



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna ó Cheannairí - Leaders' Questions	455
An tOrd Gnó - Order of Business	464
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	468
Proposed Approval by Dáil Éireann of the Fifth Programme for Law Reform: Referral to Joint Committee	476
Health Insurance (Amendment) Bill 2018 [Seanad]: Financial Resolution	476
Ceisteanna - Questions	476
Taoiseach's Meetings and Engagements	476
Cabinet Committee Meetings	483
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	489
Gnó na Dála - Business of Dáil	490
Teachtairacht ón Seanad - Message from Seanad	490
Ceisteanna (Atógáil) - Questions (Resumed)	490
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	490
Departmental Expenditure	490
Rural Resettlement Scheme	492
LEADER Programmes Administration	495
Ceisteanna Eile - Other Questions	496
Infrastructure and Capital Investment Programme	496
Local Improvement Scheme Data	498
Rural Development Policy	500
CLÁR Programme	502
Town and Village Renewal Scheme	504
Post Office Closures	506
Rural Regeneration and Development Fund	509
Dormant Accounts Fund	512
CLÁR Programme	513
Western Development Commission	515
Saincheisteanna Tráthúla - Topical Issue Debate	516
Roads Maintenance	516
Suicide Prevention	519
Traffic Management	523
Closed-Circuit Television Systems Provision	526
Messages from Select Committees	529
Irish Film Board (Amendment) Bill 2018: Committee and Remaining Stages	530
Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018: Order for Report Stage	547
Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018: Report and Final Stages	547
Statute of Limitations (Amendment) Bill 2018: Second Stage [Private Members]	548
Health and Social Care Professionals (Amendment) Bill 2018 [Seanad]: Second Stage	562
Health and Social Care Professionals (Amendment) Bill 2018 [Seanad]: Referral to Select Committee	570

DÁIL ÉIREANN

Dé Máirt, 11 Nollaig 2018

Tuesday, 11 December 2018

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

Paidir.
Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: Yesterday people were riveted by the extraordinary scenes in Westminster Parliament as the British Prime Minister, Theresa May, deferred a vote on the Brexit withdrawal treaty because, in simple terms, it was clear she faced an overwhelming rejection of the treaty by parliament. To be fair to her, in her speech she made it clear that she did not seek to renegotiate the backstop or the UK-wide customs union she had sought in the first instance but rather she was seeking reassurance and clarity as to when or if ever it would have to come into play. Overall, however, the impact of yesterday's decision by the Prime Minister has been to create greater uncertainty and political instability, particularly uncertainty as to the future and the particular nature of Brexit that will ultimately emerge.

While many seasoned commentators, and I include myself among them, felt at the end of the day that a no-deal Brexit would not emerge, I believe we can no longer be certain of that. The scale of the opposition to the deal yesterday was quite significant in itself. Therefore, a significant period of political and economic instability and uncertainty lies ahead. It is in that context that we as a country must be prepared for any eventuality. We have been saying for quite some time that it is our view, in accordance with Government data and information, that the country is not prepared for Brexit, particularly for a no-deal Brexit. The briefings to the House have confirmed, for example, that the majority of firms likely to be strongly impacted do not even have a Brexit plan in place. Nearly 40% of key exporters will fear severe difficulties at the exchange rate to which sterling fell this week. Half of exporting sectors have taken limited preparatory steps with Irish owned businesses being the most exposed. Government financial aid is delayed and is so far having a negligible impact. One can go through the various schemes that Enterprise Ireland, Bord Bia and others have put forward. The take-up has been very low. One can look at that in a number of ways. I know the Taoiseach's perspective. It suggests that people were hoping everything would be all right on the night and that there was a lack of real engagement on behalf of many. Has there been discussion with the EU about the utilisation of cohesion funding and structural funding as potential state aids to help small and medium enterprises, SMEs, that rely heavily on the British market, especially the agrifood sector? The Tánaiste outlined this morning that he was bringing a memo to Government. He called it central scenario planning. Will the Taoiseach commit to the House that he will publish the plans

about the country's readiness and preparation for Brexit? The public deserves to know about the content of the plans and their implications. The success of any preparation plans depends on buy-in from all concerned.

The Taoiseach: I thank the Deputy for raising this important matter. We should not forget how we got here. The United Kingdom decided to leave the European Union and its Government set out some hard red lines, that it would leave the customs union and the Single Market, that there would be no freedom of movement, and that they would not accept the jurisdiction of the European Court of Justice. The agreement which we came to, after almost two years of negotiation, is supported by 28 Governments. We came to that agreement by drawing it around the red lines set by the UK Government. No other agreement can do that. The UK-wide backstop is there at the request of the UK Government, as the Deputy rightly pointed out. Our original proposal was for something different, with a Northern Ireland-only backstop, which would not apply to Great Britain. Before the UK set out its red lines, there were other options such as "Norway plus", where the United Kingdom would remain in the Single Market and customs union but not in the European Union itself. The agreement we have come to was crafted around the UK's own red lines and contains elements that it wanted, specifically a backstop that would apply on a UK-wide basis and not just to Northern Ireland, which was the original proposal of Ireland and the European Union.

It is essential to point out that the backstop is not just an Irish issue. It is a European issue too. It is there to give us the enduring guarantee that there will not be a hard border between Northern Ireland and Ireland but it is also to protect the Single Market and make sure that the open Irish Border does not cause the European Single Market to be contaminated. That is why there is resolute and overwhelming European support that the backstop has to remain part of a withdrawal agreement. It is not just an Irish issue but an issue for Europe too, and the integrity of the Single Market which we are all part of.

We have always based our plans on a central case scenario, which is that there would be a deal. We have been doing contingency planning for a no deal scenario. We now need to increase the contingency planning to execution for no deal. That includes putting in place measures for both the central case scenario and the no deal scenario. That involves acceleration of the recruitment of customs officers. We have 200 in the recruitment process already with a panel of 3,000, so we can do that. It also includes recruitment of veterinary officers and health officials. It means putting in place infrastructure in our ports and airports, specifically Dublin and Rosslare, and introducing enabling legislation. Some of that will be done through Brussels and some will be done here in the Oireachtas in the first quarter. Some 70 Commission notes have been published already. We will publish information as we go and will provide briefings to Opposition parties.

Firms which do not have action plans should develop them. Those that have action plans should begin to implement them. There is Government support, whether through seminars, loans or advice. We have had discussions with the European Commission about state aid and what state aid may be available to companies in the case of a no deal scenario. Those discussions are already under way and we have some proposals under consideration as to what could be offered in state aid. That would not kick in unless it was absolutely necessary.

Deputy Micheál Martin: Will the Taoiseach publish the central case scenario plan, which is a terrible name for a plan? The Taoiseach might consider changing it on publication. The public needs to be engaged by this plan. I have always been of the view that the public should

have been engaged a long time ago. There is a view that people should be told the terrible implications of Brexit that might cause undue alarm and panic. People are sensible. If we want them to buy-in and engage they should know what the implications are. I never agreed with the decision to suppress the Revenue plans, for example, which were eventually published and the world did not collapse. I ask the Taoiseach to commit to publishing the central case scenario and contingency plans, including the planned expansion of facilities that is required at Dublin Port and Rosslare.

Politics should no longer get in the way of genuine national engagement in preparing for Brexit. If a no deal scenario does not arise, all the better. The problem with Brexit is that the Tory Government created the red lines and that British politics, currently, is incapable of squaring the circles. This is essentially where we are.

An Ceann Comhairle: Time up, Deputy.

Deputy Micheál Martin: In that context, the uncertainty demands that as a nation we are properly prepared. All the data from the agencies, including the most recent from AIB, state that SMEs are not prepared. For whatever reason, they are not prepared to the level that they should be. I ask that the Taoiseach publish the plans, which in itself could help to create a consciousness among the public to get engaged.

The Taoiseach: There is no single document that we have that we can publish. There are lots of different plans and they affect different sectors in different ways.

Deputy Micheál Martin: What about the central case scenario plan?

The Taoiseach: There are 70 Commission notes, which are available. There are 15 sectoral seminars being held at Commission level and these will conclude around 10 January. We have the central case scenario plan.

