations were made. Deputy Ó Snodaigh mentioned the joint Oireachtas committee report. Screen Ireland has put in place a sub-committee of its board to cover training and skills and to act on the recommendations listed in both reports. Through this training advisory sub-committee, Screen Ireland has commenced work on some of the recommendations, including business skills development, matching of skills with production growth and greater alignment with third level sector and network training.

Regarding Deputy Ó Snodaigh's comments on employment in general, my colleague, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is introducing legislation that will improve the security and predictability of working hours for employees on insecure contracts, which is an issue that Deputy Boyd Barrett also raised. The joint Oireachtas committee made a number of recommendations and Screen Ireland is considering them. Both Deputies mentioned an industry forum. As they know, it is being worked on. We are trying to see how matters can progress in that regard.

Regarding section 481, officials from my Department are engaging with the Revenue Commissioners on the new arrangements concerning training issues.

Deputy Burton raised a number of queries. We are putting a significant amount of money - €1.5 billion - into the audiovisual sector, as well as €200 million into the audiovisual action plan, over the next ten years. Screen Ireland has 140 projects for distribution and 700 for development.

Many Deputies raised the issue of employment. In particular, Deputy Boyd Barrett spoke about how many people were employed or not employed. From our information, there are 16,930 people working full time in the industry. Since last year, there has been an increase in this budget of €2 million to €20.4 million.

Deputy Burton referenced the gender pay gap. We are considering a gender pay gap information Bill. She also mentioned Cork, but I will have to look into that matter to see what support she meant. There is a great deal of regional support in Limerick where Troy Studios is located. The Deputy acknowledged the importance of the Irish film industry, which I echo. She supports creativity and innovation, which is fine. Deputy Boyd Barrett mentioned it mainly with regard to Screen Ireland and the training regime. About 60 courses in 2017 were run by Screen Skills Ireland. It provided training for about 1,558 individuals in 2017. More than 25 industry professionals availed of the bursary scheme and trained overseas. There was targeted

and strategic training for the animation sector, which is growing at an exponential rate. Work-based learning initiatives are being implemented.

Disputes and conflicts were looked at by the Oireachtas committee. It proposed a forum. Some of my officials met Deputy Boyd Barrett last week regarding this Bill. There is urgency with regard to increasing the statutory limit so, from that perspective, it is a technical Bill. I agree with the Deputy that it probably should have been done before this, but it was not, so it must be done. Otherwise, we will not be in a position to do anything. There is time to bring forward amendments. If the Deputy wants to do so, that is at his discretion. The Deputy will know that my Department and Screen Ireland are examining the options, but there are challenges relating to all of these matters.

I thank the Deputies for raising the issues. Screen Ireland has a dual mandate to develop Irish film-making and audiovisual production talent that can engage audiences at home and abroad while maintaining and building the resources, craft and skills of the Irish industry by attracting international productions to Ireland. I think most of the Deputies would accept that we want to ensure that Ireland remains attractive to the film industry. An unprecedented amount of money will go into this area over the next few years. There is general goodwill in respect of this area in Ireland. In my opening remarks, I mentioned some Academy awards and Golden Globe awards we have won across the spectrum, including animation, which is a new and growing sector. Evidence of the necessity for legislation is borne out by Screen Ireland's activity in recent years. I outlined that earlier. The film and television industries are very labour-intensive and, by its very nature, any investment in production creates employment. Every euro invested by Screen Ireland in production produces a multiple return on that investment.

I thank the Deputies for their contributions. I hope this Bill will enable us to copper-fasten Ireland's reputation as a centre of excellence in all matters audiovisual over the next few years.

Question put and agreed to.

Committee Stage ordered for Tuesday, 11 December 2018.

European Investment Fund Agreement Bill 2018 [Seanad]: Second Stage

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I move: "That the Bill be now read a Second Time."

I welcome this opportunity to present the European Investment Fund Agreement Bill 2018 to the House. This short technical Bill will enable the Minister for Business, Enterprise and Innovation and the Minister for Agriculture, Food and the Marine to enter into agreements with the European Investment Fund, known as the EIF, to facilitate access to finance for qualifying enterprises.

The new future growth loan scheme was announced in the budget as part of the Government's response to Brexit, and enactment of this Bill will allow us to launch the scheme in early 2019. The future growth loan scheme will be an important support for Irish businesses throughout the country that are facing challenges arising from Brexit. It will be available to SMEs, including those in the primary agriculture and the seafood sector.

To bring this loan scheme to the Irish market in early 2019, it is imperative that we as Min-

isters are granted the necessary powers to enter into the agreement with the EIF this year, which includes providing the necessary Exchequer funding. This scheme is an important component of the Government's Brexit mitigation measures for businesses as it will provide businesses with the opportunity to borrow for periods between eight to ten years to support long-term capital investment. The tenure of borrowing currently available on the market for SMEs is typically anywhere from three to seven years. The future growth loan scheme has been developed to address a gap in the market for longer-term loans up to ten years. It will support those enterprises that wish to invest and diversify their business by ensuring they have appropriate and affordable financing available to them. This in turn will fuel future economic growth in our important indigenous sectors by helping them to remain competitive. Given the particular exposure of the food sector to Brexit, the scheme, which will be 40% funded by the Minister for Agriculture, Food and the Marine, will also be available to primary producers.

To unlock the EIF counter-guarantee, which will be used to leverage funding of up to €300 million for the future growth loan scheme, the Department of Business, Enterprise and Innovation and the Department of Agriculture, Food and the Marine will collectively contribute €62 million in Exchequer funding over a five-year period. This counter-guarantee with the EIF is a bespoke agreement, which is wider in scope than those available through the European Commission and offers 64% risk cover rather than the standard 40%. It represents the first time that the Ministers have entered into such an agreement, although there is the potential for further such agreements in the future if needed. The Attorney General has advised that primary legislation is needed to provide the necessary powers to both Ministers to enter into such an agreement. The Department of Agriculture, Food and the Marine will contribute 40% of the loan fund on the basis that it is anticipated that at least 40% of the scheme will be used by food businesses and primary producers. The remaining 60% will be channelled through the Department of Business, Enterprise and Innovation's Vote in 2018 and subsequent years.

I will now go through the heads of the Bill. Section 1 defines the relevant Minister as the Minister for Business, Enterprise and Innovation or the Minister for Agriculture, Food and the Marine as they are the Ministers entering into the agreement with the EIF for the future growth loan scheme.

Section 2 provides the Minister for Business, Enterprise and Innovation and the Minister for Agriculture, Food and the Marine with the power to enter into agreements with the EIF with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform. This includes providing the necessary financial contribution from the Irish Exchequer and limiting this to an aggregate total of €75 million should the Ministers wish to implement additional schemes concurrently. It also includes the discharge of any additional fees and expenses. Definitions of qualifying enterprise, SME and small mid-cap are also referenced here.

Section 3 provides for a review of the operation of the Act four years after its passage. Section 4 provides that expenses incurred in the administration of the Act be paid out of moneys provided by the Oireachtas. Section 5 provides for the Short Title and the commencement provision.

This short Bill is important as it will allow the Minister for Business, Enterprise and Innovation and the Minister for Agriculture, Food and the Marine to enter into an agreement with the EIF to implement the future growth loan scheme, which is a critical component of the Government's response to Brexit. Essentially, the future growth loan scheme is a longer-term Brexit loan scheme. If we want to ensure our businesses throughout the country succeed and prosper

in the face of fundamental challenges like Brexit, it is essential that we take the necessary steps to ensure appropriate financial supports such as this scheme are in place for businesses. I look forward to hearing Deputies' contributions.

Deputy Billy Kelleher: We will be supporting the Bill and will do everything to ensure it passes smoothly through the parliamentary process. We welcome the fact that we are putting in place funds for small and medium-sized businesses in both the business and agriculture sectors to allow them to access loans to fund working capital projects.

5 o'clock

We all know that there is grave uncertainty, primarily as a result of Brexit, the America First policy, tariffs and potential trade wars and all that flows from them. Uncertainty is the barrier to investment. It diminishes people's business confidence and very quickly access to credit dries up. People cannot invest and there are difficulties in maintaining growth in individual companies and the broader economy. This fund, therefore, is very welcome.

In the coming months we will be trying to ensure we are as Brexit-proofed as possible. There are uncertainties beyond our control. We are waiting for Westminster to decide on the Prime Minister, Mrs. May's proposals. We do not know if they will be successful in the short or medium term, but what we do know is that there will not be many upsides to Brexit for Ireland. We can start planning and ensuring support for small and medium-sized businesses that are dependent on the export market, primarily to the United Kingdom but also farther afield.

Diversification is critically important. Companies need to be weaned off their dependence on the UK market because of proximity and language; they need to look farther afield into the eurozone and beyond. All of these things will take time, planning and effort. I know that Enterprise Ireland and others are continually supporting that process. Credit is a critically important component for any organisation that is trying to expand and open up new markets for its products. That is something about which I would be concerned. It seems that we have not been able to encourage enough companies to look beyond immediate markets and diversify, as is the policy. Providing supports for companies, through Enterprise Ireland and others, will be a necessary component in ensuring that process continues.

The European Investment Fund was established because of the credit crisis and the fact that small and medium sized businesses were unable to access credit in the traditional forms through banks. I am concerned that the risk has shifted from the pillar banks back to the use of these funds again. It should be additional funding, not replace what the pillar banks should be funding. We must be able to monitor what is happening in the short and medium term. The Minister for Agriculture, Food and the Marine and the Minister for Business, Enterprise and Innovation will have statutory powers to enter into agreements to draw down loans. The Strategic Banking Corporation of Ireland will assess individual applicants to see whether they are suitable and I assume they will then make an application through the pillar banks or the financial institutions participating in the scheme. That is the issue about which I have concerns. The participating lending institutions to which applicants will go are the same ones with which they would be doing business in the traditional manner. I do not want to see a situation where banks will start to lend money through this scheme but squeeze the credit they should be lending to their clients. It must be additional funding; it cannot be replacement funding.

We are subservient to the lending institutions and I am consistently critical of the pillar

banks. They are simply not engaging meaningfully to try to address the credit challenges for small and medium-sized businesses and in the broader economy. I have continually referenced the fact that interest rates in Ireland are completely out of kilter with those charged across the eurozone. Interest rates are 5% and 6% to fund a small or medium-sized business in Ireland. Businesses in the eurozone can access loans for much less. The pillar banks are consistently gouging the economy, day in and day out, and we have done nothing about it. They will continue to gouge and profiteer on the backs of small and medium-sized businesses. They are also doing it in the mortgage market and we are subservient to them. We accept it, nod and gracefully allow them to continue. We then go to the established European Investment Fund to borrow from it and allow the pillar banks to disperse the funding, unless I am misreading the Bill. We must insist, through whatever mechanism is required, on this being additional funding. In other words, it is to fund the higher risk elements and the pillar banks should fund the lower risk elements, but I can guarantee that they will fund their clients through this fund. They will replace the funding, which is not good enough.

The Minister only needs to look at previous funds that were made available through the pillar banks to small and medium-sized businesses and the agriculture sector. That is what they did. They lent to people who were very low risk, their immediate clients and had a good client base. People who actually needed working capital and those with cashflow difficulties who needed short-term loans could not access funds. There has to be some independent assessment of a refusal. The Strategic Banking Corporation of Ireland states whether a client is suitable. The client then makes an application to the relevant financial institution, but if the client already has an application for funding through the pillar bank, I would be very disappointed if that funding was replaced. I hope the Minister will bring clarity to the matter and insist on it not being replacement funding.

How Brexit ready are we? In looking at the applications under the various schemes available we have to acknowledge that businesses have been slow enough in taking up some of them. For example, there were 307 applications received under the Brexit loan scheme, of which 270 were approved by the Strategic Banking Corporation of Ireland, while 54 progressed to sanction at bank level, to a value of €12.5 million. To say the very least, that is a fairly high refusal rate. Enterprise Ireland has an online platform for Irish companies to self-assess their level of exposure to Brexit - the Brexit scorecard. A total of 3,332 Brexit scorecards have been completed, including by 502 local enterprise office clients. That is a reasonable effort, but, when looked at in the overall context of the number of Enterprise Ireland clients, it could be a lot better.

The Enterprise Ireland Market Discovery Fund, a support for Enterprise Ireland clients to research new markets, has seen 166 projects approved. The fund was launched in 2018 and the level of expenditure to date is about €165,000. Again, in the overall context, 166 projects is a small number. We must acknowledge that we are an exporting nation. As we trade in open markets, we have to be lean, agile and responsive to market demands. With Brexit as the backdrop, we must be able to respond. Some of the application processes for the various schemes which are all good discourage people. The most feared words in the English language are: "I am from the Government and I am here to help." To a certain extent, it is a bit like that. The application forms discourage small and medium-sized businesses from applying. We should look to simplify them as much as possible, while ensuring the taxpayer is protected at all times. We need to ensure applicants are not discouraged by an avalanche of form-filling and administrative burdens.

When Brexit is finally decided over the coming months, regardless of whether the with-

drawal agreement is accepted, we will have to contend with another major step when we enter into the next phase of our trading relationship with the UK and the EU. One thing we know for certain among the grave uncertainty of Brexit itself is that if the UK does not decide to retreat from its present pathway by staying within the EU, there will be a different trading arrangement between the UK and the EU and therefore between the UK and Ireland. We need to be conscious of that as well.

This issue might be slightly outside the scope of the Bill, but it needs to be considered anyway. I have been trying to explain it. Maybe I am not explaining it in a way that people can comprehend or understand. Our common travel area with the UK precedes our membership of the EU. It is part and parcel of the political, cultural and social set-up between the Republic of Ireland and the UK for many historical and political reasons. Many of these arrangements are *ad hoc* in the sense that they do not have any statutory underpinning. If and when the UK withdraws from the EU, free movement of people will become an issue for the UK and the EU. Our common travel area with the UK will remain. This means, in effect, that we will be in the same labour market as two entities. We will be in the same labour market as the EU by virtue of our membership of the Union. We will be in the same labour market as the UK by dint of having a common travel with the UK.

One of the areas in which this will be a matter of concern is the health system. Both Ireland and the UK have major shortages of skilled labour in their health services. When the UK withdraws from the EU, it will not have access to the EU labour market pool, but it will continue to have access to the Irish labour market pool. There needs to be a critique and an analysis of this issue over the next short period. We already have massive labour shortages across whole swathes of the economy in various sectors, including agriculture and high-end finance. Many parts of our public service are under pressure because we are unable to recruit consultants, doctors, psychologists, speech and language therapists and occupational therapists, etc. The labour market in the UK is facing the same challenges. Until recently, the UK was able to fill vacancies because it was part of the EU labour market. As that changes, the UK could very well look at the labour pool in the Republic of Ireland. We could be in direct competition with the UK as we try to retain workers in our economy. We are already under pressure. I would like the Government to look at that.

The changes I have mentioned could have a profound impact on SMEs. If we start to haemorrhage labour, the shortage of labour will undermine our competitiveness. In such circumstances, difficulties associated with the cost of exporting into a weaker sterling zone will arise immediately. All of these issues have the potential to have knock-on effects on the competitiveness of SMEs. While the loan scheme for working capital that is being proposed is welcome, we need to be able to assess the various potential risks that Brexit poses for the Irish economy, including the risks for the export market and internal risks like the impact on this country's labour market. For all of these reasons, I emphasise that everything we do should be done with potential risks very much to the fore of our minds.

I do not need to go through the technicalities of the Bill that have been outlined by the Minister of State. The Irish pillar banks were saved by acts of Dáil Éireann like the bank guarantee and the legislation that was passed here to underpin it. We threw them a lifeline. We saved AIB and we shored up Bank of Ireland at great cost to the taxpayers and people of the State. They are not repaying us in the way they conduct their daily affairs in almost every branch they occupy throughout the State. The variable mortgage rate is twice the European average. The interest rates available to SMEs are twice the European average, if not more. Even though

we are in a common currency zone under the European Central Bank in Frankfurt, our banks are consistently pillaging us. The most amazing aspect of this is that the banks regularly announce to great fanfare that their profits have increased. It is easy for them to increase their profits when their customers are slaving away in the workplace morning, noon and night to pay for overpriced mortgages and business loans. If nothing else is done, this issue should be addressed, at least.

The ideal scenario, regardless of the arrangements that are put in place under the European Investment Fund, is for our banks to step up to the plate and be competitive. They need to be able to assess loans, make lending provisions and charge reasonable interest rates, rather than the extortionate rates they currently charge. I know that after I have spoken, I will get phone calls from representatives of the various banking organisations to tell me that I am wrong. Unfortunately, I am not wrong. That has been accepted by Mr. Draghi, who said when he attended an Oireachtas committee meeting some time ago that these organisations are operating a monopoly. Monopolies are, at the very least, very damaging to economies. Mr. Draghi said that a monopoly is being operated in this sector in this State. I remind the Minister of State that monopolies in many parts of the economy are illegal. We have a monopoly in this country's financial services sector.

I welcome the European Investment Fund Agreement Bill 2018 and hope it has the desired impact. SMEs need support. If the Government does nothing else, it should ensure our pillar banks are brought to heel and brought to book. They need to play their role in ensuring SMEs, family homes and the broader economy are funded through reasonable interest rates, rather than the extortionate rates that are being charged by most of our pillar banks at present. I commend the Bill to the House.

Deputy Maurice Quinlivan: Sinn Féin will support this important Bill. It is important for us to do whatever we can to help SMEs to access credit. Many of those involved with such enterprises have told us that they are unable to access credit at the moment. They are getting the run-around from the banks. I agree with Deputy Kelleher that the funds which are approved and made available have to be additional funds. There is no point messing around with funds that are supposedly available already, but which SMEs cannot actually access. Representatives of SMEs have made this point to us in one-to-one meetings and when they have come before committees. As the Minister of State is probably aware, the Joint Committee on Business, Enterprise and Innovation has been preparing a report on the cost of doing business in Ireland. The inability of SMEs to access credit and the cost of insurance are the key issues that are arising during our deliberations. Maybe we should look at different banking systems and not just at the pillar banks we have here. Something like the German Sparkassen banking model should be of interest to us as a way of making loans and finance available to SMEs more quickly.

The main aim of this very short Bill is to give the Ministers for Business, Enterprise and Innovation and Agriculture, Food and the Marine the power to enter into certain agreements with the European Investment Fund. This power will allow the Ministers to set up a future loan growth scheme with the aim of providing financial support to Irish business in the run-up to and aftermath of Brexit. The role of the European Investment Fund, which was established in 1994 as a subsidiary of the European Investment Bank, is to support SMEs and help them to access finance. Access to credit, which is a massive issue, was raised by businesses and their representative bodies during the Joint Committee on Business, Enterprise and Innovation's hearings on the cost of doing business in Ireland. Small businesses are the engine of the economy. They exist in every local community. The 245,000 small firms in this country account for 98% of

all businesses across the State. They employ 927,759 people and contribute €66.1 billion to the economy each year. Therefore, the sector deserves the required attention from Government and we are very happy to see a new investment avenue opened up by the Bill. I hope the loan scheme is more successful than the previously announced €300 million Brexit loan scheme. Unfortunately, the previous scheme was not a success. The latest figures we received show just 38 loans to the value of €8.5 million had been sanctioned out of a pot of €300 million. The scheme simply has not worked. I hope this one will be much better.

I have a number of questions for the Minister of State. Has a review of the previous Brexit loan scheme been carried out to identify whether red tape, interest rates or strict criteria contributed to the poorer than expected uptake? It is important to ensure lessons are learned and that we move on from them. Is the amount of taxpayer money being leveraged similar to the amount that was leveraged for the Brexit loan scheme? Does the Government intend to establish any other schemes in addition to the future growth loan scheme that would be backed by the European Investment Fund in future?

Sinn Féin recognises the importance of supporting indigenous businesses across Ireland, especially given the significant challenge of Brexit and other outside external factors which may be thrown up for the country. We are very happy to support the Bill.

Deputy Thomas P. Broughan: I am delighted to have a brief opportunity to speak in support of the European Investment Fund Agreement Bill 2018. The Minister of State wants to pass this Bill urgently and to have provisions in place to implement the scheme early in 2019. There is a sense of urgency every day as we see events taking place at Westminster.

The Bill gives the Ministers for Agriculture, Food and the Marine and Business, Enterprise and Innovation the power to enter into agreements with the European Investment Fund to facilitate the future growth loan scheme, which was announced in budget 2019. Initially I wondered why it was necessary. Why did the Attorney General state the Government could not establish the fund? When Mr. Andrew McDowell appeared before one of the finance committees - it may have been the Committee on Budgetary Oversight - he urged us to try to draw down more money from the European Investment Bank, of which he is our director, for infrastructural projects, small businesses and all types of business. Will the Minister of State comment on that?

A particularly important element of the Bill is that it will make longer term loans available to SMEs, in particular those in the seafood and primary agriculture sectors. As a large proportion of the agriculture sector is expected to avail of the loans, the Department of Agriculture, Food and the Marine will front 40% of the fund and the Department of Business, Enterprise and Innovation will resource the remaining 60%. Both Departments will contribute €62 million over five years. I welcome the Minister of State's assertion that the counter-guarantee with the European Investment Fund offers 64% of the risk cover, which is an improvement on the usual 40%. I mentioned Mr. McDowell and what he is doing on the European Investment Bank. The Bill fits in with the wider Juncker plan from 2015 whereby €315 billion was to be raised for investment in Europe by the end of this year. How is that plan progressing? The European Investment Fund previously committed €20 million of venture capital to Ireland alone.

I agree with Deputies Kelleher and Quinlivan. The banking sector has not been performed well enough in supporting households or small businesses. One has to wonder, even while the Minister of State is putting his best foot forward with the €12 million per annum and the possible leveraging of €300 million, whether it will be enough.

Major concern was expressed yesterday by the Irish Fiscal Advisory Council, IFAC, when Mr. Seamus Coffey and his team made a presentation to the Committee on Budgetary Oversight regarding the serious risks from Brexit, which seem to be increasing daily. IFAC's fiscal assessment report on budget 2019 stated there was a reasonable probability that the transition agreement and final relationship assumed will not materialise. IFAC referred to critical estimates of the medium-term impacts on Irish output from Brexit - we are talking about small SMEs that are exporting - at levels of 1.1% to 2.8% for a soft Brexit and 3.1% to 7% for a hard Brexit. IFAC cautioned the figures may be an underestimate due to the intense economic connections between Britain and Ireland. An example cited by Mr. Coffey and his colleagues is the labour intensity of Irish exports to the UK. Our exports to Britain look smaller in monetary terms when people are making comparisons with our other export markets but they tend to have a higher number of workers' hours involved. This is particularly true of agriculture and the food sector. Brexit still has the potential to administer a very severe shock to the Irish economy, which may last for up to a decade. Hence the importance and urgency of the Bill.

Recently, the Governor of the Bank of England, Mr. Mark Carney, delivered possible statistics arising from a cliff-edge Brexit, which would be pretty terrifying for our country. It would seriously damage our exports as a result of the changes to the value of sterling and so on. People have said Mr. Carney has been wrong in the past. We have to hope our fellow parliamentarians in Westminster will somehow turn the bus away from the cliff it is heading for and not bring us with them.

Other Deputies have queried why there has been such poor drawdown so far from the Brexit loan scheme. Is awareness of the availability of loans lacking or is the application process too onerous for busy SMEs trying to get through day after day? In previous speeches, the Minister, Deputy Humphreys, spoke of the responsibility of businesses to know about what loans and finance schemes are available to them. As Deputies, our experience with community bodies and small SMEs is they do not have the resources to spend time researching Brexit loan packages. The Be Prepared Enterprise Ireland scheme, which provides a €5,000 grant, has a very low take-up, at just around six per month. InterTradeIreland is also offering a Start to Plan voucher which is also apparently being taken up at a rate of about six per month. These are disappointing returns, which suggest the Minister of State and his senior Minister need to get the roadshow going and get out there and try to convince people to come forward and look for supports.

The Brexit loan scheme of €300 million, which opened in March, has only had 3% sanctioning, with a value of around €8.5 million for 38 loans. These are disappointing statistics. I particularly welcome that the loans will be provided over the long term, for seven, eight or even ten years. That is a major step forward, one which is badly needed in this era of increasingly sustained unpredictability. Typically, SMEs can access borrowing for periods of between three and seven years so a term of ten years is welcome.

Are we remotely Brexit ready or just hoping for the best? Are we hoping it will turn out okay on the night? Are we doing enough? While this is another step forward, are there other areas in which we could improve? The British Government is in absolute turmoil. There have been a number of Getting Ireland Brexit Ready seminars which around 4,000 participants are reported to have attended. Enterprise Ireland is running Brexit advisory clinics. They are all very welcome but perhaps we need to do more. How accurate and reliable is the information given out at these clinics when we are not sure what we are heading into? I hope the position will change because the level of unpredictability is very bad for small business.

I have always been a strong supporter of small Irish businesses. Throughout my career, I have always supported startups in particular to encourage dynamic people to leave unemployment. In areas of the city with very high unemployment it has been very important to be able to set up small business centres to encourage people with innovative ideas and entrepreneurial skills to get out there and start on the road to market their skills and eventually employ other people.

As my colleague stated, we cannot underestimate the importance of SMEs and indigenous companies. There are almost 250,000 small businesses in the State, comprising 98% of all businesses and contributing more than €66 billion to the economy. They cover the whole budgetary expenditure of our country. Eligible business for this scheme include micro, small or medium-sized enterprises which employ 250 persons or fewer with a maximum annual turnover of €50 million or an annual balance sheet not exceeding €43 million. Small mid-cap businesses that employ 500 persons or fewer are also eligible.

The Bill is brief and to the point. I note the review of the Bill will be four years from commencement. It is not set out in the Bill, but the explanatory memorandum states there are no costs arising from the legislation. The cost to the Exchequer, of course, will be €62 million.

I welcome the news recently of the doubling of the European Angels Fund Ireland for Business Angels from €20 million to €40 million. The first €20 million of the fund for SMEs is now invested in 20 companies and up to 100 companies hope to be supported over the coming decade. That is another brilliant innovation. Last year, there were 43 investments worth over €12 million for Irish start-ups through the Halo Business Angel Network. Enterprise Ireland has stated that there has been good take-up of the €20 million available and welcomed this additional package also. These are positive steps but the challenge we face, as we celebrate after Christmas 100 years of Dáil Éireann, probably is the biggest challenge we have had to face, maybe, besides the Second World War, throughout our independence history.

The European Investment Bank may directly finance Irish companies also. I referenced earlier the visit of the director of the bank to the Oireachtas committees. Last week, we had the announcement that Nuritas, a biotechnology company based here, has received €30 million backing under the European Investment Fund's European growth finance facility. I note the vice-president of the European Investment Bank stated the bank was impressed by the innovative use of technology by that company - it has already achieved a number of global deals.

I warmly welcome and support the European Investment Fund Agreement Bill as another small step to help Irish business address the ferocious challenge of Brexit. Hopefully, if the worst Brexit scenarios, as feared by the Fiscal Advisory Council and other commentators, remotely came to pass, we will not be faced in this House, before or after 2020, with the dilemma we had ten years ago of introducing emergency legislation.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank all the Deputies who contributed and welcome the fact that they all indicated that they would support this Bill.

As I stated at the outset, this Bill is urgent as it will give both Ministers the power to sign an agreement with the European Investment Fund by the end of the year for the purposes of launching the future growth loan scheme in early 2019. The scheme is a key Brexit mitigation measure.

There have been a couple of overarching observations and concerns. In response to Deputy Broughan, the Government has been actively promoting relevant supports. The Deputy himself referenced some of them. Through the Getting Ireland Brexit Ready roadshow that has taken place at a number of locations, all relevant Government agencies were present to provide information and support. Over 3,000 businesses have completed the Enterprise Ireland, EI, Brexit scorecard at this stage.

Budget 2019 provided over €110 million for additional Brexit preparedness resources and initiatives across the Department. The Department of Agriculture, Food and the Marine is funding 98 additional staff for the agencies and regulatory bodies with the remit to date to prepare Irish businesses to be Brexit-ready. We are providing €8 million in 2019 for the Department as well as the agencies and regulatory bodies to continue in our work on a Brexit response in an increasing global footprint. In other words, we are funding extra resources across the globe for market diversification. Indeed, we have engaged extensively. Both the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, and myself were in China recently and the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, took a delegation to Malaysia and Indonesia, with Enterprise Ireland, IDA Ireland and Bord Bia accompanying us on those occasions.

On whether the application process is too onerous, I make the point that this scheme means up to €500,000 unsecured; up to €200,000 with no additional business plan; and from €200,000 to €500,000 with a business plan as part of the application. It is relatively easy. At the same time, one must make sure that we do not have the Committee of Public Accounts stating in a couple of years that we loaned money to somebody where due diligence was not done properly on the applicant and the funding went astray. One must achieve balance. The Strategic Banking Corporation of Ireland, SBCI, conducted one-to-one interviews with 22 applicants, all of whom had a positive opinion on the application process. It shows that the majority of applicants are receiving eligibility confirmation within 24 hours.

I refer to some of the other statistics. We have had 307 applications, 270 of which are eligible to apply for a loan. Thirty applications are still being processed. At the end of November, 55 companies had received sanction for loans of €13 million. Many more of the approved applications are going through the bank process currently. The Exchequer funding for this scheme is €62 million because the loans are for up to ten years.

On Deputy Kelleher's point about this not replacing existing credit that the banks would provide, I make the following points. Typically, the banks provide three-to-seven year financing for companies that would qualify for this. This scheme is about eight-to-ten year funding and it is a different product in the first instance. Up to €500,000, it does not involve the same security requirements as a conventional loan. In many ways, it might be competing with them but it is not allowed to replace an existing loan. It is important to bear those points in mind but I take the point that we must be careful.

I also point out that the interest rate typically will be lower than what is available on the market and, as I stated, no refinancing is allowed. Also, at the end of the day, the Credit Review Office is available to businesses which wish to have their application for a loan reviewed if it is refused by a bank.

We are asking people to do something different here. It is not business as usual. It is about allowing businesses the opportunity to borrow for periods of between eight and ten years for

where they see their business needs to go to, with the aid and assistance of the various agencies, whether it is Bord Bia, which has put in a lot of extra resources in support of getting Brexit ready, EI or the local enterprise office. All of the statutory State agencies that are there to support businesses are available to mentor and continue to do so with the various SMEs, agrifood producers and businesses.

It is a scheme that will assist businesses that are trying to invest strategically in a post-Brexit environment by providing the opportunity to borrow, as I stated, for eight to ten years, to support long-term capital investment which is something that is not readily available currently. We want to provide businesses with the opportunity to invest to allow them to prosper and remain competitive by diversifying their business and it is important in this way. It is an effective use, as has been stated already, of Exchequer funding as it means €62 million can be leveraged using the EIF counter guarantee to unlock funding for businesses of up to €300 million with the 64% guarantee.

The Bill will give the Ministers the necessary powers to enter into the agreement with the EIF and implement the future growth loan scheme which is a key component of the Government's response, and together with other initiatives, such as the Brexit loan scheme and the many supports available through agencies, we are helping businesses to face their Brexit challenges and overcome them.

I have covered all queries on which I can see notes. The Minister for Finance is perhaps the more appropriate person to answer Deputy Broughan's final question.

I commend the Bill. I thank all the Members. My officials and I have taken notes and will reflect on the contributions of all the Members.

Question put and agreed to.