Deputy Micheál Martin: Can it be published?

The Taoiseach: It has been shared with the stakeholders group. We have no difficulty publishing it. We can make arrangements to do so but it is not what the Deputy thinks it is. It is much less detailed than the Deputy may believe it is.

Deputy Timmy Dooley: That is the problem.

The Taoiseach: In terms of no deal, we should all be very aware that everybody wants to avoid a no deal scenario, including in Britain, Ireland and the European Union. The United Kingdom has the power to withdraw the threat of no deal from us, its own people and from the European Union. It can do so by revoking Article 50 or, if that is a step too far, by seeking an extension to Article 50. The power exists for the United Kingdom to remove the threat of no deal from its own people and from its economy, from ours and from Europe, should it wish to do so.

Deputy Micheál Martin: We know that.

Deputy Mary Lou McDonald: As we know, yesterday the British Prime Minister shelved her plan for her so-called meaningful vote on the withdrawal agreement because it was likely to be defeated by a significant margin. As we are all aware, this heightens the prospect of a no deal scenario or a crash out Brexit, which nobody in their right senses wishes to see happen. I

know that this matter was discussed at Cabinet this morning and that the Tánaiste has brought forward a paper. It is important that the Government puts the maximum possible information into the public domain regarding the specifics of its sectoral contingency plans.

There is a bigger issue. Whatever the contingencies in the here and now for individual sectors, there remains questions around no return to a hard border, no hardening of the Border, the protection of citizens' rights and the integrity of the Good Friday Agreement. Those matters, it should be remembered, are the reasons a backstop was crafted in the first instance. I have repeatedly made it clear to Mrs. Theresa May, the British Prime Minister, that in the event of a crash out or a no deal Brexit it will be incumbent on her to put the question of the constitutional future of the North to the people by way of a referendum. I believe we are on course to such a referendum in any event, but a crash or no deal scenario makes it an immediate prospect. It is time for the Taoiseach and the Government to articulate that same position. If the people of the North are to be disregarded and have their futures toyed with by a British Parliament that does not have a clue what it is doing and has absolutely no regard for this country, they must have their say. This is a reasonable position. It is the only sustainable and serious position and it is one that all parties in the Dáil should support.

The European Council agreed in April 2017 that all of the island would be afforded membership of the European Union in the event of national reunification. Amid all the toing and froing, the chaos at Westminster and talk of hard borders, soft borders, deals and no deals, it is a fact that uniting our country would end the need for a backstop, definitively and permanently. The debate on unity is well under way, particularly in the North. Notwithstanding sectoral contingencies, what is the big contingency plan? My suggestion is that it should be the Government preparing contingencies and plans for a constitutional transition and a unity referendum.

The Taoiseach: To answer the Deputy's first question, we have no difficulty making plans public at the right time and as they are developed. However, it should be borne in mind that contingency plans happen at two levels. There are the contingency plans happening at European level, led by the Commission, and those that are specific to Ireland, which are led by the Government. The plans in Brussels will not be finalised until the middle of January but we are happy to make them public as we move forward. Indeed, it will be necessary to make them public because it will require the recruitment of staff, which must be made public, infrastructure at ports and airports, which will have to be tendered for and thus be made public, and legislation. In some cases it will be simple legislation to add words such as "and the United Kingdom" beside the European Union and to make exceptions for the United Kingdom in certain circumstances. Again, that must be made public because we will be asking the Oireachtas to enact that legislation. It will also involve business supports, many of which are already well known. Additional supports around state aid might be necessary after 28 March. These things must be done in consort with Brussels. They must all be done together and they must not contradict each other. We will be happy to make them available as time passes. We have already briefed the Brexit stakeholder group, on which the Deputy's party is represented, on much of this so there will not be many surprises.

On the Deputy's central question, I disagree with her assessment. I heard the Prime Minister's speech yesterday in the House of Commons in which she gave a robust defence of the backstop. She accepts that there must be a backstop as part of the withdrawal agreement, that there can be no withdrawal agreement without one and that a backstop is necessary to give us the insurance policy we need whereby should Great Britain ever pursue a hard Brexit, there would not be a hard border between Northern Ireland and Ireland as a consequence. We have

been at pains to emphasise all along that special arrangements for Northern Ireland where they relate to, for example, agriculture regulations, industrial products or goods are not constitutional matters. At the heart of the Good Friday Agreement is an acceptance that we only pursue our political objectives in Britain and Ireland by peaceful means, that Northern Ireland is part of the United Kingdom until the people there say otherwise and that there are special arrangements for Northern Ireland. The fact that there are special arrangements for Northern Ireland reflects its unique history and geography. They are not a constitutional threat. The Deputy introducing demands for Irish unity and a Border poll into the debate at this time is disruptive and destructive to trying to achieve what we seek, which is ratification of this agreement by the House of Commons in January.

Deputy Mary Lou McDonald: I do not know if the Taoiseach missed what happened at Westminster. I am not disputing any of the information. I am conversant with the Good Friday Agreement and I know what Theresa May said yesterday. Incidentally, she raised the prospect of Irish unity. I am sure the Taoiseach heard that part of what she said. In this instance we are discussing the contingency planning for the prospect of a crash and no-deal Brexit. The Taoiseach will not convince me or anybody else that recruitment of customs officials and veterinary officers is the answer to that existential crisis, a political and economic earthquake. I am putting to the Taoiseach the logical position that ultimately, to protect the island not just in the short term but also in the long term, the required course of action is to work for the removal of the Border - democratically, peacefully and with the express consent of the people, as per the Good Friday Agreement. Take that as read. I put it to the Taoiseach - I am hoping he has more than the kind of superficial or glib analysis he has offered up here today - that we need a forthright, strong and grounded analysis on how we are to protect this island and all of our citizens in the medium to long term.

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

Deputy Mary Lou McDonald: It is imperative, therefore, that the Taoiseach prepares for a referendum on unity. As head of Government, the correct thing for him to do is put it to Theresa May, as I have done, that in the event of a crash not of our making we will not be the collateral damage of a Tory Brexit, we will protect the national interest and we will prepare the ultimate and only real contingency plan, which is for constitutional transition and a referendum on unity.

The Taoiseach: If I did not know the Deputy better, I would almost suspect that she secretly hoped we did end up with a no-deal scenario so that she could exploit the economic damage here to the benefit of her party and stir up any amount of trouble in Northern Ireland. We take a different approach.

Deputy Mary Lou McDonald: That is stupid.

The Taoiseach: We have a deal on the table which has the support of 28 Governments and which was negotiated over a 15-month period.

Deputy Mary Lou McDonald: We know all that.

The Taoiseach: Our objective is to get that deal ratified by the House of Commons. That is what we will be working on over the next couple of weeks; giving the UK assurances that it may need but never compromising on the basic fundamental substance and written letter of the backstop. That is what we will do in the coming weeks. If that does not work, it remains in the hands of the United Kingdom to decide that we will not end up in a no-deal scenario. There is

the option to revoke Article 50 and the option to extend it. While there may not be a majority for any deal in the House of Commons, I am of the view that there is a majority which believes the United Kingdom should not be plunged into a no-deal scenario. It is in their hands, at any point, to take the threat of no deal off the table either by revoking Article 50 or, if that is a step too far, extending it.

Deputy Michael Lowry: I wish to raise an issue with the Taoiseach which, unlike Brexit, is within our own control. The issue relates to Tipperary town. On 24 October and 20 November, thousands of men, women and their children, young and old, marched through Tipperary town to ask local government and national Government to help to put the place back on track. I attended both of those marches and I was struck by the genuine plea for help from decent people. They want help to rejuvenate a once great town. People were on the streets protesting at the years of accumulated neglect. They feel disillusioned and angry with the authorities of the State. Based on a Pobal report that drew on the 2016 census, it is a fact that the town has been identified as disadvantaged. The startling figures for unemployment in Tipperary are a damning indictment of Government and those which preceded it. There is 31% unemployment among males and 23% among females. When these figures are compared with the national average of 5.6% one can see how big is the problem. Some 20 years ago, Tipperary town was one of Ireland's leading market towns. Despite its current problems, it still has an enormous amount to offer and to work with. It is imperative that the inner relief roads are built as a priority to get the heavy vehicles off the main street, which will soon be completely resurfaced. The business community requires that its members' financial situation be taken into account when it comes to rates, levies and charges.