European Investment Fund Agreement Bill 2018 [Seanad]: Referral to Select Committee

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I move:

That the Bill be referred to the Select Committee on Business, Enterprise and Innovation pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Health Insurance (Amendment) Bill 2018 [Seanad]: Second Stage

Minister of State at the Department of Health (Deputy Finian McGrath): I move: "That the Bill be now read a Second Time."

I am pleased to have this opportunity to address the House on Second Stage of the Health Insurance (Amendment) Bill 2018. The Bill was published on 14 November and, as Deputies will be aware, concluded its passage through the Seanad last week. I welcome the support received in that House for the core principle of community rating, which is long-established and well-supported Government policy for the health insurance market.

This is a short and technical Bill comprising eight sections, all focused on the specific issue of health insurance. The amendments outlined in the Bill will ensure the ongoing sustainability of the private health insurance market and seek to keep health insurance policies at an affordable price for all citizens, whether young or old, sick or healthy.

Health insurance in Ireland is provided according to four principles, namely, open enrolment, lifetime cover, minimum benefit and community rating. Open enrolment means that insurers in Ireland cannot refuse to provide cover to someone who might be a risky customer, and there are maximum waiting periods for pre-existing conditions. Lifetime cover means that once a person has health insurance, the insurer cannot stop cover or refuse to renew the person's insurance, except in limited circumstances such as fraud. Minimum benefit means that all insurance contracts must abide by regulations to make sure that everyone who holds health insurance has a minimum level of cover. Perhaps the most important principle of health insurance in Ireland, and the principle that is the central focus of the Bill each year, is community rating. This has the greatest effect on affordability of health insurance for those who are most likely to need health insurance coverage. Community rating means that health insurers cannot alter their prices based on an individual's current or potential health status. Instead, insurers set the price for each product according to their overall expected claims costs. This helps to keep health insurance affordable for older and sicker people who might otherwise be priced out of the market. Community rating is supported by providing cross-subsidies between insurers with different risk profiles. It is essentially a financial transfer mechanism whereby money flows from insurers with healthier members to insurers with sicker members. This is called risk equalisation and without it an insurer with older and sicker members would be required to charge far higher premiums than competitors to cover claims costs. Risk equalisation seeks to level the playing field and encourage insurers to compete on what services they can provide to their customers rather than simply trying to attract younger people who are less likely to make health insurance claims.

The risk equalisation scheme was introduced in Ireland in 2013. Under the scheme, credits are paid to all insurers for their older and sicker members. These credits are funded directly by stamp duty levies on all health insurance contracts written. In effect, the scheme redistributes funds between insurers to meet some of the additional costs of insuring older and sicker members. None of the stamp duties on each health insurance contract goes to the Exchequer. Instead, they are all redistributed to compensate for the additional cost of insuring older and less healthy people.

In 2017, the risk equalisation fund redistributed approximately €650 million of premiums out of a total of €2.5 billion in premiums paid. The scheme is carefully monitored to ensure that none of the insurers is overcompensated, a scenario that would contravene the scheme's approval under European Union state aid regulations. In this way, the cost of insurance is shared between all insured people and we can ensure that sicker and older people retain access to affordable private health insurance.

Legislation is needed each year to update the amounts of credits paid to insurers under the scheme and the amounts of stamp duty levied on health insurance contracts to fund the credits. As part of the process, the independent market regulator, the Health Insurance Authority, carries out an annual evaluation of the market focused on the claims costs that every insurer has paid over the year. Based on that analysis, the authority recommends the level of credits that should apply the next year. The rates for next year recommended by the authority have been considered and accepted by my colleague, the Minister for Health, Deputy Harris.

This year's Bill will provide for a general decrease in the credits across genders and age groups and there will be no change in the stamp duty levy on contracts. Maintaining the stamp duty levies at existing levels should ensure that health insurers do not increase premiums and that contracts remain at an affordable price for all our citizens.

In addition to the technical amendments, this year's Bill provides for several amendments to the Acts governing the Health Insurance Authority and the VHI. In short, it is proposed to expand the membership of the Health Insurance Authority board; broaden the composition of the VHI board; and enable the VHI to sell international healthcare plans directly. I will outline each of these proposed changes in turn.

The Health Insurance Authority was established in 2001 with provision for five board members to be appointed. Since then the health insurance market has become more complex with insurers adopting innovative marketing and product propositions to expand their client base and improve their risk profile. Further significant changes can be expected as the Sláintecare programme is implemented. The role of private health insurance in our health system could change significantly and the regulator must be able to react to this changing role and advise the Minister for Health appropriately. Public sector governance obligations have also become more prescriptive. The 2016 code of practice for the governance of State bodies placed far greater emphasis on the accountability of State boards. For the objective and effective discharge of its functions, it is desirable that the authority includes a broad mix of skills and experience. Expanding the membership of the board will ensure it can deliver on strategy and address any challenges.

The Bill also contains two amendments to the Voluntary Health Insurance Acts, which provide the governing legislation for the VHI.

The first VHI-related amendment deals with board composition. Currently, the VHI board is restricted to having only two persons who are health service providers on the board. The amendment will remove this restriction. It includes a new provision to the effect that the Minister will give due consideration to the mix of skills present on the VHI board when making appointments, thus ensuring the highest standards of governance.

The second amendment to the Voluntary Health Insurance Acts deals with one specific area of VHI's business activities. This amendment will permit VHI to sell international healthcare plans directly, not only as an agent, as it is allowed to do currently. Moreover, the amendment will remove the requirement for the VHI to seek ministerial approval before selling these plans. This development is consistent with VHI's current status as an insurer authorised by the Central Bank. VHI is competing in a highly competitive and regulated marketplace and this amendment will remove the impediment to VHI's ability to compete with its competitors and thereby allow the company to avail of potentially significant business opportunities.

I will now outline the specific sections of the Bill. Section 1 defines the principal Act as the Health Insurance Act 1994. Section 2 amends section 11C of the principal Act to provide for 1 April 2019 as the effective date for revised credits payable from the risk equalisation fund. Section 3 amends Schedule 1 to the principal Act to provide for the expansion of the membership of the board of the Health Insurance Authority from five to seven and to provide for an increase in the quorum from three to four. Section 4 replaces table 2 in Schedule 4 to the principal Act with effect from 1 April 2019 such that the applicable risk equalisation credits payable from the risk equalisation fund in respect of certain classes of insured persons are revised. Section 5 amends

section 4 of the Voluntary Health Insurance (Amendment) Act 1996 to provide for a change in the composition of the VHI board. This amendment will remove the existing restriction on the number of healthcare providers on the VHI board. It includes a new provision to the effect that the Minister will give due consideration to the mix of skills present on the VHI board when making appointments, thus ensuring the highest standards of governance.

Section 6 amends section 1 of the Voluntary Health Insurance (Amendment) Act 1998 to amend the VHI's current function as solely an agent for the provision of international healthcare plans and to permit it to sell international plans directly without using an intermediary. The amendment will also remove the requirement for the VHI to seek ministerial approval before selling these plans.

Section 7 amends section 125A of the Stamp Duties Consolidation Act 1999 to specify the applicable stamp duty for rates for from 1 April 2018 to 31 March 2019 and from 1 April 2019 onwards.

Section 8 provides for the Short Title, commencement, collective citation and construction of the Bill.

This Bill allows us to maintain our support for the core principle of community rating, which is a long established and well supported Government policy for the health insurance market, and the amendments to the legislation governing the Health Insurance Authority and the VHI will allow these organisations to plan for future developments in this ever-changing and complex environment.

I commend this Bill to the House.

Deputy Louise O'Reilly: We are here again for what is effectively an annual debate. It is a reminder of one of this that is wrong with our health system.

The political differences across the House are most acute when we are debating issues such as private healthcare and private health insurance. The political differences between this Government and me are most visible when it comes to healthcare provision, particularly in the context of the issue of private versus public healthcare. When this Bill came across my desk, I was reminded of the body of work progressive politicians have ahead of them to address the imbalance in healthcare and the importance of removing private healthcare from our public hospitals and our public healthcare system. As stated last year, the question of health insurance is very fraught. On the one hand, it facilitates the skipping of queues and the bypassing of waiting lists created by this Government and, on the other, it represents a large number of people who go without other things in order to have health insurance because they are afraid that, without it, they will end up waiting 24 months for a colonoscopy or some other procedure.

I fundamentally oppose the need for a private health insurance market. We should be addressing that issue today. Why is there a need for a private health insurance market? The industry exists within the crevices and the cracks of our broken public health system. I do not blame the health insurance industry for how it operates. As is the case in other countries, it is exploiting a failed system. If health insurance companies want to provide access to private care in private hospitals, I wish them well. That is their prerogative.

My anger is reserved for those who have broken our health system and who have allowed private medicine to exist within it. It is clear that the system did not break because of those

working within it. The system was deliberately broken. The process in that regard began with the Fianna Fáil-Progressive Democrats Government. Why did this happen? The system was broken to allow private medicine to make a profit from people's ills while convincing them that this was actually a good thing, and possibly even good for their health. The health insurance market exists because the Government champions it and because people are afraid of having to enter the public system, where they will have to wait for months or years for treatment. We are where we are because successive Governments have driven, as a matter of policy, the privatisation of aspects of the health service and the commodification of health itself. We have to ask whether this is the best way to run a health service. Is the manner of health insurance in this country fair, particularly in view of the fact that much of cover on offer is driven by fear? It constitutes an extra burden to be carried by taxpayers who already contribute a large amount to the health budget. Is this a case of citizens carrying the can for the failure of the Government to enforce and police the 12.5% corporation tax rate and other non-income based taxes?

The Oireachtas deals with a Bill such as this every year. It seeks to take the risk away from insurance companies and equalise the risk for certain policyholders. It would be great if the Government was as quick to intervene in the market in other areas. While we will allow the passage of the Bill to ensure that older persons and others are protected, we do so with serious reservations about a health service that is buckling under the weight of demand. In addition, we must point out that fear and a health service crippled by mismanagement and ineptitude are driving people to take out private health insurance. The CSO data on health spending for last year shows that the healthcare system is funded primarily through general taxation, which accounts for 69%, with out-of-pocket payments making up 15.4%. Private health insurance only contributes 12.7% to the healthcare system, but over 40% of the population has private health insurance. This is the case because successive Governments have failed to provide universal healthcare which is free at the point of delivery and which is based on need and not on ability to pay. Insurance companies trade fear for profit in the health market. There are those in this House who continue to act as their cheerleaders.

While there are a number of technical amendments to this year's Bill, there are also a number of amendments to the existing Acts which underpin and govern the Health Insurance Authority and the VHI. I would like the Minister of State to expand further on the expansion of the membership of the board. I understand provision will be made to broaden the composition of the board of the VHI and also to enable the company to sell international healthcare plans directly. I would appreciate it if the Minister of State could respond orally or in writing. I understand that the role private health insurance plays in our health system could change significantly into the future. The regulator must be able to react to its changing role and advise the Minister for Health if there is an increase in risk or other related matters. Is this the core reason for the change or are there broader reasons? There is a target of having a broad mix of skill and experience within the expanded membership in line with public sector governance obligations. How will this be achieved? One of the amendments seeks to remove the restriction whereby the number of board members representing health service providers is limited to two and to allow for a broader composition. This would give the Minister oversight to assess the skills mix when making appointments. While that seems fine in theory, will there be oversight for the Oireachtas in terms of these appointments, perhaps via committees, in light of the increased powers this move will give the Government?

Some amendments allow the VHI to sell international healthcare plans directly rather than via an agent. Such amendments will remove the need to seek ministerial approval before sell-

ing these plans. Insurance plans are regulated by the Central Bank. I am not insinuating that there is anything untoward here. However, is ministerial approval really that much of a burden? Does it really have to be removed? Can we get some further details on this matter?

Looking at the categories and grades of risk equalisation in the Bill, it is clear that a disparity exists between the health of men and women. This should not be ignored. The risk equalisation for men compared with women shows that there is a higher risk rate for females. This must be considered from a health perspective, not from the point of view of risk equalisation in the insurance market.

The commodification of healthcare has been one of the most damning elements of the neo-liberal privatisation agenda. The push to turn people's health and well-being into a revenue stream is morally wrong. I repeat what I stated last year - where a public system sees illness and patients in need, the private sector sees money and opportunity.

Sinn Féin will allow the Bill to pass, but we must have a more robust debate around the issue of private health insurance and private healthcare in our public system. I look forward to the day when we can provide a health service which delivers for the people based on need rather than ability to pay, and where private health insurance is no longer needed because of the quality of such a universal health service.

Minister of State at the Department of Health (Deputy Finian McGrath): Relative to other countries, health insurance is held by a large proportion of people in Ireland. It is important to take the opportunity to discuss this Bill and the positive effect that community ratings and other aspects of health insurance regulation have on people's daily lives. As stated earlier, Sláintecare will introduce change in how people access health services and may mean that the role of private health insurance in our health service will also change. The Bill supports the role that private health insurance currently plays in our health service as a means of supporting people's access to affordable healthcare. The main purpose of the Bill is to specify the revised risk equalisation credits and corresponding stamp duty levies to apply on health insurance policies from April 2019.

The voluntary health insurance system operates on the basis of community ratings, which means that everyone pays the same amount for the same product. This is supported by the scheme that aims to ensure that health insurance is more affordable for older and less healthy citizens. In other health insurance systems internationally and other insurance markets in Ireland, the level of risk presented by an individual directly affects the premium paid.

6 o'clock

Under this scheme, all of the money raised from the insurers in levies is paid into a fund for the sole purpose of supporting the market in the form of credits payable. The credits and levy rates for next year strike a fair balance between the need to sustain community ratings by keeping health insurance affordable for older and less healthy consumers and maintaining the sustainability of the market by keeping younger and healthier consumers in it.

Of course there are important aspects to this debate, as the Deputy rightly says, concerning Sláintecare, public healthcare and public hospitals. Arising from the recommendation in Sláintecare, the Minister has established the independent review group, IRG, to examine the removal of private practice from public acute hospitals. The IRG has been tasked with making recommendations on practical approaches that can be taken to remove private practice from

public hospitals, the impacts of this removal will have, what timeframe might apply and how to phase these changes in over time. In particular, the group will identify any adverse unintended consequences that may arise for the public system in the separation. The IRG also conducted a public consultation seeking views about the current arrangements governing private practice in public acute hospitals, the future direction that such arrangements should take and suggestions for transitional arrangements to give effect to the future direction.

In particular this group was asked to seek views on the following important issues: eligibility, access and equity; current and future funding arrangements; legislative and legal issues; operational matters, including specialist services; recruitment and retention of personnel; and practical approaches to the removal of private practice from public hospitals, including time-frame and phasing. That issue is being examined in the IRG. This group has met many stakeholders with a view to increasing its understanding of the issue. It is also considering private care provided in public hospitals which is currently funded by private insurance.

The Bill will increase the number of Health Insurance Authority board members from five to seven. This provision will ensure strong oversight and regulation of the health insurance market. The Bill will also see some changes introduced with regards to VHI. The first change is in the composition of the VHI board. The proposed amendment would remove the existing restrictions allowing only two persons who are health service providers on the board. The amendment will also allow for due consideration of the mix of skills present on the board.

The second change is to permit VHI to sell international healthcare plans directly, without an intermediary. The Bill also allows us to maintain our support for the core principle of community rating, which is long-established and well supported Government policy for the health insurance market. The Bill will ensure that we can continue to provide the support necessary to ensure that the costs of health insurance are shared across the insured population. I agree with the Deputy that we need to have a broader debate and examine the issues raised by the independent review group, particularly with regard to the removal of private practice from our public acute hospitals.

Question put and agreed to.

Health Insurance (Amendment) Bill 2018: Referral to Select Committee

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

That the Bill be referred to the Select Committee on Health pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Saincheisteanna Tráthúla - Topical Issue Debate

Emergency Departments

Acting Chairman (Deputy Bernard Durkan): The Deputy has four minutes to make his initial submission and the Minister of State has four minutes to reply.