The one principle lacking in Tipperary is leadership with a vision for the future. All of our national agencies are aware of the problems in Tipperary and some of these agencies, including the county council, have available resources to assist the town but there is no overall plan that can be implemented. Efforts are disjointed and are not co-ordinated. Decision-making is choked by bureaucracy and stifled by the round-robin system within our State agencies. A new approach involving joined-up thinking is required. We need a strategy and a plan to reinvigorate Tipperary town. The five primary schools in the town need extra resources for their pupils to tackle the cycle of disadvantage. I compliment and thank the Minister, Deputy McHugh, for his recent initiative in that regard. I ask the Taoiseach to nominate a figure with professional experience and competence to establish and lead a dedicated working group. This individual would bring together all relevant State agencies, local business and interest groups and would be capable of delivering a renewal plan for the town. What Tipperary needs is a new policy, new ideas and investment. Change is needed to secure the future of Tipperary town and its people.

The Taoiseach: I thank the Deputy for raising this important issue again. I am very much aware of the protests that have occurred in recent months. A turnout of 2,000 or 3,000 people to protest in what is a relatively small town is a huge number and reflects the depth of feeling that people in Tipperary town have about the decline of their town over the years. It is a concern that everyone on these benches very much shares. The Government has been engaged on this issue. As the Deputy knows and, indeed, at his invitation, the Minister for Education and Skills, Deputy McHugh, met the principals of the five schools in Tipperary town to see what could be achieved in terms of additional supports, particularly recognising the disadvantage that exists in Tipperary town but also the influx of new communities, often people who do not have English as their first language, and the additional needs that they have. In terms of unemployment,

while it is high, it is falling. Since it peaked in 2012, unemployment in Tipperary town has fallen by 52%, by more than half, and youth unemployment has fallen by two thirds, by 68%.

IDA Ireland is also engaged. There are now 11 IDA Ireland companies in Tipperary, employing 3,600 people, and there are 123 Enterprise Ireland, EI, client companies. Funding has been provided directly in recent months for Tipperary town, including a €97,500 grant for the town centre plaza project to upgrade the town centre, which the Deputy mentioned. Funding has also been provided for Tipperary town football club and other sporting clubs in the area. There has been an increase in the strength of the Tipperary Garda division by more than 40 in the last couple of years. I think it is fair to say that Government has been engaged at least in certain aspects of what is needed in Tipperary town.

The Deputy is correct that a new approach is needed and that a plan is needed for the town but that has to be locally led. There are lots of areas of need in the country and many pockets of disadvantage, including many in my own constituency. The right approach with few exceptions - in fact, only one exception because of the number of murders in the north-east inner city - is one that is local authority led and bottom up. A very good approach that I think could be modelled is what is being done in the Inchicore-Kilmainham area in Dublin or what is being done in the Balbriggan area under the remit of Fingal County Council, which is for the local authority to identify somebody to develop a plan and then to engage with Government on it. I think that would be the best approach.

Deputy Michael Lowry: I would appreciate if the Taoiseach would communicate the interest of Government and ask the local authority to lead such a group and that it be the lead agency and co-ordinate the other State agencies and the relevant business and local communities. The other aspect of this is that Tipperary town is situated on the N25 and it is approximately 35 minutes' drive to Limerick city. Historically, Tipperary town has been hubbed with Waterford and that has worked to the disadvantage of Tipperary. There are very obvious logistical and strategic reasons that it should be declared and treated as a hub of Limerick rather than Waterford. That should be put into the equation.

I appreciate the fact that money is being spent on regeneration projects. These one-off projects are welcome and make a valuable contribution. However, that type of project should be the centrepiece of a range of other initiatives and measures and they can only be put in place if there is a co-ordinated group working under the leadership of somebody in control. I ask the Taoiseach to communicate that to Tipperary County Council and ask it to appoint somebody to fulfil this leadership role.

The Taoiseach: It is certainly evident to me that Tipperary town is in the natural hinterland of Limerick city and I imagine many more people commute to work from Tipperary town to Limerick than commute from Tipperary town to Waterford. That certainly makes sense to me. What is required is a plan for the town and somebody to drive it forward. I will engage with the Minister of State, Deputy English, who has responsibility for planning. I will ask him to make contact with the local authority to see what can be done. We have models around the country where something similar has been done. We are starting such a project in the Inchicore-Kilmainham area. As I mentioned, Fingal County Council has been developing a plan for Balbriggan. I imagine there are many more examples around the country where similar things have been done. Given the depth and strength of feeling about the issue, it is appropriate that it be done in Tipperary town also. I will make contact with the Minister of State, Deputy English, this week to set the ball rolling.

Deputy Catherine Martin: The key message coming from COP 24 is that climate change is moving faster than we are and that we have to catch up before it is too late. However, Ireland is actually going backwards. Our commitments require us to reduce our emissions by 1 million tonnes per year, but instead they have increased by 2.1 million tonnes per year.

Yesterday we got our latest climate change report card, the climate change performance index. For the second year in a row - twice under the watch of the present Taoiseach - we are ranked bottom of the class. Ireland is the worst performer on climate action in the EU. It is embarrassing, disgraceful and shameful.

Despite all the years of talk and Government announcements about the need to transition to a low-carbon economy, it has been a case of more talk and glitzy announcements than any real action. The report stated: “The long-standing lack of implementation of substantive measures to put the country on a well-below-2°C pathway results in a very low rating for Ireland’s national policy performance”. That is basically a technical way of saying that Ireland may talk the talk and spin the spin, but it certainly does not walk the walk, which is the responsibility of the Taoiseach.

Leaders must lead and the people do not want to see our country continually trailing in climate action. It is an unfair reflection of their concerns. The people are way ahead of Government on this. The Government is out of sync with Irish and global concerns and the demands for real climate action. It is all well and good to produce plans, roadmaps and recommendations, but they are of no use if they are not followed and if they do not have cold hard figures to back them up. If the Government were serious about climate action, why would it launch Project Ireland 2040 when it has not been climate proofed? Everything in the plan is wonderfully vague when it comes to climate impacts. Whenever I or one of my colleagues on this side of the House asks the Taoiseach or anyone in government for information on how they plan to tackle climate change, we get the same response: that €1 in every €5 under the national development plan is being spent on climate action initiatives. However, the climate action committee has been told that 60% of that €1 in €5 is already committed energy expenditure, meaning that the €1 in €5 appears to be a sham.

Today I would like to ask the Taoiseach about the other €4 in €5. How does he know what the impact of our greenhouse gas emissions of non-climate related spending under Project Ireland 2040 will be when there are no real numbers in the plan? There are no projected emission reductions, no identification of any real climate proofing. I ask the Taoiseach to give me the number for our projected emission reductions under Project Ireland 2040. I do not want vague plans and more announcements today; I want real numbers. If the Taoiseach does not have the numbers, does he intend to do that analysis?

The Taoiseach: Only a few days ago the Environmental Protection Agency released its report on greenhouse gas emissions from Ireland in 2017, last year. We do not have the numbers for 2018 yet. The EPA report reveals that our greenhouse gas emissions last year decreased. It happened for a number of reasons, including increased generation of renewable energy and also the fact that it was a relatively warm year meaning people used less energy to heat their homes. Nonetheless our emissions reduced in 2017. We do not yet know what the story is for 2018. The report card the Deputy mentioned was prepared by a German NGO which is an advocacy and campaign organisation. We need to make a distinction between report cards, claims and assertions made by campaign organisations as opposed to those made by official bodies such as the CSO, the UN or the EPA.

Deputy Timmy Dooley: Their reports are not much better.

The Taoiseach: There is a very big difference-----

Deputy Micheál Martin: We are doing very well.

The Taoiseach: -----between official statistics and those that are calculated by an NGO or an advocacy group that has a particular agenda.