Deputy Michael Harty: I thank the Minister of State for coming in to address this matter, which is very topical. It concerns our accident and emergency departments and the length of our trolley queues, which are growing year on year. Compilation of the numbers started in 2013. Each year they have increased and each month of this year they have increased. It is a year long issue now. The Department of Health today produced its winter plan for 2018 and 2019 to try to address this issue and blunt the peak that occurs between December and March every year. However, the peak is just a peak in a continuing escalation of the crisis in our hospital and emergency departments. In March of this year we had a peak of 714 trolleys. Earlier in November we had a peak of almost 600. This is clearly not just a winter problem; it is a year-round problem. There does not seem to be any improvement in it. The winter plan was produced today, 6 December, which is much too late to deal with the problem this year. It addresses issues which should be addressed the whole year around.

How are the Minister of State and his Government going to address the health service? The trolley count is purely a symptom of what is happening within our health service. The problem is not in our accident and emergency departments. It is throughout our health system. Unfortunately, however, it is manifest in the long delays in people being admitted to hospital. We have an aging population and changing demographics. Some 20,000 people reach the age of 65 every year and the population above the age of 85 is due to double in the next ten years. These are the people who occupy our hospital services and take up most of the time. Yes, it is a tribute to our hospital system that people are living into their old age. Nevertheless we have to try to deal with these acute and chronic illnesses.

We must move away from a system which directs every patient to the hospital service. It is the default position. When people get ill, they end up in our accident and emergency departments. There must be a system which prevents that. Sláintecare is a ten year plan that has still not been implemented. There will be a three year run-in period between the start of the implementation of Sláintecare and its affect on our hospital services. What is this Government going to do to address the crisis?

The bed capacity plan stated that there should be an increase of 2,600 beds over the next ten years. That is predicated on the fact that if we start to reform our health service now we will need 2,600 beds. If we do not reform our health service now we will need 7,000 or 8,000 beds. The issue is inefficiency and a need for integration. We need an electronic healthcare record and a single patient identifier. These will be the first steps in trying to bring efficiency and cost-effectiveness, which is most important, to our health service. Unless we start to do that we will continue to have the trolley numbers that we have. Our system is locked and loaded for the next three years. Unless we start to reform, this problem will continue. Unless we start now, in three years we are going to have the same problem but it will be substantially worse.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Depu-

ty Michael Harty for raising this very important issue. I also thank him for his own contribution in the broader area of health. He has made many sensible and practical proposals, particularly in recent years. I welcome the opportunity to address the issues he has raised.

The Minister for Health acknowledges the distress caused by crowded emergency departments to patients, their families and front-line staff working in very challenging conditions in hospitals throughout the country. Hospitals are increasingly operating at or above capacity, with year-round demand pressures that increase in the winter months. According to the provisional data more than 93,000 patients have been reported as waiting on trolleys across the acute hospital system to date in 2018. This reflects the increasing demand for unscheduled care so far this year, especially among patients in the 75 and over age group. However, it is important to put the trolley figures in context. More than one million people have attended our emergency departments so far this year. From May to October 2018 there was a consistent improvement in trolley figures when compared to the same months in 2017.

The Minister for Health, Deputy Harris, has welcomed today's publication of the HSE winter plan 2018-2019 which will run from 1 December 2018 to 31 March 2019. The Government has committed significant resources to assist the health services across the winter period and the publication of the HSE service plan outlining how those funds will be spent is to be welcomed.

The Department of Health has been working with the HSE throughout the year to ensure the most effective response to the pressures on our hospital system associated with the winter period. As part of that process, integrated winter preparedness plans have been developed by hospital groups and community healthcare organisations to meet the anticipated surge in demand for healthcare services during the winter months. The plan will run until 31 March 2019 and includes a period of focused action from 17 December to 13 January on nine key hospital sites and their associated community healthcare organisations. Improved integrated working and enhanced community supports are central to the focus period. Bed capacity and home supports are being increased over the winter period.

This is a new and innovative approach by the HSE which seeks to build on the learnings from previous winters and the success in handling major events this year. Importantly, the plan optimises the use of existing resources and provides an alternative to emergency departments for patients, including extended opening hours and expanded services at local injury units, minor injury units and key primary care centres.

A central component of the plan which is already under way is the provision of an additional 550 homecare packages over the winter period to help patients return home from hospital with the supports they need. The winter plan will also seek to increase capacity in the first quarter of 2019. The national service plan 2019 will identify the sites for investment and the associated number of beds as well as the agreed capacity programme for 2019.

These initiatives will increase the number of available inpatient beds in the acute hospital system to more than 11,000, a level last seen in 2009. While I accept that the coming months will be very challenging, this plan represents a system-wide response to this challenge across the health service. It will be led at national and local levels by integrated teams representing community and hospital services.

Deputy Michael Harty: The measures outlined in the winter plan are very good in theory but will be very difficult to implement in practice. They are superimposed on an already con-

gested system which has no spare capacity. Hospital capacity in Ireland runs at approximately 95% to 97%. It is well recognised that a hospital which runs at 85% of capacity or more works very inefficiently, so we are already in a congested system which is working inefficiently. One should not propose putting extra pressure on that system.

The winter initiative proposes reducing the number of outpatient appointments over the period from 17 December to 13 January, but that will further congest the appointments system. More than 500,000 people are waiting for an outpatient appointment but the Government's winter plan proposes extending their wait. It also proposes reducing elective admissions. Our elective admissions run in the region of 72,000 patients. Reducing elective admissions during this period will, of course, free up beds for urgent cases at the winter peak, but that will postpone the calling of patients for elective admissions and extend that waiting list. The plan refers to decreasing diagnostics within hospitals to free up those diagnostics for acute and emergency care but those diagnostic services are already at full capacity.

It proposes discharging patients early, having extra accident and emergency department consultants available and extra consultants on wards to discharge patients. The community cannot cope with the current level of discharges. Our community intervention teams and public health nurses are worked to the bone, but the Government proposes discharging more patients into a system that cannot cope.

Deputy Finian McGrath: It must be acknowledged that attendances in emergency departments are growing year on year and that the health service capacity review indicates that Ireland has among the highest acute bed occupancy rates in the developed world.

The objective of the plan is to ensure the most effective response within available resources to the winter challenges in terms of unscheduled care provision. The four-week enhanced focus period targeting nine sites of concern builds on the experience the HSE has developed in the successful management of recent major events. The winter plan seeks to increase home supports, transitional care beds, and bed capacity in acute and community settings. In addition to winter measures, €10 million will be ring-fenced in the national service plan 2019 to increase bed capacity.

I acknowledge the concerns of the Deputy regarding theory and practice and the capacity issue and reducing pressure on the system. Those are valid points. However, we must deal with urgent cases as a priority.

Taken together, these initiatives will increase the number of available inpatient beds in the acute hospital system to more than 11,000, a level last seen in 2009. Although the focus is often on new and additional measures that will be introduced, it is essential that the health system maximises the use of existing resources and facilities, including model 2 hospitals, minor injury clinics, GP out-of-hours services and primary care centres.

All Members know that the challenges we face are significant and we all want to find the right solutions. We want patient-centred, evidence-based, results-focused sustainable solutions to the challenges currently facing our health services. The winter plan published by the HSE today is a good plan which optimises the use of existing resources. It represents a system-wide response to the challenges the health system will face in the coming months and it will be led at local level by integrated teams representing community and hospital services.

Health Services Funding

Deputy Louise O'Reilly: Some €346 million was targeted for savings in health in 2018. For a long time, I have been asking how that figure was reached, but I cannot get an answer. It is described as a targeted savings measure. It sounds as though a lot of work went into calculating the figure. However, I have asked very senior figures in the HSE, representatives of the Department of Health and a colleague of the Minister of State, Deputy Finian McGrath, to explain the calculation of the figure and I have not received an answer. The cynic in me thinks that somebody proposed a figure of €350 million but somebody else proposed €346 million because that would make it seem as though some targets had been identified or some work had been done in that regard.

Obviously, the Minister is aware that the target was missed. Why was it set in the first place? If we are to investigate that, perhaps we should begin by examining from where the targeted savings figure came. The phrase “targeted savings measure” brings to mind targets, savings, amounts and measures but all I see is a figure which nobody can explain.

The Minister of State, his Department and the HSE would do well to heed the very wise words of the Irish Fiscal Advisory Council. The council said the health budget should be well founded and credible. It also spoke about the budgetary process within the health service the Government presides over and described it as suffering from weak planning and weak spending controls. Therefore, in saying this, I have the backing of the council.

The figure of €346 million was a savings target given to the HSE. I have been questioning a number of people on this. The more I question and the more the lack of answers becomes more apparent, the more worried I become that the figure was plucked from the air. I spoke to one of the Minister of State's colleagues about this. The conversation is on the record on the health committee. I must say again that I sincerely hope the Government does not get the figure from the same place as the lads we all heard on the telephone call. That is how it looks to me because nobody has been able to justify to me where the figure came from. Did the Department sit down with the HSE to come up with a figure? Was it just given to the HSE as a target to be achieved? Did the HSE come to the Department with the figure? Everyone I have asked has not been able to tell me how the figure was arrived at. I sincerely hope the Minister of State can tell me how it was arrived at. If so, perhaps he might be able to give me a list of the savings targets. What was targeted? What amount was targeted? By how much did it fall short? We know the target was not reached. That has been established and acknowledged and nobody will dispute that. If the target was not reached, have we any idea why such an overly ambitious target was established given that the health service is underfunded? We know it is underfunded because we were discussing the supplementary budget at a meeting of the health committee only this week. We know the health service is underfunded, yet somebody believes savings of €346 million can be made.

Deputy Finian McGrath: I thank the Deputy for her important question. I hope we can get to the bottom of the issue.

The HSE national service plan set out in 2018 funding for health services totalling €14.556 billion. A sum of €14.411 billion was originally allocated to the HSE by the Department, with €145.9 million held back for new developments, most of which sum has since been released. The national service plan for 2018 included the establishment of a value improvement programme, VIP, which considered how to reduce the costs of delivering services without impact-

ing negatively on either the level or quality of such services. The HSE prepares its annual service plan on the basis of a set of estimates and assumptions. In calculating the VIP target of €346 million in the 2018 plan, the HSE went through a process that considered the level of service it could currently provide with the available funding, the level of activity that could be tailored to fit the funding and what level of activity was almost entirely driven by demand.

The health service is very complex, as the Deputy knows. It is the provider of last resort, the provider of 24-7 services and a place of safety. There are a number of areas, including emergency departments in hospitals, disability, residential placements and similar areas, in which a activity of a certain level will happen even if there is not specific funding for it. I know this from disability crises. The HSE, through its planning process, determined a need for savings of about €346 million. A core national team was established to support the system in delivering the VIP, working as part of the performance improvement management unit. Despite an initial promising start, progress in identifying and advancing proposals, and actually securing the targeted savings, was slower than anticipated. Contributing factors to this were the significant operational management pressure due to the winter surge, an extensive flu season and storm emergencies, in addition to particular calls on the VIP senior team to support GDPR implementation.

The HSE is now putting in place appropriate resources across the system to ensure delivery of progress on the programme. There were three distinct themes within the overall programme. The HSE led on two themes, namely, focusing on a cost-reduction programme at service level and focusing on a corporate value programme. The service-level programme focused on cash-releasing initiatives in 2018, such as reductions in the use of agency services and conversion to full-time permanent posts, where the latter two are local and not linked to corporate-level initiatives, such as the nursing task force, and renegotiated supplies and utilities contracts. The HSE identified a €77 million savings target in this area.

In the corporate value programme, the HSE was tasked with identifying savings and cost reductions across its entire corporate operation. This might include better control of central administrative costs such as travel and better management of supplies. It was envisaged that this programme would identify savings of €119 million. A number of savings initiatives are in progress. Work is ongoing with respect to a number of corporate-level initiatives identified earlier in the year.

Additionally, within the overall VIP, the Department of Health was to work with the HSE within a shared governance and oversight framework on a strategic value programme. This would be a multi-year strategic initiative with the intention of achieving savings of €150 million in 2018 through identifying and implementing savings from productivity, improved models of care, policy implementation and delivery of service reform. To date, the most progress has occurred in VIP theme 1, which had an overall savings target of €77 million. The targeted savings were allocated over acute hospitals and community healthcare organisations, CHOs, and the HSE has indicated that the expected realisation in 2018 will be approximately €60 million, with the acute hospitals largely achieving their targets but the CHOs falling somewhat short.

VIP theme 2 savings are being assessed across all parts of the system, and this review will be reported at the end of the year. There was no progress made on VIP theme 3 in 2018, and this has contributed €150 million to the deficit in the HSE, which amount will be funded via the Supplementary Estimate. It is envisaged, however, that the groundwork undertaken during the year will support and promote the establishment of value-improvement measures in the context

of 2019. I hope that goes some way towards answering the Deputy's question.

Deputy Louise O'Reilly: I did not think anyone could confuse me even more; fair play to the Minister of State. What he is saying in his response is that the HSE, through its planning process, determined the need for savings. Therefore, it identified the need itself. The Minister of State will appreciate that is not exactly what the HSE said to me, but that is fine. It was stated the targets were not hit because of the winter surge. That happens every year, yet it surprised those responsible. They were also surprised by the flu and the storms. Perhaps it is fair enough to have been surprised by the storms but I really do not accept the other two reasons. Having made reference to the savings for 2018 and bearing in mind it is now December, the Minister of State said the HSE is now putting in place "appropriate resources across the system to ensure delivery of progress on the programme". I am not a big fan of having to speculate to accumulate but that is essentially what is being done. Money is being put in so the delivery of progress on the programme can be ensured.

This leads me to another question, namely, the question of how much money is involved. The health service did not reach the target of €346 million for reasons I do not accept as valid but those are the reasons given. Consequently, out of some other budget, money now will be provided to the HSE to facilitate it to put in place appropriate resources across the system to ensure delivery of progress on the programme. The end of the Minister of State's reply refers to a multi-year strategic initiative. As these are targeted savings for one year, a multi-year strategic initiative presumably will have multi-annual savings stacked into it. Does the Minister of State understand why I might be a little confused?

Deputy Finian McGrath: I do. I am confused myself.

Deputy Louise O'Reilly: Is he in a position to shed any light on it? I am a lover of detective novels when I get the time to read them. I think Miss Marple would struggle with this. Can the Minister of State identify the amount the Department will now put in to achieve the process that will evaluate how the Department did not achieve the savings? People might be interested in that.

Acting Chairman (Deputy Bernard J. Durkan): The pot of gold, Minister of State.

Minister of State at the Department of Health(Deputy Finian McGrath): I thank the Deputy for raising these very important questions. There are times when I get confused myself. My initial response is that the HSE said there was a need for savings, and the bottom line is that this involves a number of areas, including emergency departments in hospitals. I know from my work in the disability sector that sometimes an emergency case can go from a normal residential place of €80,000 or €90,000 up to perhaps €250,000 in a crisis. Regarding residential placements, there are certain activities for which there is no specific funding. Furthermore, the HSE has indicated to me a series of actions being undertaken to maximise the delivery of the value improvement targets while at the same time not impacting the HSE's ability to deliver on the planned activity levels set out in the national service plan, NSP, for 2018. Delivery of savings is in progress, which reflects the success of the service level initiatives undertaken. The HSE has indicated that the expected realisation in 2018 will be approximately €60 million. Work is ongoing in respect of the number of corporate level initiatives and will be reported by the end of the year. I will raise the other questions the Deputy has asked with the Minister, Deputy Harris, and try to come back to her with an accurate response.

Deputy Louise O'Reilly: I thank the Minister of State.