What is undeniable is that we are very much off track in terms of meeting our emissions targets for 2020 and indeed, for 2030. It is for that exact reason that the Minister for Communications, Climate Action and Environment, Deputy Bruton, has been tasked with developing an all-of-Government climate action plan. That is being developed at present and will be ready in the first quarter of next year. It will follow a similar model to the one he pursued with his action plan for education, which, everyone accepts, has helped to bring about vast improvements in education in recent years, and the Action Plan for Jobs, which helped to get us where we are today, moving from high unemployment to almost full employment.

We estimate that the implementation of Project Ireland 2040 will bring us approximately one third of the way to meeting our greenhouse gas emission reduction targets. It is only part of the solution and other solutions will also be required, including regulation, investment in technologies, taxation and behavioural change. Nobody is suggesting that Project Ireland 2040 on its own will solve climate change. We acknowledge that some projects may actually contribute to climate change, including, for example, some of the road projects listed. However, we would defend those projects because we think it makes sense to connect Cork and Limerick by motorway, connecting Limerick to Galway and other areas along the west coast.

Deputy Micheál Martin: That will not be before 2030.

The Taoiseach: When one is drawing up a national plan, one must take climate change into account and ensure that the plan is climate proofed. However, one must also take into account other considerations such as employment, living standards and balanced regional development. That is what a good Government tries to do; it tries to take into account all of the needs and concerns of people, balance them and develop a plan. That is what we have done.

Deputy Catherine Martin: I am certainly not saying that the national development plan on its own will solve climate change. It certainly will not do so when it has not even been climate-proofed, which is the main point. The EPA's recent report states that emissions have decreased. I am glad the Taoiseach accepts that this is due to the mild winter. Another reason is the reduction in fuel tourism because of Brexit's impact on the pound. The underlying trend is that we are still way off target but at least the Taoiseach has not tried to take credit for the weather, which would be a whole new level of spin. The recent reductions are certainly not due to Government action. We are 3 million tonnes off where we promised to be under European effort-sharing agreements and at the current carbon market prices, this would cost us some €60 million. That cost is only going to increase, year on year.

In terms of plans and the all-of-Government plan to which the Taoiseach referred, at this stage people are suffering from Government climate action spin fatigue and plan fatigue. Under the national mitigation plan for this year, only 21 of the 40 actions have been completed. As I said, the national development plan has not been climate proofed. The national energy and climate plan must be submitted to Europe by the end of the month but, as recently as last

week, Departments were unable to outline any additional measure being undertaken to close the emissions gap.

The current national development plan is not fit for purpose. Restoring Ireland's reputation will require that the new national energy and climate action plan replaces Project Ireland 2040. This should include a new land use element which commits us to a new future for Irish farms, forestry and bogs. It should promise a radically different transport system which promotes walking, cycling and public transport ahead of road construction. Of course, we also need to divest from fossil fuels. This would ignite our economy but it requires leadership. Everybody matters in making this just transition, which is why my party has published a just transition Bill. If it can be done, it will only be done if the Taoiseach and his Government changes track and gets serious about this. The Government must lead and must prioritise tackling the most serious threat to us all.

The Taoiseach: I am sorry that the Deputy feels so spun that she is fatigued and driven to that level of cynicism and dismissiveness but we will not-----

Deputy Catherine Martin: I am fatigued with plans. I am fatigued with Government spin and plans. It is nothing but plan after plan after plan.

An Ceann Comhairle: The Taoiseach must be allowed to speak.

The Taoiseach: The Government will not be deflected-----

Deputy Thomas Byrne: From making plans.

The Taoiseach: -----by any cynicism coming from any corner of this House. In Project Ireland 2040, we have a plan for a country which will have a population of 6 million in 2040. It is comprehensive and deals with the healthcare infrastructure we need, the new schools we need, investment in rail such as the Metro in Dublin, BusConnects in Dublin, Cork and Galway, improved connectivity around the country, taking coal off the grid, investing in electrifying our railways and investing in renewable energy. If the Green Party is against all those things and €100 million invested in cycling, so be it, but it is a plan we stand over.

An tOrd Gnó - Order of Business

Deputy Clare Daly: Unfortunately, it will be a long and messy week.

Today's business shall be No. a15, motion re fifth programme of law reform, referral to committee; No. 15, Financial Resolution re Health Insurance (Amendment) Bill 2018; No. 35, Irish Film Board (Amendment) Bill 2018 - Committee and Remaining Stages; No. 36, Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill 2018 *changed from* African Development (Bank and Fund) Bill 2018 - Order for Report, Report and Final Stages; and No. 1, Health and Social Care Professionals (Amendment) Bill 2018 [Seanad] Second Stage. Private Members' business shall be No. 60, Statute of Limitations (Amendment) Bill 2018 - Second Stage, selected by Fianna Fáil.

Wednesday's business shall be No. 1, Health and Social Care Professionals (Amendment) Bill 2018 [Seanad] - Second Stage, resumed, if not previously concluded; expressions of sympathy on the deaths of former Members, Paddy Harte and Monica Barnes; No. 16, Supplemen-

tary Estimates, back from committee; No. 37, statements on pre-European Council meeting of 13 and 14 December, pursuant to Standing Order 111; No. 10, Aircraft Noise (Dublin Airport) Bill 2018 - Order for Second Stage and Second Stage; No. 35, Committee and Remaining Stages, resumed, if not previously concluded; No. 36, Report and Final Stages, resumed, if not previously concluded; and No. 1, Second Stage, resumed, if not previously concluded. The business to be taken in the first Private Members' business slot shall be Second Stage of No. 61, Anti-Evictions Bill 2018 selected by Solidarity-People Before Profit, and the business to be taken in the second Private Members' business slot shall be Second Stage of No. 62, Consumer Credit (Amendment) Bill 2018 selected by Sinn Féin.

Thursday's business shall be: No. 10a, Houses of the Oireachtas Commission (Amendment) Bill 2018 - All Stages; No. 38, statements on the 100th anniversary of the 1918 general election; No. 39, Local Government Bill 2018 - Order for Report, Report and Final Stages; No. 40, Wildlife (Amendment) Bill 2016 - Order for Report, Report and Final Stages; and No. 10, Second Stage, resumed, if not previously concluded.

I refer Members to the first revised report of the Business Committee, dated 10 December 2018. In relation to today's business, it is proposed that:

- (1) the Dáil shall sit later than 10 p.m. and adjourn not later than 11.30 p.m.;
- (2) Nos. 15 and 15 shall be taken without debate and any divisions demanded thereon shall be taken immediately;
- (3) Report and Final Stages of No. 35 shall be taken immediately on the conclusion of Committee Stage; and
- (4) Second Stage of No. 60 shall conclude within two hours.

In relation to Wednesday's business, it is proposed that:

- (1) the Dáil shall sit at 9.30 a.m. to take Second Stage of No. 1, if not previously concluded. In the event that the proceedings have already concluded, the Dáil shall sit at 10.30 a.m. In the event that the proceedings conclude before 10.30 a.m., the Dáil shall suspend until 10.30 a.m. The Dáil shall sit later than 10 p.m. and adjourn on conclusion of Sinn Féin's Private Members' business;
- (2) the expressions of sympathy shall be taken after Leaders' Questions for a period not exceeding 15 minutes each and shall be followed by Questions on Promised Legislation and contributions shall not exceed two minutes each;
- (3) No. 16 shall be moved together, taken without debate and decided by one question and any division demanded thereon shall be taken immediately;
- (4) No. 37 shall commence immediately after Taoiseach's Questions and be followed by the suspension of sitting under Standing Order 25(1) for one hour and shall be brought to a conclusion after 85 minutes. Statements shall be confined to a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, not to exceed ten minutes each with a five minute response from the Minister or Minister of State and all members may share time;
- (5) Private Members' business under Standing Order 143F which had not been

taken on 5 December shall be taken following Topical Issues to conclude within two hours, and the rota shall continue unchanged; and

(6) Second Stage of No. 62 shall be taken not later than 9.30 p.m. and shall conclude within two hours.