Acting Chairman (Deputy Bernard J. Durkan): The third Topical Issue matter is in the name of Deputy Joan Collins. It is to the Minister for Employment Affairs and Social Protection and is to discuss the delay in proceeding with implementation of the Children and Families Relationships (Amendment) Act 2018. The Deputy has four minutes to make an initial statement.

Deputy Joan Collins: The Minister is not in attendance, though. I was not informed she would not be able to make it.

Acting Chairman (Deputy Bernard J. Durkan): The Minister of State-----

Deputy Finian McGrath: The Minister is tied up.

Deputy Joan Collins: May I move the matter to next Tuesday?

Acting Chairman (Deputy Bernard J. Durkan): You may.

Deputy Joan Collins: Then I request to do so because, while I mean no disrespect to the Minister of State, I wanted a reply from the Minister.

Acting Chairman (Deputy Bernard J. Durkan): That is fine.

Deputy Finian McGrath: The Minister is at a European Council meeting.

Deputy Joan Collins: Will she be back by next Tuesday?

Deputy Finian McGrath: Yes. She will be back tomorrow.

Deputy Joan Collins: Next Tuesday, then. Is that okay?

Acting Chairman (Deputy Bernard J. Durkan): That is agreed.

Deputy Finian McGrath: It is agreed.

Messages from Select Committees

Acting Chairman (Deputy Bernard J. Durkan): The Select Committee on Housing, Planning and Local Government has completed its consideration of the Local Government Bill 2018 and has made amendments thereto.

The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Data Sharing and Governance Bill 2018 and has made amendments thereto.

Estimates for Public Services 2018: Message from Select Committee

Acting Chairman (Deputy Bernard J. Durkan): The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the following Supplementary Estimate for public services for the year ending 31 December 2018: Vote 12 - superannuation and retired allowances.

Saincheisteanna Tráthúla (Atógáil) - Topical Issue Debate (Resumed)

Women's Resource Centres

Deputy Martin Ferris: At 11.30 a.m. today the Tralee Women's Resource Centre closed after 32 years. For the past 32 years the centre has provided a tremendous service to women in Tralee and indeed women from outside of Tralee, including many areas out towards north and east Kerry. I pay tribute to the staff who worked there and voluntarily gave of their time to the women of Tralee. The centre made a tremendous contribution to women most in need down through the years. I find it very difficult to comprehend how after all these years and the tremendous service the centre has provided, it has now been closed as of today. A review was conducted by the board of the Tralee Women's Resource Centre, TWRC, which has sadly concluded that the organisation is no longer as relevant as it once was when it was founded three decades and two years ago. I often wonder, how does one define "relevant"? Does it mean that the centre does not have the same numbers coming through the door? Does it mean that the people coming through the door have different problems from those they have had over the past 32 years? The reality is that in the past 12 months, 2,500 people used the Tralee Women's Resource Centre. I cannot understand for the life of me how someone with the stroke of a pen can decide it is no longer relevant and that the work can be taken up by other bodies. In the review carried out over six weeks ago, perhaps ten weeks ago, it was suggested that when the centre moved from the centre of the town to its current address, Áras an Phobail, it was probably the wrong move, yet 2,500 people have been to the centre in the past 12 months. Its relevance and importance is not lost on the women of Tralee and the surrounding areas; its value and importance is embraced by them. The people who worked in the centre and who have contributed to maintaining it for the women must be highly commended for their tremendous work and what they have done.

I do not know what answer the Minister of State will give me - I will hear it in a minute or so - but for the life of me I cannot understand how the HSE or any other section of Government can justify this action. It is terribly wrong. Today women came to the protest to voice their support for the centre and their anger at its closing down. Perhaps some of them had been through the centre and got tremendous service there. There were others who have been supportive of it and the service it has given to women in Tralee and Kerry in general.

What will the Government tell these women, the people who have worked at the centre and kept it open and the people who were using it? Will the Government try to give us some reason as to how what has happened can be justified? I would appreciate the Minister of State's answers and I thank him.

Deputy Finian McGrath: I thank Deputy Ferris for raising this very important issue. I am

taking this matter on behalf of the Minister of State, Deputy Catherine Byrne.

The Tralee Women's Resource Centre is a drop-in centre funded by the HSE, Tusla and the Department of Employment Affairs and Social Protection. It had a dedicated support worker for violence against women. The brief for the centre is to support and inform women of their entitlements and lobby and campaign on issues affecting women while also establishing networks between the existing women's groups in the area. The centre has made an important contribution to the provision of services for women in Tralee and the surrounding areas. It has also supported the development of groups which work on behalf of women. Its services have included counselling in situations of crisis pregnancy, support for women affected by domestic and gender-based violence and support for migrant and refugee women.

I understand that the Tralee Women's Resource Centre has decided to cease its services. The board of the centre carried out a review of its operations and concluded that the organisation is no longer as relevant as it once was, so the board made this decision. Increased availability of a range of services provided by other organisations and increased demands and challenges have resulted in the decision to wind down the services of the women's resource centre. The move from the town centre to a new premises may also have been a factor in the fall in the number of clients using the centre. This is the second reason. I understand that the centre is endeavouring to make alternative arrangements for its users. The HSE has funded the centre to provide a confidential service to women in crisis, involving support, information and listening. The HSE has advised the Department of Health that the decision to close the centre was a matter for the board of the centre, and the HSE fully supports its decision. The HSE is linking with the organisation to explore alternative arrangements for users of the centre. It can be traumatic and emotional when a centre closes, especially one in existence for over 30 years. I take the Deputy's point on that. It can, however, also be the right decision when taking account of all the circumstances. On behalf of the HSE and the many users of the centre over the years, I pay tribute to the work carried out by the centre. In particular, the Minister of State, Deputy Catherine Byrne, would like to acknowledge the contribution of the voluntary board of directors of the centre and the staff employed there. I will bring all of the Deputy's concerns back to the Minister of State.

Deputy Martin Ferris: Much of the Minister of State's reply is part of the review I have with me. It is important to note the services that the centre provided. They included counselling in situations of crisis pregnancy. We have just spent days and weeks debating the Bill on abortion here. The centre also supported women affected by domestic and gender-based violence, which is increasing in many areas, as well as migrant and refugee women. We have a sizeable number of migrants and people seeking refugee status in Tralee. The Minister of State said that the board of the centre carried out a review and as a consequence of that the centre has closed down. I dispute that.

I do not believe for one minute the suggestion that the board voluntarily decided to cease functioning. I would like to know if the closure related to funding. It is not easy to get answers. I put questions to the Minister in regard to the funding that was provided through the Tralee Women's Resource Centre and where that funding has now been redirected. The Minister of State stated that a group of concerned women may be willing to reconstitute the organisation with a view to reopening the centre as soon as possible. I do not think that this decision was one taken by the board after a review. I am certain that if a board is told funding is going to dry up, that may well be the reason behind the closure. It is such a small amount of funding for such a tremendous service.

It is a service to people in situations of crisis pregnancy, gender-based violence and domestic violence as well migrants and refugee women in a town that is growing. There are more than 20,000 people now in Tralee. It has been said that the centre was no longer relevant because not enough people were using it. I dispute that. There were 2,500 people who used the centre in the last year. That is a significant number of women and many of them are victims of the issues to which both the Deputy and I have referred. I want to know where that money is going and whether it is being redirected. Was that funding withdrawn? Is that funding still available if a new Tralee resource centre was set up?

Deputy Finian McGrath: I thank Deputy Ferris for raising this important issue and I do not doubt for one minute his sincerity. I value the work voluntary organisations do. I know this myself as I came into politics through the voluntary sector. Voluntary organisations play a key role in the provision of health and social care services. It includes the areas Deputy Ferris mentioned, as well as the elderly, care of people with disabilities and supports for homeless people, domestic violence victims and migrants. As a society, we owe a debt of gratitude to those who work in the voluntary sector.

In recognition of this role, the Minister for Health, Deputy Harris, has established an independent review group to consider the strengths and weaknesses of this model of service provision and the issues that arise from the public services perspective. This is where there is light at the end of the tunnel. This group is to make recommendations on how the relationship between the State and voluntary organisations should evolve in future. The Tralee Women's Resource Centre received about €600,000 since it opened in 2013. The closure of the centre highlights the relevance of this review. The Minister for Health will consider the report of the independent group when it completes its deliberations. In the meantime, the Department of Health is committed to working with voluntary organisations to improving health and social care outcomes for the vulnerable in society. I will, of course, bring the genuine concerns raised by Deputy Ferris back to the Minister for Health, Deputy Harris, and the Minister of State, Deputy Catherine Byrne, and examine if there is any other way of helping if another group emerges on the scene to develop those services.

International Protection (Family Reunification) (Amendment) Bill 2017 [Seanad]: Second Stage [Private Members]

Deputy Clare Daly: I move: "That the Bill be now read a Second Time."

I find myself in the unusual situation of moving a Bill that is not mine. I cannot, unfortunately, claim the credit for it. The Bill results from the efforts and work of Senator Kelleher and her team, and indeed the Members of the Seanad Civil Engagement Group. Great credit also has to go to Nasc Ireland, Oxfam and the Irish Refugee Council. They all worked with Senator Kelleher on this Bill. It passed through the Seanad but there was no equivalent to the Civil Engagement Group in the Dáil, so the Business Committee very kindly agreed to schedule the Bill in this slot and asked me to take it forward today.

I also acknowledge the role of Deputy Fiona O'Loughlin who held a briefing on this issue earlier this afternoon and who has been incredibly supportive of its provisions. In supporting the Bill, as Senator Kelleher said when she introduced the it in the Seanad, this is really a modest proposal. It came out of a substantial and unnecessary erosion of the right to family reunification in the International Protection Act 2015. When that Act commenced, it removed

the discretionary right, that had existed under the old Refugee Act 1996, to apply for extended family members to come to Ireland. It also introduced a one year time limit for refugees to submit an application for family reunification.

All this Bill does is broaden the scope of the definition of “family members” eligible to include a dependent grandparent, parent, brother, sister, child, grandchild, ward or guardian of the sponsor. It reinstates section 18(4) of the repealed Refugee Act 1996 but without the discretionary element for the Minister. It is not earth shattering. This Bill will not result in recognised refugees successfully applying to have 30 of their healthy strapping cousins, uncles, aunts or sisters coming to live with them. All it does is allow somebody who has come to Ireland, and perhaps left an elderly or disabled parent with nobody to care for them, to apply for that person to come here as well.

It would, for example, allow a Syrian mother of a 19 year old daughter, who is dependent on her, to come to Ireland. She could apply for that to happen. She cannot do that at present and that is something that would be absolutely abhorrent to most parents. As the Irish Human Rights and Equality Commission, IHREC, pointed out at the time, the definition in section 55 of the International Protection Act 2015 of a member of family who may enter and reside in the State is far too narrow. Notably, it excludes dependents. In its recent review of the provisions of the Act, IHREC pointed out that the European Court of Human Rights, ECHR, in its jurisprudence on Article 8 of ECHR rights, has held that the right to family life extends beyond the nuclear family to relationships between grandparents and grandchildren, uncles and aunts with nieces and nephews and between adult siblings.

Bearing in mind that is Europe’s highest court and it is of the view that family extends beyond nuclear, it is hardly surprising that since the 2015 Act was commenced there has been a massive upsurge in cases before the courts. Between January and June of this year, there have been 18 such cases on reunification before the courts. I put it to the Minister of State that perhaps it is time he started listening to the NGOs in this sector, to the Members of the Seanad and to these international organisations. The Office of the United Nations High Commissioner for Refugees, UNHCR, for its part, has repeatedly argued for a liberal interpreting of “family” for the purpose of family reunification. As it states, the family plays an essential role to help refugees to rebuild their lives. It can also provide critical support to adapt to new and challenging circumstances. Restoring families can also ease the sense of loss which accompanies many refugees who, in addition to family, have lost their country, networks and life as they knew it. Family support in this sense goes beyond any traditional cultural understanding of a family but will include those who rely and depend on each other. It makes sense and is so obvious that it hardly needs saying. However, sometimes when it is so obvious, we cannot see it.

The family reunification provisions under the old Refugee Act were not exactly liberal to begin with. It is shocking that the Government removed them from the International Protection Act 2015. While it might reassure the Government, the numbers involved, unfortunately, are tiny. Between 2008 and 2016, before the Irish refugee protection programme, IRPP, was set up, Ireland granted asylum to a total of 3,485 people. Add to that those who have come in under the IRPP over the past several years, the total comes to 6,000 people over ten years. Can the Government not find it in its heart to allow a tiny number of people, probably 1% of the population over a decade, apply to have their dependent parents, grown-up children or siblings join them? When the Refugee Act was in operation, the number of family members of recognised refugees who applied to come and join them was roughly two. I cannot understand the Government’s resistance to it.

It is utterly appalling that we stand over a system where people can come here as unaccompanied minors, get their status after a period - for some of them it might take several years - but they cannot apply to have any family member to come and join them if they get their status after they reach the age of 18. They may have left their family when they were under 18. They may have been sent out with every penny the family had to get them to safety. They may have spent years trying to find their family members in a conflict zone. Obviously, it is not as easy as putting a stamp on a letter and hoping it will get there.

War dislocates people and separates families. It can take years to find one's family. Take the case of people who eventually find their family and apply for them to join them. However, it is turned down because that person got his or her status when he or she was over 18. The isolation that one was sent into as a child remains into one's adult years. It is heart breaking to think that there are people in that situation. Critically, the Bill removes the time limit for the making of an application once international protection status has been granted. This is entirely sensible. As Oxfam and the Irish Refugee Council pointed out, it is not unusual for people to take a long time to find relatives. Accordingly, this is an important provision.

I pay tribute to the work put in by Róisín Hinds completing the important study into refugees' experiences of the family reunification system since the changes were brought in with the 2015 Act. She tells of the real stories and the devastating consequences of these measures. She talked about a father who spent months frantically trying to track down his daughter, only to find out he could not apply because the 12-month limit had passed. We know of the people who spent years languishing in direct provision. If that was not bad enough, we have had the added trauma that as a consequence of the delay of those in direct provision getting their status, parents have subsequently tried to apply to get their daughters but they cannot leave. Accordingly, the parent is left here alone.

In the Seanad, we heard heart-breaking stories of elderly and sick grandmothers left in squalid conditions on the island of Lesbos. I know the Minister was at the justice committee yesterday when we discussed the conditions in Camp Moria in Lesbos. They are so bad there that children as young as ten are trying to take their own lives inside the camp. Overcrowding is so extreme that asylum seekers spend as much as 12 hours a day waiting in line for mouldy food. Up to 80 people wait for a shower and 70 people for a toilet. Workers talk about raw sewage leaking into the tents where children live. When the BBC visited the camp last summer, while it was filming, two people were stabbed to death in the queue for food. Our legislation, however, states that recognised refugees in Ireland who have a family member in that situation have to resign themselves to leaving an elderly grandmother there. It is shocking. Having one's family around one is important. We all know that instinctively.

I know the Minister will tell me that the Government recognises family reunification is important and this has been recognised in the humanitarian admission programme which is part of the Government's commitment under the Irish refugee programme. He will tell me that this has broader criteria in terms of family members than the reunification under the International Protection Act. However, it is limited to people who are currently in conflict zones and it is operated under the Minister's discretionary power. In other words, it is substantially more limited than what we are proposing here today. I know this argument was repeatedly made by the Government in the Seanad when Senator Kelleher moved her Bill. However, that argument was rejected by our colleagues in the Seanad. I trust and hope the same will happen here in the Dáil.

What the Government is attempting to stand over is a two-tier international protection sys-

tem in this country. It is incredible that we have managed to designate some people fleeing from war and persecution as more deserving of care and compassion than others fleeing other wars and persecution. It is a ranking system for wars. If one is fleeing from one of the top five wars, as selected by the western powers, then one can get treated as a full human being. Having one kind of family reunification for one type of refugee and another for a different type is disgraceful in this day and age.