In relation to Thursday's business, it is proposed that:

(1) the Dáil shall sit later than 7.48 p.m. and shall adjourn on the conclusion of Topical Issues;

(2) the Dáil shall sit at 9.30 a.m. to take All Stages of No. 10a. In the event that the proceedings conclude before 10.30 a.m., the Dáil shall suspend until 10.30 a.m. The proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion after 40 minutes and any division demanded on the conclusion of Second Stage shall be taken immediately. Speeches on Second Stage shall be confined to single round for a Minister or a Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, which shall not exceed five minutes each; all Members may share time. Proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 20 minutes by one question, which shall, in relation to amendments, include only those set down or accepted by the Minister for Public Expenditure and Reform. If a division is in progress at 10.30 a.m., any time which elapses in order to take such division shall be deducted from the time allocated to parliamentary questions;

(3) No. 38 shall commence after Questions on Promised Legislation and shall be followed by the weekly divisions. The statements shall conclude within 40 minutes, if not previously concluded. Statements shall be confined to a single round for a Minister or Minister of State and the group or party leaders-main spokespersons for parties and groups, or a Member nominated in their stead, not to exceed five minutes each and all Members may share time;

(4) Report Stage of No. 40 shall adjourn, if not previously concluded, after 60 minutes;

(5) Topical Issues shall be taken on the conclusion of Government business or at 9 p.m., whichever is the earlier; and

(6) notwithstanding Standing Order 140(2), neither a Private Members' Bill nor a committee report shall be taken.

An Ceann Comhairle: That was a marathon report. I thank Deputy Daly.

There are three proposals to put to the House today. Is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed?

Deputy Micheál Martin: I seek additional time for statements on the pre-European Council given the enormity of what happened yesterday and the implications for Brexit. The proposal is for ten minutes per leader. That should be extended to 20 minutes-----

An Ceann Comhairle: The Deputy is talking about Wednesday.

Deputy Micheál Martin: Yes. It is a reasonable request.

An Ceann Comhairle: We are already sitting on Wednesday until 11.30 p.m.

11 December 2018

Deputy Micheál Martin: I know but I have made this point before on these types of debate being restricted to ten minutes per leader. Could it be extended even to 15 minutes given what happened yesterday?

An Ceann Comhairle: The Business Committee can consult and see-----

The Taoiseach: I have no objection to that, a Cheann Comhairle. The Business Committee would have to-----

An Ceann Comhairle: It will have to consult. I call Deputy Daly.

Deputy Clare Daly: In fairness, Deputy Ó Snodaigh flagged that this might be a possibility. However, I want to put on the record that quite a number of residents intend to come here to hear the debate on the Aircraft (Dublin Airport) Noise Regulation Bill 2018 which is due to commence at 7.30 p.m and to go on until 9.30 p.m. Anything that would alter that would be very disenfranchising to them.

An Ceann Comhairle: We will make sure that does not happen.

Deputy Micheál Martin: I do not want to be unfair but I lead a party of 44 Deputies. We have been very facilitative. We do not have a d'Hondt system. I have raised the point on a number of occasions that ten minutes for 44 Deputies in a debate like this is not adequate. I have done so consistently. There has been an attempt made to accommodate it. I am saying reasonably that I do not want my party disenfranchised to that extent. I have no difficulty with the facilitation of any other debate but this is a reasonable request given the enormity of what happened yesterday and its impact.

The Taoiseach: To be helpful and to facilitate Deputies Clare Daly and Micheál Martin, we could set side Taoiseach's Questions, not Leaders' Questions. I answer the same questions for two hours each week. Maybe we could set them aside.

Deputy Micheál Martin: The only difficulty with that is we never get answers to those type of questions, but I will set them aside.

Deputy Timmy Dooley: We are unlikely to get them tomorrow either.

An Ceann Comhairle: That might have something to do with the fact that-----

The Taoiseach: -----in which case we are in full agreement.

Deputy Timmy Dooley: I was hoping in the spirit of Christmas that the Taoiseach might.

Deputy Micheál Martin: I would be willing to facilitate that.

An Ceann Comhairle: With a view to being helpful, we can cancel Taoiseach's Questions. The Business Committee will consult.

Deputy Timmy Dooley: The cut-and-paste department can have a break.

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

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: I do not know if you were watching yesterday's proceedings in the British Parliament, a Cheann Comhairle, but the Speaker of the Parliament almost single-handedly brought sterling down by 0.5%. I look forward to the day your intervention will have a similar impact.

An Ceann Comhairle: I look forward to the day when my intervention will get people to stick to the time.

The Taoiseach: You need a mace, a Cheann Comhairle.

Deputy Micheál Martin: Touché. The plans for the new maternity hospital were announced more than two years ago by the Government with great fanfare. The announcement was a long time coming and was warmly welcomed by all, because the Holles Street facility is simply not fit for purpose in any shape or form, given the high volume of births per annum. In certain cases, women with acute and complex births have to be transferred to St. Vincent's University Hospital. It seems to me that since the announcement there has been nothing but controversy and little progress on the site itself. The need is great in terms of the safety and well-being of women. I cannot understand why we are at the 11th hour on the corporate governance issues concerning the hospital, which seem to be impeding the rapid acceleration of the project itself, notwithstanding the Mulvey report. I would appreciate if the Taoiseach could indicate to the House that the project is on track as it is a key part of the programme for Government, that it will get the allocation it needs to proceed and also that he is satisfied with the governance arrangements that have now been identified.

The Taoiseach: The project is on track and has planning permission. It is ready to go to the initial works, which is the enabling works around the car park and the pharmacy. It is a significant investment, in the region of €300 million to €400 million, to build a state-of-the-art co-located maternity hospital on the campus of St. Vincent's University Hospital, which will be followed in turn with The Coombe moving to St. James's Hospital and The Rotunda moving to Connolly Hospital Blanchardstown. Given that it is such an important project and that the hospital will be with us for 100 years, if not more, it is important to get its ownership and governance right. The Minister is still engaging both with Holles Street and St. Vincent's University Hospital to get that right but we are confident that we can get there.

Deputy Micheál Martin: Two years have passed.

Deputy Mary Lou McDonald: This morning it emerged that a former senior manager of commercial lending at Irish Nationwide, Mr. Tom McMenamin, has been fined €23,000 by the Central Bank, following an eight year investigation for reckless conduct. As the Taoiseach is aware, Irish Nationwide cost the State and the taxpayer €5.4 billion, so the rap on the knuckles he received is astonishing. Despite the banking and economic crisis a decade ago, reckless lending is still not a criminal offence in Ireland. Making reckless lending a criminal offence was a recommendation of the former Governor of the Central Bank, Mr. Patrick Honohan, but it has not been acted on. Will the Taoiseach commit now to legislating appropriately for reckless lending and making it a criminal offence?

The Taoiseach: I would be happy to examine any proposals the Deputy has on that matter but I imagine coming to a legally robust definition of reckless lending could be difficult.

11 December 2018

Deputy Pearse Doherty: It already exists in Britain.

Deputy Mary Lou McDonald: It has been done elsewhere.

The Taoiseach: If it was wrongly done it could result in many people not getting credit.

Deputy Pearse Doherty: And bankers going to prison.

The Taoiseach: It could also result in a lot of people not getting credit, so one would have to get the balance right.

Deputy Bríd Smith: The Taoiseach is renowned for his rhetoric to the effect that he will deliver for those who get up early, such as the low and middle income earners of this country. At the weekend we learned from an ESRI analysis of budget 2019 that a decision not to link changes in tax and benefit rates to expected wage growth will reduce the average disposable household income by 0.7%. It was said that lower income households would see proportionately greater losses than higher income households. It is a bit like the mistake President Macron has made in France where he is looking after the wealthy at the expense of the vast majority. The Taoiseach should probably learn some lessons from his pal. The need to link the changes in those tax rates to the expected growth in wages is very clear. Otherwise, what the Government is doing is looking after a tiny milieu of wealthy people when other research shows they have made the greatest gains over the past eight years when compared with average workers and low income earners.

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

Deputy Bríd Smith: Will the Taoiseach commit to linking changes in tax and benefit rates to expected wage growth to deliver what he says he will?

The Taoiseach: I am delighted the Deputy has raised his matter. I had thought People Before Profit and the Socialist Party were against tax cuts. If we were to index tax credits and tax bands to anticipated wage growth, we would have had to cut taxes by much more than we did in the budget. I had thought the Deputy was criticising us for cutting taxes. Now, it appears her position is that we did not cut taxes enough.

Deputy Bríd Smith: I am pointing out an anomaly in Government policy.

The Taoiseach: It is rather perverse. I agree with her that we did not cut taxes enough-----

Deputy Bríd Smith: Their incomes will decrease.

The Taoiseach: We did not cut taxes by enough. If we have more say over the next budget, we will cut taxes more. The answer to the Deputy's question is "Yes".

Deputy Bríd Smith: This is what he calls the squeezed middle.

An Ceann Comhairle: I thank the Taoiseach. It is better not to get into an argument.

The Taoiseach: It is an important point. The ESRI report is based on something called the hypothetical wage index budget. There are, of course, other ways to index: one can index against inflation or one can not index at all. Depending on which model is used, one gets a different outcome. Essentially, what the ESRI report says is that there are increases in pensions, increases in welfare, cuts to income tax and cuts to USC, but, because over 1 million people

are also getting a pay rise, everyone is worse off. It is a pretty strange index, if one looks at it that way.

An Ceann Comhairle: I thank the Taoiseach. We are way over time.

The Taoiseach: The facts are that because of those measures, because of wage increases, including the minimum wage increase, because of income tax cuts and USC cuts and because of pension increases and welfare increases - all in this budget - everyone will be better off in cash terms next year. People will be better off even when we take inflation into account.

Deputy Bríd Smith: The Taoiseach rejects the ESRI report.

The Taoiseach: No, I understand it. That is the difference.

Deputy Róisín Shortall: Further to an earlier question, it has come to my attention that the HSE has lodged a commencement order with Dublin City Council in respect of the proposed new national maternity hospital. Such an order would be made after contracts are signed and when work is about to begin. In this case, the HSE is saying work will begin this coming Friday, 14 December. Surely this cannot be the case in light of what the Taoiseach said earlier - and in view of what he has been saying to me in recent weeks - regarding the need to ensure that all of those important outstanding issues are resolved. I refer to the issues of ownership of the new hospital, ownership of the site and the governance and ethos of the hospital. It seems the Government is not anywhere close to being in a position to sign a contract for work to begin. Will the Taoiseach clarify the position regarding the contract? Can he provide an assurance today he will arrange for that commencement order to be withdrawn immediately so that all of those outstanding issues might be resolved?

The Taoiseach: The Deputy is well aware I am not involved in contractual matters of any nature, whether they relate to individual employment contracts or contracts related to a building scheme.

Deputy Róisín Shortall: He is the Taoiseach.

The Taoiseach: I will certainly ask the Minister for Health to give the Deputy any information he can. I imagine it relates to the enabling works rather than the main contract.

Deputy Catherine Martin: The programme for Government committed to the recruiting of additional teachers within a reformed and better managed public service. Earlier today, parents in a primary school in my constituency of Dublin Rathdown received a message from the principal stating, "In the new year there will be teaching vacancies in our school. These positions have been advertised repeatedly over the last three months without a single reply." This is an appalling position for a principal of the school to be put in with regard to managing her school. It is an appalling position for the teachers, given the extra pressure of operating in a school that has a shortage of staff. Most importantly, it is appalling for the children who have to attend a school where there will not be enough teachers to properly provide the best possible education for those children.

This school will, of course, continue to try its hardest to fill those vacancies but the fact remains many schools across the country are dealing with the same issue.

3 o'clock

Pay inequality is very much part of the problem as students are refusing to join the teaching profession while, for the same reasons, young teachers are walking away from it. What measures is the Government adopting to tackle teacher shortages?

The Taoiseach: I thank the Deputy. We have managed to recruit an additional 5,000 teachers in the past two years, which is a considerable level of recruitment. That is not to take away from the fact that, on occasion, certain schools will have difficulty recruiting certain teachers. There are difficulties when it comes to certain subjects.

Deputy Catherine Martin: This is a primary school.

The Taoiseach: In an era of full employment, there are few areas of the public or private sectors where people are not struggling to find staff.

Deputy Timmy Dooley: This has been going on for years.

The Taoiseach: As regards pay, we have a pay deal with the public service which involves full pay restoration for anyone earning up to €40,000 by the end of this year and up to €80,000 by the end of 2020.

Deputy Fiona O'Loughlin: I refer to the stressful situation in which some same-sex parents find themselves in the absence of parental rights and recognition. The remaining sections in Parts 2, 3 and 9 of the Children and Family Relationships Act 2015 need to be implemented to ensure both parents are recognised as parents of their children. Along with this, the general scheme of the assisted human reproduction Bill 2017, which has been considered by joint committee, seems to have stalled. Action is needed on the Bill to support these parents.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): A number of amendments need to be made from both a health and civil registration perspective. The amendments to my Bill will, hopefully, come before the House after Christmas and the Minister for Health is aiming to do the same in respect of his legislation.

Deputy Michael Moynihan: I refer to the disparity between section 38 and section 39 organisations, specifically those section 39 organisations providing State services for people with intellectual disabilities. Some time ago, section 38 organisations were taken under the remit of the State Claims Agency, SCA, along with all of the associated insurance matters. That transferred a large volume of work in respect of which insurance companies had been quoting. It transpired then that insurance premiums for section 39 organisations escalated. In the case of St. Joseph's in Charleville, the premium escalated from €150,000 to more than €500,000. Some scoping work has been done within the HSE and the Department of Health on the SCA taking over the insurance policies of section 39 organisations dealing with intellectual difficulties. Where is that process and what is happening in relation to it?

The Taoiseach: I am afraid that I do not have any information on that. The SCA falls under the remit of the Minister for Finance who is in Washington. I will ask him to correspond with the Deputy.

Deputy Pearse Doherty: Permanent TSB is in the process of selling €1.3 billion worth of mortgage loans to a vulture fund, Glenbeigh Securities. No one knows who owns the fund. It is completely secret having only been established one month ago. A key issue is that this is now tax free, as it is a section 110 company with charitable status. Despite the fact that the loophole

in the Finance Acts 2016 and 2017 was closed, the fund is telling its investors it has found a way around it because Permanent TSB holds a small portion of the economic interest. Will the Taoiseach bring forward emergency legislation to close the loophole that a company holding €1.3 billion of Irish property has found a way around?

Deputy Bernard J. Durkan: The Central Bank (consolidation) Bill is promised legislation. Might it be possible to introduce in the Bill provisions to address not only the matter raised by Deputy Pearse Doherty but also a number of other vulture funds operating with consequences for our constituents nationally.

The Taoiseach: As I understand it, companies will pay tax where they are resident but I had the opportunity to watch Deputy Pearse Doherty's exchange at the finance committee with an official from Permanent TSB. I brought that to the attention of the Minister for Finance. If there is a loophole which somebody is exploiting, we will close it if we can. The Minister is examining the matter.

Deputy Martin Kenny: There is a clear commitment in the programme for Government to deal with the issue of insurance, particularly insurance for younger drivers. Where I live in the north west, and in many parts of rural Ireland, when jobs become available, young people often have to drive because there is no other way of getting to work. When they try to insure a car, they find themselves being quoted €8,000 or more. I met one young person who was quoted €4,000 to get on their mother's car insurance as a named driver, which is ridiculous. A programme was set up to examine this issue but we are back to the same position again. Insurance companies are closing down opportunities for young people to get insured and get on with their lives. It is time to take a firm hand with this. Something must be done to ensure that people can get insurance in order that they can drive cars in rural Ireland.

The Taoiseach: I totally agree with the Deputy that it is important that people are able to get car insurance so that they can go about their daily lives and so that young people, in particular, can access employment. As everyone in the House will appreciate, insurance is a financial service regulated by the Central Bank. Prices are not set by Government nor are services provided by Government. Motor insurance premiums have, however, decreased by approximately 20% since their peak in 2016.