Ireland has one of the lowest refugee recognition rates in the world. In 2016, 65.6 million people around the world were displaced and seeking refuge. We granted refugee recognition to 646 of them, 0.0009% of the total, yet we are one of the richest countries in the world. It is a pathetic number. To quote Senator Kelleher again, what we are looking at here is a modest proposal. If the Government cannot find it in its heart to support it, I give up. I do not know what it is at. As a result of the campaign initiated by Oxfam, the Irish Refugee Council and Nasc, it was heartening to see the level of support and emails from citizens appealing to politicians at this time of year to get this Bill passed and to allow families to be reunited. It is striking that this is in some ways indicative of new politics with the Business Committee taking the decision to introduce an entirely new process in order to get this Bill, which was passed by the Seanad, into the Dáil. I thank the Ceann Comhairle and all the members of the Business Committee who came up with this creative approach to get us here today. They did not do it to have it rejected though. They got it here to undo the wrongs of the 2015 legislation. That is not speculation. It is a fact as a result of the studies done.

We also need to look at the supports for refugees under family reunification. Having dealt with many families in this situation, when they get here, there is absolutely nothing for them in many instances. This has resulted in people who fled war in Afghanistan going back there because they were homeless on our streets. That is shocking. There are no designated organisations to take up the process of family reunification in its entirety. Take the example of where the sponsor is an unaccompanied minor. Tusla may have worked with that child in care. It is then given the job to reunite the family without the resources to deal with it in a proper way. One might have a case of a young boy, separated from his family at 13 or 14 years of age, sent to the west who is now trying to bring his mother here.

7 o'clock

His mother has not seen him since he left as a child. Now he is a man, but he is really only 17 or 18 years of age. His mother comes to Ireland with no English and never having left the country. She is more or less dumped in the care of that young man, who then must do everything - run around the Department of Employment Affairs and Social Protection to get a PPS number; if they are lucky enough to get a house, to get bins for it; and endure the stress of rebuilding a family relationship in an alien country after having been separated for so long. The situation is so challenging anyway that we do not need to put barriers in place.

I salute Crosscare, which has done tremendous work in highlighting the shortcomings in this area. I thank Senator Kelleher and our Seanad colleagues in the Civil Engagement group. We owe them. We also owe it to the children and vulnerable families, whom I am so glad we gave refuge to, to allow them to be reunited with vulnerable family members who desperately need their help. I hope that the Minister of State reconsiders.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I am pleased to be present on behalf of the Minister for Justice and Equality, Deputy Flanagan,

who conveys his apologies.

Deputies will be aware that, for a number of important reasons, the Government opposed this Bill when the Seanad discussed it on Second Stage in July 2017 and on Committee Stage in November 2017. A number of proposed amendments to the Bill were tabled on Committee Stage and the Government opposed those as well. This is not to say that the Government is not committed to assisting family reunification proactively. Far from it, as I will outline in my contribution. However, it maintains its opposition to the Bill's provisions. I will briefly outline the key reasons for this.

Both this House and the Seanad passed the International Protection Act 2015, including the changes made to the family reunification provisions, in December 2015 by a significant majority. The Act brings Ireland closer into line with the provisions of the EU family reunification directive and, indeed, contains more generous features, including a longer application time limit and no imposition of economic conditions on sponsors as exist in other member states. At this important time in Europe when EU migration is in danger of becoming a more divisive issue, it is important that we retain our core values of offering assistance and protection to those most in need while not creating a bespoke situation significantly out of step with our EU partners and neighbours.

The proposed Bill seeks to restore the broader definition of "family member" under the old Refugee Act 1996, as amended, while removing the element of ministerial discretion that was contained therein. These discretionary aspects have been used effectively by this Government to respond to a range of humanitarian situations that have arisen in recent times. The amendment proposed by the Senators to the 2015 Act would replace the discretionary permission under section 18(4) of the repealed 1996 Act with a legal right to an open-ended family reunification for extended family members. This would legally oblige the State to reserve resources for unquantifiable numbers of potential applicants with future rights instead of directing available resources to those in greatest humanitarian distress today.

The right to family reunification under Irish law requires that admitted family members be resettled in the same locality as the sponsoring refugee. Local authorities, which are already feeling the strain of providing permanent housing for refugees in the midst of a national housing crisis, would be required to provide additional houses in their areas for the extended family members proposed under the Bill even while we are struggling to identify and share these potential resources throughout the country for those in immediate danger as they flee conflict. This would have significant and unquantifiable impacts on the provision of housing, healthcare, education, welfare payments and other State supports and has the potential to create demand in areas with no capacity to respond. The Bill does not consider the financial impacts of its proposal. As a result, the Government will, if it is deemed by the Ceann Comhairle that such a message is required, decline a money message for this Private Members' Bill.

By reversing the reforms of the 2015 Act and reintroducing an open-ended scheme for a broader definition of "family member", the Bill would substantially curtail the State's ability to respond to an ongoing and future crisis by way of resettlement and other forms of humanitarian admission. Our priority should be to ensure that we can support a maximum number of vulnerable families instead of directing resources towards a smaller number of families who already have had the opportunity to avail of family reunification under our law.

The Bill fails to recognise that the discretionary permission under the 1996 Act has not been

abandoned. The Minister proactively applies this provision under the Irish Naturalisation and Immigration Service, INIS, non-EEA policy document on family reunification. Where appropriate, the Minister will waive the economic conditions for sponsors on humanitarian grounds. This practice will continue. This form of discretion continues to be the most flexible tool available to the Minister to allow the State to respond to humanitarian cases when and as they occur. It is impossible to predict in law every scenario that may need to be considered, and ministerial discretion allows the broadest possible humanitarian consideration for such changing and volatile situations facing those fleeing conflict. I urge Deputies not to reduce the impact of such considerations.

The Government actively promotes and provides for family reunification as an important part of the process of integration for refugees in Ireland, notwithstanding that the INIS policy document and other immigration permissions already provide legal avenues for many of the specific cases raised by Senators during the Second Stage debate in the Upper House. In addition, within the framework of the Irish refugee protection programme, IRPP, the Minister and I announced a new IRPP humanitarian admissions programme, IHAP, on 14 May 2018. We did this so that we would be able to respond in a flexible manner targeting those with the highest humanitarian needs and not be confined by the provisions of a prescriptive law. Thus, the scheme is aimed at those most in need of bringing their families here to urgent safety. The categories mentioned by Deputy Clare Daly are covered by this law.

The IHAP provides an opportunity to Irish citizens and persons with convention refugee status, subsidiary protection status and programme refugee status who have immediate eligible family members from the current top ten major source countries of refugees - the Syrian Arab Republic, Afghanistan, South Sudan, Somalia, Sudan, Democratic Republic of the Congo, Central African Republic, Myanmar, Eritrea and Burundi - to propose to the Minister that these family members join them in Ireland. The top ten source countries are selected by the UN High Commissioner for Refugees based on grants of status worldwide and not by any western power as the Deputy alluded to. The list is also subject to change. IHAP prioritises those in immediate danger, as does the IRPP.

IHAP is a two-year programme with 530 spaces available. The first call for proposals ran from 14 May to 30 June 2018. Applications received from the first call have been triaged and processed and I can advise the House that 53 proposals in respect of 91 beneficiaries have passed final security checks, and grant letters will issue during the third week of this month. I can further advise that approximately another 100 proposals in respect of 256 beneficiaries have been identified as potential grants, subject to final security checks. The speed with which this programme could be introduced and processed is an example of a discretion-based system that can and does respond to humanitarian needs. I am pleased to say that the second call for proposals, which will include the opportunity for those who submitted incomplete proposals in the first round to submit fresh applications, will be announced shortly. Thus, in a short time, we will welcome 530 vulnerable family members under this scheme to Ireland. It is anticipated that the second and probably final call for proposals under the programme will launch on 17 December 2018 and run until 31 January 2019. Following a review of its impact and success, we may be in a position to roll out similar schemes in the future at times of crisis.

The debate around this Bill to date has not sufficiently considered the number of legal paths for residents in Ireland to be joined by family members. As well as the humanitarian admission programme that I have outlined, the ministerial discretionary powers are additional to the family reunification provisions already provided for in the 2015 Act, which taken in their entirety

allow the Minister to operate a flexible and balanced migration approach that should address many of the motivating concerns of the Senators who proposed the Bill.

The Government has ensured that family reunification is planned and managed to respond flexibly to those most in need and to match resources accordingly. It allows us the space to offer shelter to more people and to maximise resources within the community to ensure that we all work together in our response to vulnerability. To return to open-ended procedures that slow the system and require resources to be retained to meet possible future legally prescribed demands is not the process identified by the Government as the optimum way to respond quickly to crisis humanitarian situations. Indeed, it could have the opposite effect.

In solidarity with other member states, Ireland continues to play its role in helping all who flee conflict. It has responded this summer to requests for assistance to take those seeking protection from ports in the Mediterranean and to accept unaccompanied minors. In addition, further significant numbers are expected shortly under the resettlement programme. Our current legal provisions remain the most accessible in the EU and our discretionary humanitarian responses are at the forefront of European initiatives. I assure the House that we will continue to prioritise family reunification while retaining the flexibility that has proven so effective to date in making a real difference to those who depend on us for international protection in times of conflict. I am confident that the existing provisions of the Act and the proper use of discretionary powers in a progressive manner have enabled the Government to respond proactively and with compassion to those most in need. We want to continue, on behalf of the Irish people, to respond to those fleeing conflict and wishing to build a new life in Ireland for themselves and their immediate family members. As everyone knows, we welcomed 41 unaccompanied minors from Calais. Tusla has worked with them to progress 21 families to join the unaccompanied minors welcomed here.

Deputy Clare Daly raised some cases. I must point out that they are eligible to make a proposal under IHAP and grandparents are also included. This is why we have the IHAP system. The Deputy also mentioned some people who came here as unaccompanied minors and upon reaching 18, could not request family members to join them here. If she could point out the particular prohibition, I will have it examined but we are not aware of it currently so perhaps she could bring that to our attention. Perhaps she could write to me because I would be anxious to hear about it.

There is an implication in the publicity around this Bill that it is giving a right to family reunification for the first time. Every person found to be in need of protection has a right to family reunification guaranteed in Irish law under the International Protection Act 2015 as defined. We are working with the UNHCR on IHAP. One staff member is assigned to the scheme. I must also point out that the Government is not a recent convert to family reunification. We guaranteed it in the International Protection Act 2015 and the former Minister for Justice and Equality, Alan Shatter, brought in the Syrian humanitarian admissions programme in 2014 while another former Minister for Justice and Equality, Deputy Fitzgerald, guided the Irish refugee protection programme in 2016. The current Minister for Justice and Equality brought in IHAP in 2018. All of this is in addition to rights set out in law benefitting those in greatest need who are trying to flee conflict zones and seek safety here.

We must be very careful about getting rid of discretion. Some Senators have spoken about taking away the discretionary power. Discretion is hugely important here. The Minister can move and make decisions very quickly. Under IHAP, it is very flexible. The numbers that are

coming forward are quite significant so I ask colleagues to think again about this and have another look at it but the Government is not in a position to support this legislation. We are very happy that what we have is working well and is way ahead of and better than what is proposed in this Bill.

Deputy Joan Collins: I thank Senator Kelleher and the Civil Engagement Group and a range of political parties in the Seanad for their support for this Bill. I will make a few general points, which the Minister of State has probably heard before. He knows that the world is experiencing unprecedented displacement of people. Over 65.6 million people were forcibly displaced as a result of conflict, persecution or disaster, which is the highest number ever recorded. There are an estimated 22.5 million refugees, more than half of whom are children. The reality is that only a tiny portion of the world's refugees are able to use safe and legal mechanisms to access asylum. Most of them stay close to the country of origin, often in the same region where some of the poorest communities are helping to provide a safe haven. Low-income countries disproportionately host 84% of the world's refugees. Meanwhile wealthy countries like Ireland host relatively few. Although most refugees stay close to home, some people move further afield in pursuit of international protection.

While the routes to safety taken by refugees may be diverse, a common thread running through their experiences is the breakdown of the family unit. When a person finally reaches safety, their priority is being united with their loved ones. The 2015 legislation closed those doors for people here who are trying to reunite with their loved ones and families. The Irish Government provides limited opportunities for family reunification set out in law. Changes to legislation that began in 2016 have meant that only a very restricted category of family members could apply to be reunited - essentially spouses, parents of minor children and children under the age of 18. This is having an devastating impact on people trying to rebuild their lives in Ireland. The report from Oxfam, the Irish Refugee Council and Nasc Ireland draws out the human consequences of that for those people, the impact on refugee families and their ability to integrate into Irish society. It is important we bring that into it. I know the Minister made the point about IHAP but that legislation is only for the ten UNHCR-recognised conflict zones and gives priority to families that can meet the accommodation requirements of eligible family members. While the scheme would potentially provide a safe route to protection for some, it does not place the rights of refugee families on a statutory footing or address the family reunification needs of those who fall outside these provisions, including those who are outside the recognised conflict zones. Significant additional steps need to be taken to ensure that refugees in Ireland are able to realise their right to family life to benefit both refugees and the communities in which they live because we know people develop in a community when they have their family around them. In isolation, they find it very difficult to settle into a community.

This Bill seeks to amend the International Protection Act 2015 and return to the provisions that governed the Refugee Act 1996, which was both effective and fair. This Bill does not reverse or replace the 2015 Act but in the light of experience, seeks to review some of the changes introduced in 2015. The Bill is supported by Oxfam, the Irish Refugee Council and Nasc Ireland, all organisations that deal directly with the humanitarian crisis of people trying to reunite with their families. The Bill proposes to revert to the definition of "family" in the Refugee Act 1996, gives a more realistic timeframe for people to apply for family reunification, puts family reunification on a statutory basis and allows this Bill to come into force three months after the date of legislative approval. This will ensure a timely response to refugees and family members in crisis.

The Minister of State has said that he will not give a money message. He is closing the door. I think it is a disgrace and a scandal. I am disgusted that the Government has taken this position. The Minister of State is representing the Government and its policy. I still appeal to people in this House to support this Bill.

Deputy Mick Wallace: It is disappointing to hear the Government position on this. I do not necessarily take it as being 100% the Minister of State's position on it. He engaged well with this issue but I am sorry to say that for as long as I have been here, his Government's approach has left too much to be desired. It was at the height of the refugee crisis and in spite of the concerns raised by human rights watchdogs such as the Irish Human Rights and Equality Commission that the previous Fine Gael-Labour Government chose actively to tighten the net on refugees. We should not be putting barriers in their way. I find it a bit disheartening.

In his speech, the Minister of State said that the financial impact of the proposal in the Bill does not really take on board the challenges of the country. It is not an "either or" case. We know the Government should be actively involved in providing housing and facilities for our own people and in many cases is not doing so because it has left it to the private sector to supply housing. Obviously, housing would have to be supplied if we allowed people into the country but the numbers are so small and this Bill only deals with dependents so they would not be moving into a different house but would be living with their families if their families had found a place here. It does not stack up. I find it mad that this money message prevents just about any Opposition position nowadays because if we want to make improvements very often they do cost money. Where is the joined-up thinking? I wish the Government was as concerned about the absolute scandal in NAMA, probably the biggest financial scandal in the history of this State. Over €20 billion has gone missing because of how NAMA has handled its affairs and nobody wants to hold it to account. In the light of that, we are worried about the cost of a few relatives, family members, brothers or sisters coming who belong to families have been put through the throes of war. It is not as though we had nothing to do with it. We still allow Shannon Airport to be used as a US military base. The Minister of State does not want to talk about Shannon but it is fact. More than 65 million people on the planet are displaced and more than half of them have been displaced because of war. It is nuts.