Deputy Martin Kenny: Not for young drivers.

The Taoiseach: That reflects the work that the Minister of State, Deputy D'Arcy, has done and the work done by the Minister, Deputy Eoghan Murphy, before him. The Minister of State is continuing to implement the actions in his plan to reduce motor insurance costs further.

Deputy John Brassil: It looks increasingly unlikely that the March deadline for the UK's withdrawal from the EU will be met. What impact will this have on the European elections in May? Consequently, what impact might it have on the local elections due to be held in this country on the same date, given the number of MEPs who will be directly affected by whether the UK will be part of the EU?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for his question. Legislation to amend the European constituencies and to allow for the additional seats to be filled in the European elections due to happen at the end of May is before us. These elections will happen at the same time as the local elections. Both of these elections will go ahead regardless of what happens in the Brexit conversations going on

at the moment. If there is a delay in the UK withdrawing from the EU, it will have an effect on the number of seats to be filled in the elections in May. We do not think that will be the case, but if it were, we would bring forward new measures at that time.

Deputy Thomas Byrne: On the commitments to education in the programme for Government, there is a €675 million increase in the budget for education for 2019 compared with 2018. It turns out that €147 million of that is for pensions and another undisclosed amount is to deal with demographic changes. Every year for the past number of years a Supplementary Estimate to deal with substantial pension costs has been added on to the education Estimate because the Department of Education and Skills does not know how many teachers will retire. This relates to the question put by Deputy Catherine Martin. It is an issue we have raised on numerous occasions. This year, approximately 2,000 teachers will retire when the Department of Education and Skills had predicted that approximately 700 teachers would retire. What is the Government proposing to do about that in the context of the programme for Government? The Department appears to be the only big-spending Department whose share of overall Government expenditure is decreasing. The share for the Departments of Health, Housing, Planning and Local Government, and, rightly, Employment Affairs and Social Protection has increased but the share for the Department of Education and Skills has decreased. That shows a lack of commitment to this issue.

The Taoiseach: Spending in all of these areas is increasing. The budget for education will be €11 billion next year, which is the largest budget ever for education. The Deputy's performance today once again demonstrates the dilemma the Government faces. We are being told, perhaps correctly, by the Irish Fiscal Advisory Council that we need to rein in spending but every time I come in here all I hear from the Opposition, and the only thing on which it is united, is that we should spend more and more.

Deputy Thomas Byrne: I am criticising the Government for not planning its spending properly.

The Taoiseach: If one Department gets proportionately more than another, the Opposition wants to spend even more again.

Deputy Thomas Byrne: Why is the share for education falling?

The Taoiseach: It is totally irresponsible.

Deputy Regina Doherty: Deputy Byrne needs to go back to school. The numbers are going up, not down.

Deputy Thomas Byrne: I do not.

Deputy Imelda Munster: I want to raise the matter of the change to the name of Our Lady of Lourdes Hospital proposed by hospital management without any prior public consultation whatsoever. Our Lady of Lourdes Hospital was founded and built by the Medical Missionaries of Mary. The hospital build was funded by the people of Drogheda over many years through fundraising events and weekly door-to-door collections. The people are outraged by this proposed name change without any public consultation. The hospital manager has stated it was time for real change but surely it would be better to concentrate on and effect real change by curbing hospital waiting lists or providing a second badly-needed X-ray room. The people of Drogheda want to be consulted on this matter. They deserve to be consulted on it. Will the

Taoiseach or the Minister for Health contact management at the hospital and ask them to engage in a public consultation process so that people can have a say on their hospital.

An Ceann Comhairle: I call Deputies Fitzpatrick and Breathnach on the same matter. I ask them to be brief because we are running out of time.

Deputy Peter Fitzpatrick: On the verge of the Christmas celebrations, the HSE aims to dispose of the recognisable name of Our Lady of Lourdes Hospital in Drogheda. The name was established through the legacy of its founder, Mother Mary Martin, a pioneer and an instigator of hospital and maternity services in the north east. Changing the name of the hospital revokes the legacy and vision of its founder and her achievements in providing maternity services where none existed previously.

This unnecessary box-ticking exercise - stripping away heritage and culture - has been rail-roaded through without any consultation with the people of Drogheda and Louth. This attempt to whitewash a legacy could begin a journey down slippery slope to get rid of more historic names, objects and landmarks that somehow offend or are not seen as progressive. Names are powerful and they have meanings. They are a link to past generations and our culture, honour and history. This hospital was named by Mother Mary Martin in honour of Our Blessed Lady and should remain so in honour of Mother Mary Martin and the community that helped to build, run and maintain Our Lady of Lourdes Hospital in Drogheda.

Deputy Declan Breathnach: I will not delay the business of the House other than to say that I fully concur with the sentiments expressed by the previous two speakers. I was acutely involved in the old regime of the health board and directly involved in the purchase of the hospital when it came into State ownership. It is wrong to try to disrespect the legacy of those who founded the hospital and the investment made in it, not to mention the fact that locally it is called the Lourdes hospital, and I see nothing wrong with that as that is the heritage and the history. To suggest we would rename the hospital and spend millions of euro on that - we will be told it will not cost much but a significant cost is involved when there is a change in the paperwork, signage and so on - is ridiculous. It is incumbent on both the Minister for Health and the Taoiseach to call a halt to any suggestion made in respect of this hospital. What is proposed is nothing short of a disgrace.

The Taoiseach: There is nothing in the programme for Government or in legislation on this matter but I appreciate that it is an issue of great concern to the Deputies from County Louth. No matter what the name of the hospital is officially, it will always be the Lourdes hospital for people in Drogheda. I agree that it would be appropriate for management to consult with local representatives and the community before making any change. A change does not require Government approval but it is a hospital that serves a community and it is only right that the community should be involved in any decision to change the name.

An Ceann Comhairle: There are only two Members still offering, namely, Deputies Neville and Murphy O'Mahony.

Deputy Tom Neville: Under the programme for Government and in the context of the enhancement of mental health services, will the Taoiseach indicate if any consideration has been given to extending the term of the Joint Committee on the Future of Mental Health Care or to putting in place a permanent replacement? The joint committee sat for a number of months and generated a very comprehensive report and recommendations that should be put into practice.

An Ceann Comhairle: I call Deputy McConalogue.

Deputy Charlie McConalogue: My question relates to another matter.

An Ceann Comhairle: The Deputy can proceed with his question.

Deputy Charlie McConalogue: This is a question for the Minister for Agriculture, Food and the Marine regarding the issue of carcass trimming by beef factories. I raised it with him last week and he undertook to ensure that factories will offer recompense to farmers where this has happened. Will he give an assurance that those factories which are found to have over-trimmed carcasses, and therefore deducted unfairly from farmers in terms of their final payments, will be named and shamed and that they will be held to account by him for these unfair practices?

Deputy Margaret Murphy O'Mahony: I may be a little biased, and have been known to be, but I firmly believe that my constituency of Cork South-West is the most beautiful and scenic in the country. The Wild Atlantic Way offers a lifeline to many people. As the Taoiseach is probably aware, a review of the Wild Atlantic Way is due to take place in February. People in west Cork have some concerns that all the areas currently included will not be included in the review, particularly the peninsula from Courtmacsharry to Clonakilty, about which there is great concern. What efforts will be made to ensure that all these areas will be included in the review?

An Ceann Comhairle: I ask the Minister for Agriculture, Food and the Marine to be brief in his response to the question on agriculture.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Deputy McConalogue for raising this issue. In respect of any carcasses that have been excessively trimmed, the farmers involved are entitled to know the identity of the factories concerned. As the Deputy will be aware from our engagement on this matter last Thursday, in the context of the ultimate accountability and the naming of those factories to farmers, any individual farmer where a carcass has been identified as having been excessively trimmed will be notified by that factory of that matter and duly compensated for it.

An Ceann Comhairle: I call the Taoiseach to respond in respect of the other two matters.