I admire Trump's honesty. Two weeks ago, he was asked if he should stop selling arms to the Saudis because they were engaged in genocide in Yemen and it really was not on that the Americans would continue to supply them with arms. Trump said he was not sure about that. He said the Saudis would buy arms from the Russians or the Chinese. He said there were tens of thousands of jobs at stake in the arms that are going to the Saudis. It is the same argument that is used here for allowing Shannon to be used as a military base. People talk about the jobs it brings in and we are told that we cannot be frightening them away.

I was picked on by a fellow in Ennis once after I got over the fence in Shannon. He told me to stay out of that place because he sells sandwiches there. I am not supposed to be highlighting the fact that it is being used as a military base to allow the Americans to go and bomb the living daylight out of countries and create refugees who then try and come across the Mediterranean to get here with great difficulty. You would not be well.

The Minister of State spoke about the UN and said it was not some western power. I do not know if Deputy Clare Daly mentioned a western power. I wish the UN was a really independent body but, sadly, the UN, whether we like it or not, for all practical purposes is a puppet of the western powers today. That is the truth.

In 2011, Obama wanted regime change in Yemen because the guy there, Saleh, was not able to implement neoliberal policies across the country quickly enough for America's liking. They threw him out and put in their own fellow, Hadi. The internationally recognised government of Yemen is ruled by an American puppet, supported by the Saudis and the UN. Two years ago, when Yemen was being destroyed by the Saudis, with support from the US, UK and France, the UN told us almost 10,000 people were dead. It was the same the following year, and the year after that. They said again this year that only 10,000 were killed. What are they like?

The 2015 Act imposed a tight timeframe of one year within which applications for family reunification can be made. The one-year timeframe has made it extremely difficult for applicants. They have to apply within 12 months of being granted status. Many applications fail due to the tragic fact that it is extremely difficult to locate family members left behind in war zones within this restrictive timeframe.

Deputy Clare Daly and I know a refugee from Afghanistan. His father and brother were killed and he has refugee status in Ireland now. He does not know where his mother and sisters are. How can he make reunification happen? How can the Irish State do it for him within the time restrictions? I do not think it can. His story is not an isolated one.

I really hope there will be serious consideration given to what we discussed yesterday. I really believe the Government will have to look at other countries and not just prioritise Syria and Eritrea. As I said to the Minister yesterday, more than 1.5 million people have returned to Syria now that things are normalising somewhat again and the government is actually getting control of the place. They are getting rid of the jihadists who were mostly funded by the US, Israel and the Saudis. Unfortunately we have not been told the truth about Syria very much. On much of the news, even on RTÉ, they used to quote the White Helmets and the Syrian Observatory for Human Rights as if they were independent entities. We eventually found out they are being funded by the Americans and the Brits, so the news outlets quote them less often now. The message was not a true message but it suited them. You would not be well looking at some of the Syrian groups on Twitter. They obviously have an agenda in how they portray what is going on over there. Some terrible things have happened, there is no doubt about it, but terrible things are happening in other places too.

It would be good if Ireland had a more open-door policy and took in a lot more people. The numbers we are talking about are pathetically low. The notion that Ireland could not handle 10,000 or 20,000 refugees is ridiculous. The population of Gorey increases fourfold in the summer. Gorey has a population of around 5,000 and it becomes about 20,000 in the summer. It manages. We are not talking about taking in 10,000 or 20,000 refugees and putting them all in the one place. There were 8 million people in this country when the Famine came in 1847. There is plenty of room for people in Ireland. We are not a densely populated country. We just need the will to help people that need and deserve it. God knows the Irish went all over the planet when they needed help, needed to work and needed to break out of poverty themselves. We need a warmer reception for these people.

Deputy Bríd Smith: I very much welcome the Bill and congratulate the Civil Engagement group in the Seanad. I see Senators Kelleher and Higgins are present, who I assume are the architects of this Bill. I feel proud that I am in a Parliament that gives a damn, tries to make things better for refugees and feels and sees that in very humane terms.

The measure is very simple. I thought this would be totally unnecessary before I read the

Bill properly. The definition of family, as understood by most people, is not limited to one's wife and kids under 18, but extends to one's sisters, brothers, grandparents and adult children. That does not apply for refugees coming into the country. There is a different definition for their families. When we impose that different definition of what a family means on others who have settled here after fleeing war and persecution, we tell them their families mean less and their presence is, at best, tolerated here but is not really welcome and we do not want their grandparents, sisters and brothers joining them. This Bill is a necessary correction to previous legislation and a positive signal as to how we should treat migrants and others.

In war and incidents of catastrophe, such as great floods and droughts that usually emanate from climate change and global warming, which force people to get out of a country, the parents often are the first to die or to go missing. As they often are the first to be shot, killed or arrested, children are very often left in the care of grandparents and the parents' siblings. It is cruel and blinkered to disregard that.

I have just come from outside the gates of the Dáil where, for the first time in many decades, we have seen organised fascists on the street. The message on their placards, make no mistake about it, is that this is our country, our land in our lifetime. They are all white, male, Irish people who do not want to recognise refugees and want them off the streets and out of the country. They are whipping up exaggerated panic here and across Europe about the UN compact on global migration, which is due to be signed in Marrakesh tomorrow. Like all fascists, they are doing this in an organised way on social media. What is being shared and put about on social media across Europe is, more or less, that the global migration pact is a threat to national culture, that it will end nations' sovereignty and that it will give 59 million migrants free access to Europe. It is being suggested that they will be coming into Dublin Airport tomorrow to demand housing and social welfare benefits. It is being stated that this is a giant plot by George Soros to liquidate our culture and our country - hence the slogan "Our country, our land, our culture in our lifetime". It is being suggested that the UN compact on global migration will prevent people from criticising any immigration policy under pain of jail and that free speech will be denied to those who are brave enough to speak out against the flood that is coming.

What does this compact actually do? I have explained the scaremongering that is going on. It is flying across Europe. There are Nazis outside the gates of this Parliament tonight. I want to analyse what the compact actually does. We need to listen to what others are saying about it. It does absolutely nothing for migrants. It is not legally binding. It imposes no obligation on any state. It confers no rights on any immigrants. It does not concede immigration policy to the UN, least of all to George Soros. The only reason it has been brought about is to co-ordinate a response to the crisis of people drowning in the Mediterranean or being humped off back to slave camps and detained in desperate conditions in Libya. It is being advanced by those who want a proper co-ordinated global response to this crisis. This does not mean that the response is about welcoming migrants, treating them well, giving them homes, giving them education or understanding that with every hungry belly comes a pair of hands and a brain. I think the latter point is a crucial argument that was missing from the Minister of State's response. We need more workers in this country.

Deputy Wallace referred to money that went missing from NAMA. There is no more knowledgeable source in this House on what could be done - and what needs to be done - regarding the housing crisis than Deputy Wallace. I was shocked to hear the Minister of State respond to the Deputy by expressing his opposition to this instrument on the basis that "local authorities, which are already feeling the strain of providing permanent housing for refugees in the midst

of a national housing crisis, would be required to provide additional houses in their areas for the extended family members proposed under the Bill even while we are struggling to identify and share these potential resources throughout the country for those in immediate danger”. He said that this “would have significant and unquantifiable impacts on the provision of housing, healthcare, education, welfare payments and other State supports”. This sort of rhetoric feeds into the organisation of nasty right-wing racists in countries across Europe. I know the Minister of State is not a Nazi. I know he is a decent man. I am not accusing him of being a racist. However, I think it is dangerous that the signal being sent by the Government in this context is that we cannot look after our own. We have to start asking who “our own” are.

Deputy David Stanton: The Deputy should read the rest of what I said.

Deputy Bríd Smith: Who are our own? Are they the very wealthy people who sink their money offshore or avail of tax loopholes so that they do not have to pay their fair share? Are they the people who lost the €20 billion that we cannot find from NAMA, as Deputy Wallace mentioned earlier? Are they the people in the financial centre on the docks who are insisting that we keep €13 billion of Apple money in an escrow account? The resources are there to look after everybody, but they are not being shared equally. The resources are there to look after the grandparents, sisters and brothers of the most unfortunate migrants who already live here. I think this rhetoric is unhelpful in the extreme.

I want to return to the facts of what will happen in Marrakesh tomorrow. Many countries are signing up to the global compact and many countries are popping out of it. Many people, including some who are quite conservative, have said it does not go far enough. According to one commentator:

In fact, the Global Compact – which aims to promote international co-operation on migration flows – is a vague, non-binding document full of long-winded, gobbledygook claptrap that includes a few worthy principles and a couple of dumb ideas. But it won’t force anyone to do anything.

The compact is being used by certain people as an excuse to mobilise racist sentiment. Deputies should be aware that such sentiment is often mobilised on the basis of scarcity of resources. We live in a country that has a housing crisis. It also has a health crisis, with trolleys choking up the corridors of accident and emergency departments everywhere. It cannot look after the special needs of children in its schools even though it has one of the fastest-growing economies in Europe. There is something fundamentally wrong about the way we share our resources. If we are saying we are not going to look after migrants because of the crises I have mentioned, we are sending the wrong signal. We need to come in here every day to demand that wealth is shared equally and that resources are used to look after everybody. There is only one race and it is called the human race. I know the Minister of State agrees with that, but we have to start practising it, believing it and implementing it in our policies. The Bill before the House is a small measure that would go a great way to recognising that.

I repeat that nobody goes anywhere and expects a free ticket. People do not want to sit on their backsides and live off welfare payments. The vast majority of human beings want to use their ability, their work and their intelligence to have an impact on the society they live in. Part of the solution is to give people the right to work. We have debated the rights of people in direct provision previously. This legislation represents a way of starting to recognise that there is a crisis among families living here. They are unable to access their own loved ones and the sup-

ports that such access would bring. I do not know whether the Minister of State has ever tried to put himself in their shoes. I have often tried to put myself in their shoes. I cannot imagine what it must be like to live in the utter misery, heartbreak, sorrow, isolation and loneliness in which they live. They encounter further difficulties of culture and language and they may meet hostility on the streets. I plead with the Minister of State to talk to his Government colleagues about not opposing this Bill. If we do not take positive measures aimed at being inclusive with regard to immigration, we will feed into the sort of filth that is outside the gates tonight and against which we need to build a strong message. I would like the Minister of State to ask the Cabinet to reconsider its position on this Bill and to give it its full support.

Deputy Aengus Ó Snodaigh: This Bill is very welcome. It is a great piece of work that has come to us at this stage. It is probably appropriate that it is in front of the House at this time of year. I have known the Minister of State well for many years. I do not think the words he has read reflect where he has been and where he would like to be. I think the way in which the straight dismissal of this Bill has been stated is the wrong approach. Following a meeting of the Committee on Procedure earlier this week, it was announced that new Standing Orders in respect of money messages are to come before this House on Tuesday week. They will provide, for the first time, for a system that will allow Private Members' Bills proposed by Opposition Deputies and Government backbenchers to progress through the Houses. Under the new approach, when there is a flaw in such a Bill, the flaw will be addressed as part of a collaborative approach and the Bill as a whole will not be rejected. The Government's first port of call will not be to dismiss the Bill out of hand.

I understand the Minister of State's point that ministerial discretion must be retained. He is a benevolent man. Other Ministers in his position have been quite open too. However, there have also been horrendous Ministers in the Department of Justice and Equality over the years. I know that every time a case came before them, they refused it point blank. There have been horrendous people in the Department who have continually refused applications which on appeal, even though there is no appeal, had to be upheld or overturned. In every system there is good and bad. Ministerial discretion can often lead to bad policy. We experience it in the House when somebody comes to us. Some of the organisations that have helped to facilitate the Bill such as Oxfam or the Irish Refugee Council come to us. We will highlight it on Joe Duffy's show. We know if we put enough pressure on Joe Duffy, *The Star*, *The Sun* or whatever vehicle we use to profile a case, the Minister has the discretion which he will use rather than take the flak from the public. There have been recent cases of deportation orders sitting there when all of a sudden the Minister wheels in and, bang, there is no problem and it is sorted. It is the same type of discretion. We have had policies of discretion over the years in other areas of Government policy. Look at what some of those led us to. I am not saying it is black and white but we need to remind ourselves who we are talking about. We are talking about people who have been separated as a result of wars, humanitarian crises and calamities. In some cases, they have been separated because we facilitated wars through Shannon. We have contributed to them ending up arriving on our shores. We have seen it in Yemen where whole villages have disappeared. A family member might not be a blood relative but the last surviving resident of a town that has been obliterated. It might be a tsunami. It might be a humanitarian disaster. The concept of family can be slightly different from that which refers to a direct relative.

It is important we also take note of what has already been said in the Houses of the Oireachtas by Senator Kelleher and others who have discussed it in the Seanad and members of my party and others who have supported it. The report of the Joint Committee on Justice and Equality

on the refugee crisis is also supportive of the Bill. In a recommendation on family unification it called on the Government to introduce a humanitarian admissions programme to offer a safe and legal route for people to flee conflicts and be reunited with family members. The Minister of State announced some of the steps being taken. The Minister, Deputy Flanagan, made an announcement about 36 unaccompanied minors earlier today. We welcome it. They will reach here and in a year's time if they have not managed to locate their families it will be their hard luck. It will be as if they have no family members and they do not exist. If, in five years' time, the family appears, the Government has made it much more difficult.

The Bill is not complete. We can add to it. It could amend section 56(9) of the Act to clarify that a sponsor can include a person who applied for protection as a minor but did not receive the positive direction until after he or she aged out. I am frustrated listening to the debate. Perhaps I am here too long. I have listened to many debates on immigration and refugee issues. I would love if the bureaucracy was at an end. In his speech, the Minister of State praised Ireland as one of the most accessible in the EU. God love us. I do not think so. I have not heard that from anyone in Europe. The Minister of State stated in his speech "Our current legal provisions remain the most accessible in the EU and our discretionary humanitarian responses are to the forefront of European initiatives." There are countries that close all their borders and do exactly what those idiots outside the House will do. I welcome we do not have that approach in Ireland. There are other countries that are a lot more open.

Deputy David Stanton: Which ones?

Deputy Aengus Ó Snodaigh: I will get the Minister of State the list.

Deputy David Stanton: Will the Deputy name them now? Which ones?

Deputy Aengus Ó Snodaigh: Germany and Britain.

Deputy Mick Wallace: Germany.

Deputy Clare Daly: Sweden.

Deputy Aengus Ó Snodaigh: Some of the Scandinavian countries, although some of them are going back on their provisions. Some of them are tightening up. We have not been ahead of the posse on this. There are very few countries, if any, in Europe that will leave a refugee in an application centre or a refugee detention centre for 11 years.

Deputy David Stanton: That is different.

Deputy Aengus Ó Snodaigh: It is not different. It is the whole process. We cannot say one thing is different. It is about the combination and the approach. It is the bureaucracy.

Deputy David Stanton: The Deputy is mixed up.

Deputy Aengus Ó Snodaigh: I am not mixing it up at all. If the Government cannot get it right in one part of the refugee system-----

Deputy David Stanton: The Deputy is mixed up.

Deputy Aengus Ó Snodaigh: The Minister of State cannot understand the perception. I was not the one who said it was on one specific issue. The Minister of State spoke about the system, the legal provisions and our humanitarian responses.

I support the Bill. I urge the Minister of State not to reject it and to allow it to go to Committee Stage. We can have the debate in committee and tease it out line-by-line if required to make it more usable if it does not fit the neat criteria that sometimes is required. At the end of the day we are talking about families. We are talking about trying to reunite human beings with each other to get the comfort that is required so they can build a new life in Ireland. That is what they are doing. They should do so but with whatever supports we can provide. It has been proven across the world that if one has family support in refugee cases, it makes it much easier to integrate and survive in a new country. The alternative is, as others have said, that after a number of years some people who arrive in Ireland, whether in a case such as this or a refugee case, want to go back to where they came from because of the welcome they got in Ireland.

Deputy Anne Rabbitte: I welcome the opportunity to speak on the Bill. I thank Deputy Clare Daly, who secured the time for the Bill through the Business Committee. I acknowledge the work of Senator Kelleher, the Irish Refugee Council and Oxfam, representatives of which are in the Public Gallery. I acknowledge the presence of Senator Higgins who has been a great supporter of Senator Kelleher in getting it to this stage. Fianna Fáil will continue to support the Bill. Fianna Fáil supported the passage of the International Protection Act 2015 as it provided for the introduction of a single procedure for international protection applications. It was a key recommendation of the McMahon working group on direct provision. The old system led to excessive delays in processing applications resulting in asylum seekers spending many years awaiting a decision on their application.

Since the Act commenced there has been a reduction in the time spent in direct provision, which we welcome. I acknowledge a commitment was made to provide for 4,000 refugees at the height of the refugee crisis and another to provide for the 200 unaccompanied minors. A number of issues have arisen regarding the implementation of these commitments. The number of refugees Ireland received was less than the target. These issues are not relevant to tonight's debate. The issue is that the legislation has led to deeply inhumane situations. Families have been unable to trace children within a year and have lost the right to family reunification.

There are numerous cases and Deputy Clare Daly spoke about them earlier. I will tell the Minister of State about a case in my constituency of a young man who came here seeking asylum.

Deputy David Stanton: Where did he come from?

Deputy Anne Rabbitte: He is from Syria. He Skypes his mother daily. He has now reached 18 years of age. His time lapsed by the time he was put into care, through foster care and everything else. He did not know his rights. He did not know anything. The year has gone and he has not had the opportunity to apply for reunification. He Skypes his mother daily but, because of his age, he has fallen through the cracks. It is plain that is the cost of the changes which took place in 2015.

During the debates on the original Bill, we made clear our reservations and concerns about a number of areas and we brought forward amendments on foot of those concerns. The Irish Human Rights and Equality Commission recommended that consideration be given to a range of family relationships to which Article 8 of the European Convention on Human Rights can apply in the context of this legislative proposal. The Act does not provide any means for a refugee or person eligible for subsidiary protection to apply for family reunification with other dependent family members, including parents, wards, grandchildren and adult children. The Refugee Act

1996 included the possibility for refugees to apply for dependent family members, meaning any grandparent, parent, brother, sister, child, grandchild, ward or guardian of the refugee who is dependent on the refugee or is suffering from a mental or physical disability to such an extent that it is not reasonable for him or her to maintain himself or herself fully.

In plain English, what I am trying to say is that what happened in 2015 in some respects has not worked. We cannot say that what is the value of one family in one country is not the value in another. We all know here that family is mother, father, brother, sister, uncle, aunt, grandparent no matter what length of time it takes to reunify the family in this country. Whether it be children who were adopted with no rights in the past who had no access to knowing their true relationships at all times or whoever, and given the way we talk about our deep dark past, of which the Minister, Deputy Zappone, is at pains to remind us, we are now starting to see the value of family reunification. That process could take the guts of ten, 20 or 30 years. What we are saying to refugees coming into this country is that, unless they get there in a year, the game is up. That is the flaw in the 2015 measure that we should consider. I agree with Deputy Brid Smith that there is a necessary correction. It is as simple as that.

It is disappointing that the Government is not in a position to support the Bill. This is an issue that will not go away. Senator Colette Kelleher has support in the Seanad. Deputy Clare Daly has the support of the majority in this House. Unfortunately, it is something that will continue to be discussed. It is something on which we must achieve balance because we cannot say that refugees can come into this country and have not the right to family reunification.

As I stated, my party is supportive of this. I would like to think that somewhere along the line we could let this go to committee, as Deputy Ó Snodaigh stated, to be teased out to such a degree that we can reach a positive resolution.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): Part of the frustration here is that there is much technical detail involved in this procedure.

Deputy Rabbitte mentioned a young man. That young man can make a proposal under IHAP. There is nothing stopping him from doing that. The Act also requires, because the Deputy mentioned something about him not knowing what to do, Tusla to consult a legal adviser in the application for status for an unaccompanied minor. I am sad to say as well that the Deputy is incorrect in this regard.

I must point out the recipients of subsidiary protection can apply for family reunification here, but not in other countries. The Deputy made a number of mistakes in her speech. The Deputy was factually wrong in what she said. That young man can apply under IHAP, and also people in subsidiary protection can apply for family reunification here, but not in other countries. Deputies need to get the facts of what we are talking about right here.

We are concerned about using the resources to assist family members in other countries who are under terrible pressure and to bring them here. I listed the ten countries that we are focusing on that the UNHCR had recommended. That list can change. As I understand it, the list will be reviewed in July. We want to put our resources into those ten countries.

Anyone outside the year that was mentioned can avail of the non-EEA policy document as applied by INIS. Therefore, there is another pathway that the Deputy obviously is not aware of.

Deputy Anne Rabbitte: I am aware of them. There are many State agencies which are not

aware of all of this.

Deputy David Stanton: I am merely stating the facts here.

Deputy Anne Rabbitte: I am merely stating the facts too.

Deputy David Stanton: Earlier, Deputy Rabbitte mentioned IHAP and listed a number of family members. I point out that the Deputy's definition of family is covered by the Act, and by IHAP as well.

Deputy Clare Daly: It is not.

Deputy David Stanton: There is a lot going on here. In a way, it is a pity that we do not have pre-legislative scrutiny of Private Members' Bills. All Government Bills must go through pre-legislative scrutiny and they have to be analysed and studied and go through all kinds of grief before they reach here. I did a lot of that when I was Chairman of the Joint Committee on Justice and Equality. It is very valuable. All these technical issues can be teased out. However, that is not possible before the Bills reach here.

Deputy Aengus Ó Snodaigh: On a point of information, if the Bill passes here at Second Stage, it then goes to pre-legislative scrutiny, a message comes back to the Dáil, the Dáil decides whether that is accepted, and then a money message is issued.

Acting Chairman (Deputy Bernard J. Durkan): That is fine but there is no provision for such cross-debate in the House now. Unfortunately, we are running out of time.

Deputy David Stanton: I reassure Deputy Joan Collins that Ireland is to the fore in responding to humanitarian crises. We are one of the four countries to pioneer search and rescue. We were the only country to offer Calais unaccompanied minors guaranteed programme refugee status. We stated up to 200 - we never stated "200" - in the motion and we made 15 different trips out there to see if we could identify people who wanted to come here. We are among the few EU member states to offer shelter to those stranded on boats in the Mediterranean.

Deputy Mick Wallace: Operation Sophia is saving nobody.

Deputy David Stanton: The NGOs quoted as supporting this Bill also welcomed IHAP. It is clear to all that the situation that existed around the time of the 1996 Act has changed radically. That is why we are among the few countries proactively delivering on humanitarian responses in a compassionate and timely way.

IHAP is very flexible and that is why we have it. Deputy Rabbitte was not in the House when I quoted the numbers who, in a very short time, we will be bringing here under IHAP. It really works. It is flexible and the Minister has discretion. The Bill that the Deputies are supporting now gets rid of that discretion and could do a pile of damage, and that is my concern.

In some EU countries, the time limit is three months and economic conditions apply. Our legislation does not do that. In Germany, anyone granted subsidiary protection was prohibited from family reunification for the past two years. We allow such applications.

I join Deputy Wallace in commending Wexford, his constituency, because it has been at the forefront in welcoming refugees. Maybe the Deputy has something to do with that. The Wexford local authority is to be commended on its welcoming and housing of refugees.

Unfortunately, I am aware of the protests outside. I, myself, have been targeted quite a bit because of this recently.

Ireland has played a positive role in the global compact. The Minister for Justice and Equality, Deputy Flanagan, will sign it next week on behalf of the country. Many other countries have pulled out of that.

I also make the point that family reunification is not about breaking up family units abroad to extend the family unit here. We must be careful about that too. We are focusing on families who very much need our humanitarian assistance now. That is what we want to do. That is what IHAP does.

I urge Deputies to think again about supporting this Bill. Members know me as passionate about this. This Bill, I believe, can do a lot more harm than good. I ask the Deputies to look at it again and withdraw it and let us have another think about it, maybe in the committee. Maybe the committee could convene and discuss the Bill beforehand. We are definitely not in the position.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Minister of State.

Deputy David Stanton: I could go on for another hour about this but, unfortunately, I do not have the time.

Deputy Clare Daly: We would be happy to spend another hour and we badly need it. There have been some very serious points raised and there have been some incredibly inaccurate statements put on the record.

8 o'clock

They were not put on the record by Deputy Rabbitte: the Minister of State's own statements were inaccurate as well. I will deal with them as they come up.

I have never seen a situation where the Government comes to the House with a Bill and, in the speech before the debate takes place, its representatives say they will not allow it to go further. I might be wrong and they might have done it before. Anyway, it is utterly scandalous that they would do so on such an important humanitarian issue.

Deputy David Stanton: I have said why.

Deputy Clare Daly: It is really not on. The rationale is somewhat concerning and does not reflect the generally good approach of the Minister of State to these issues. Deputy Wallace is right: the conflation of our need to provide services to refugees and asylum seekers alongside the housing crisis and all the other problems does indeed contribute to the racist view that refugees and migrants are the cause of these problems. The Minister of State may want to go back and look to whoever wrote the speech for him, because it was heading in that direction.

I am appalled by the fact that our Government is congratulating Ireland and the fact that we have managed to pick up the E3 visas the Australians are not going to use. These American visas were negotiated with the Australian Government in thanks and recognition for the help the Australians gave the Americans in the Iraq war. We are congratulating ourselves that we are going to be given access to the visas that the Australians do not use. Yet, we are not going to provide refuge or family reunification for the victims of the Iraq war. This Government will

not do that.

I will set out some examples. The example given by Deputy Wallace related to the 18 year old who was from Syria. The Minister of State is absolutely right in that a Syrian in that situation could apply under the humanitarian scheme because he is from one of the top ten countries. He could fight it out and he may or may not get it. However, if that young man was from Iraq, he would not get it. He would not be on the list. The Minister of State asked me for an example of the scenario and said he would deal with such cases. I will set out the scenario for the Minister of State. It is clear from the Act. It states that where the sponsor is under 18 and not married, then his or her parents and their children who, on the date of the application, are under the age of 18 years can come. By default, it is perfectly clear that if the person is not under 18 years, he cannot bring his parents because nowhere else in the text is there mention of parents. The point is that if someone comes here who is under the age of 18 years, he or she cannot get status before that and so the person cannot bring his or her parents.

I am not going to repeat the examples given but the Minister of State is wrong to point out that the Act was passed by a big majority in this House. As Deputy Rabbitte correctly said, it was passed by a big majority in the House but now we have seen the consequences of that Act. We have seen some of the problems that it has caused for families on the basis of the scientific study done by Roisin Hynes.

The examples I gave earlier are real. One relates to a Syrian who came here. By the time he found his daughter – she was a 19 year old – he could not bring her here because 12 months had elapsed. An African woman in direct provision was there for so long that one of her daughters was 20 years of age when she went to make the application. Her younger children would not come because they did not want to leave the 20 year old on her own. I referred to the granny left in Greece. These are real cases. They are not made up.

We are not talking about major numbers. It is completely wrong for the Minister of State to talk about an open-ended scheme and broadening the definition. He referred to a drain on resources and how houses and so on will have to be provided. I think this Bill should be amended because it is too restrictive. We all talking about dependants. A dependant is not going to require a separate house. We are talking about small numbers of people. All we are looking for is reinstatement of the scheme that was in place previously. Under that scheme, on average, two people applied with every family. Thus, it is not true to say this will cause a vast drain on the resources.

It is also not true to say that the humanitarian scheme is a better scheme. For starters, we do not oppose it. The Minister of State can have the humanitarian scheme. No one is objecting to that. It is fine. If the Minister of State thinks it is brilliant and that it is working, then he should carry on. Bringing in this legislation will not stop him from doing that. However, this measure will give more opportunity. That scheme is limited to 530 places. It is rather restrictive even in the context of the small numbers of refugees to which we have given asylum. If a person is from Iraq or is a Shia in Bahrain who is being persecuted or is a person in Yemen, then it is tough luck. Such people are not covered by the humanitarian scheme. It is only those from the top ten countries. Other people are excluded. The people who came here under 18 years of age are excluded as well. They cannot bring their parents. We are condemning them to remain here alone.

The Minister of State said to Deputy Rabbitte that, apart from the humanitarian scheme in

respect of which all the people I mentioned cannot apply, others can come here under the non-EEA national permit. A person must earn €30,000 per year to avail of that scheme. It is not really accessible to someone who comes here seeking asylum. Such people are not really in that jobs market or on that type of money. That is not an avenue for these vulnerable people. It is disingenuous of the Minister of State to say as much.

I totally agree with the points made by Deputy Ó Snodaigh. He said the idea that we are ahead of the posse and to the forefront on these initiatives is absolutely ridiculous.

The Minister of State referred to the remit of Operation Sophia. Finally, we managed to get the Minister of State with responsibility for Defence to admit it is a military operation. It is written in the terms of the Act that it is a military operation. Doctors Without Borders representatives told the Joint Committee on Foreign Affairs and Trade, and Defence that the operation is helping the Libyan coast guard to return people to rape, slavery, torture and murder. That is the purpose of the operation. If the Minister of State is proud of that, then fair play to him, but I am utterly ashamed of it. I am particularly ashamed of it because we are complicit given that we allow use of Shannon for many of the wars that displace these people in the first place.

I was going to make numerous points about where we have let people down. One relates to unaccompanied minors that we have let down in the past. They came into our care system. We should remember that 454 separated children in Ireland went missing in Ireland between 2000 and 2008. Only 58 ever turned up. There is suspicion of them being pimped and trafficked and so on. Obviously, that situation improved when we changed the system and we ensured those accompanied minors were not brought to hostels but accommodated with families and linked up with social workers and so on. We have a good scheme now for that so the numbers were impacted. We have learned from the mistakes of the policies that we put in place. That is what we want the Minister of State to do in this case.

It is a fact that the only people who can be included now are people who are under 18 years of age, spouses and children under 18 years of age. The Government is leaving out many vulnerable dependants. We are talking about small numbers. If we could get this to Committee Stage, I would like to see the measures extended. I will offer as an example the case of a family that I am friendly with. The family includes a young man who came here when he was under 18 years of age. He is still under 18 years. His mother and his younger brother have joined him. His older brother is the only person left. He is at home on his own and they are all over here. Under this Bill, even if it was passed, I do not believe he would qualify. How could I say that the brother left at home is dependent on a 17 year old who is the unaccompanied minor? That is how restrictive this Bill is. As Senator Kelleher has said, it is an incredibly modest proposal. It will not even deal with many of the families who we would like to help to reunite. It sends altogether the wrong signal if the Government does not go back between now and next Thursday, when this will be voted upon, to look at it again. This applies in particular to the Minister of State, who has been to the forefront on these issues. Much of the criticism by the Minister of State of Deputy Rabbitte was wrong and factually inaccurate in terms of what the legislation provides for now. Again, the Minister of State has hidden behind the humanitarian scheme. No one is asking the Minister of State to replace the humanitarian scheme. We are asking the Minister of State to go back and recognise the proper definition of family for the purposes of reunification under the International Protection Act.

I appeal to the Minister of State to go back and look at it again. If the Minister of State really believes that he wants to help people, then he should go back and look at the facts. We are

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talking about small numbers of people who have been caught in that trap. We are talking about dependency. We are talking about vulnerable people. We will be leaving them high and dry if this Bill does not progress. This Bill will progress and it will be passed by this House, but blocking it with a money message would be particularly disingenuous, especially in light of the point made by Deputy Ó Snodaigh that the system of money messaging will change soon. How many families will be destroyed in the meantime?

Question put.

Acting Chairman (Deputy Bernard J. Durkan): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 13 December 2018.

The Dáil adjourned at 8.10 p.m. until 2 p.m. on Tuesday, 11 December 2018.