The Taoiseach: I thank Deputy Murphy O'Mahony for raising the issue of the Wild Atlantic Way. I agree with her that her constituency, Cork South-West, is certainly one of the most beautiful in Ireland. It is always a pleasure to visit, especially during the summer. My understanding is that the review of the Wild Atlantic Way is not about taking any part out or leaving anywhere out but I will have that checked out and I will ask the Minister of State, Deputy Griffin, to confirm the position for the Deputy.

On Deputy Neville's question, I met the chairman of the committee, Senator Freeman, a few months ago. My understanding is that the committee will continue for the duration of the Dáil. Obviously, each new Dáil decides what committees will sit during its lifetime. I will have to confirm that what I have outlined is still the plan.

Proposed Approval by Dáil Éireann of the Fifth Programme for Law Reform: Referral to Joint Committee

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move.

That the draft Fifth Programme of Law Reform, a copy of which was laid before Dáil Éireann on 11th December, 2018, be referred to the Joint Committee on Justice and Equality, in accordance with Standing Order 84A(4)(k), and that the Committee, or a sub-committee thereof, be instructed to report thereon to Dáil Éireann on or before 22nd January, 2019.”

Question put and agreed to.

Health Insurance (Amendment) Bill 2018 [Seanad]: Financial Resolution

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

THAT section 125A of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999) be amended to provide for the specified rate of stamp duty in respect of an insured person in respect of relevant contracts renewed or entered into on or after 1 April 2018 and on or before 31 March 2019 and on or after 1 April 2019 in the manner and to the extent specified in the Act giving effect to this Resolution.”

Question put and agreed to.

Ceisteanna - Questions

Taoiseach's Meetings and Engagements

1. **Deputy Michael Moynihan** asked the Taoiseach if he has met church leaders recently. [49133/18]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he has held recent meetings with representatives of churches and faith communities as part of the church-State structured dialogue process. [50346/18]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach if he has recently met church leaders. [50390/18]

4. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent meetings with church leaders. [51852/18]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

On 25 August, I met with Pope Francis during his visit to Dublin Castle. The meeting provided an opportunity for us to discuss several issues, although, regrettably, not in any depth because it was of short duration.

On 22 January 2018, I met with representatives of the Church of Ireland, Presbyterian and Methodist Churches in a formal meeting under the structured dialogue process between the church and State. We discussed important social and economic issues facing Irish society as well as international issues. This was the second in a series of meetings that I will be holding with dialogue partners.

On 31 August 2017, I held a formal meeting under the structured dialogue process with representatives of the Catholic Church, led by Archbishop Eamon Martin.

Some of the issues we discussed at these meetings were challenging. They are issues on which people have deeply held views and which are matters of conscience. Our discussions were valuable, not just because they deal with important issues, but particularly because they were conducted in an atmosphere of respect for the views of others, where everyone sought to be constructive.

Like public representatives generally, I meet church leaders informally from time to time in the course of attending official or public events, including visits to the Jewish and Muslim communities. In particular, with the recent presidential inauguration and the visit of Pope Francis, I attended several events that were also attended by representatives from various religious groups, which enabled me to engage with them.

Deputy Micheál Martin: I thank the Taoiseach for his reply. I reiterate that in the past few days the issue of the impact of historical ownership models within the health sector has come to light in the context of Holles Street. For the sake of moving forward with critical improvements to women's healthcare in Dublin in particular, but also throughout the country, I hope this will definitely be resolved immediately. I put this forward not from ideological perspective but from a governance and capacity perspective. It points to a failure in recent years to have a more structured and comprehensive approach to patronage and ownership in an era where religious groups no longer have the capacity to effectively manage institutions. Years were wasted on an adversarial approach where arbitrary targets were announced. Progress basically dried up as we know, particularly in education. We had all the talk of divestment and nothing happened as a result. Has the Taoiseach proposed any new systematic engagement with the churches about their roles within education and health and the wider social services? As we talk about constructing new hospitals, where existing sites are sold, the funding should only go to new hospitals. We are in danger of losing many positive contributions if we do not have a more systematic approach. Furthermore, the churches, to be fair, were pillars of the peace process and were able to maintain a dialogue with the men and women of violence even when they were at their destructive and sectarian worst. Nothing could have been achieved without brave members of religious communities who worked night and day for peace. In this context, it has to be a deep concern that many religious leaders today are very worried about the direction of events in Northern Ireland. They believe that the political deadlock imposed by the DUP and Sinn Féin is dramatically escalating tensions and that a dangerous atmosphere is developing. Has the Taoiseach had any recent meetings with religious leaders about their concerns about Northern Ireland? Has he sought their co-operation to try to find a pathway forward to the restoration of democratic politics and a more energised civic dialogue within Northern Ireland, which has been suppressed for far too long?

Deputy Mary Lou McDonald: The new National Maternity Hospital to be housed at St. Vincent's has been mired in controversy. Public opinion is clearly that it must be owned and operated by the State. Some 19 months have passed since the Sisters of Charity announced

that they were to end their involvement in the St. Vincent's Healthcare Group. Last week, the Minister for Health confirmed that the withdrawal of the order from St. Vincent's had yet to be finalised. Alarming, the Minister acknowledged that he has yet to ensure that the hospital will remain in public ownership or that its board will include a public interest director. Over the weekend, as the Taoiseach may know, hundreds of women gathered in Dublin to voice their concerns about the ownership and ethos of our new maternity hospital. Hours later, Archbishop Diarmuid Martin stated that citizens do not have to obey laws that are contrary to their Catholic faith, an assertion which I, as a Catholic, found alarming and extraordinary. The Taoiseach can understand the heightened concerns that women and their families have regarding their health-care. It is clear that the January deadline, as committed to, for the provision of abortion services will not be met and we have the Archbishop of Dublin publicly encouraging a revolt by anti-choice medical professionals with regard to the referral provisions in the Health (Regulation of Termination of Pregnancy) Bill. Dr. Rhona Mahony, as she ends her term as master of Holles Street, is concerned that the new maternity hospital project is in danger of falling apart. Will the new maternity hospital be owned in full by the State? Will the Taoiseach reassure women and their families that there will be no involvement at board, management or ownership level by the Sisters of Charity or any other religious order?

Deputy Bríd Smith: I am asking this question on behalf of Deputy Boyd Barrett. Last Wednesday morning, I had the opportunity to ask the Minister for Health the same question about ownership of the new National Maternity Hospital and I got no answer. I do not think it is good enough that the public, especially women, are, until the 11th hour, when the deal was supposed to be signed off on on Friday, not being given information. Some 25 months ago, discussions commenced on the ownership of the hospital and we still do not have accurate information. I was one of the people at the protest on O'Connell Street. I was not there for the fun of it. It was a cold, wet day but I was there because the answers being given here by the Minister for Health are not acceptable. They are not answers. Women are genuinely concerned about the future of maternity care for many reasons, not least the legacy reasons of the role of the church in healthcare. The Taoiseach has said on many occasions, as has the Minister, Deputy Harris, that he wants to see the full separation of church and State in health and education. Now is an opportunity for him to ensure that happens. Will he guarantee here today that what will probably cost the State at least €350 million, not an untidy figure, will belong to the people and will be governed and run in a purely secular manner that can guarantee women in the post-repeal era 21st century maternity care? Can we see details of the deal? When will this new company be incorporated and the separation made?

Deputy Brendan Howlin: I agree with the questions which have been posed so far about the new National Maternity Hospital. The Taoiseach talked about the visit of the Pope. There was an interaction during that visit when the Minister for Children and Youth Affairs presented the Pope with a letter. I understand there was follow-on communication. Was there ever a response from the Vatican to that correspondence, has it been discussed by Government and what is its nature?

Is there a structure for the Government's interaction with various religious groups and organisations in the State? There has been much recent controversy about the Church of Scientology and its expansion plans, particularly a Narconon centre in Ballivor in County Meath, which is apparently to be a rehabilitation and drug treatment centre. I understand that while planning permission is needed, there is no regulation or inspection of residential treatments for rehabilitation. Is this a matter that the Taoiseach has had any interactions with the Church of

Scientology about? Have there been any interactions between the Taoiseach, the Department and the Church of Scientology?

Deputy Joan Burton: Will the Taoiseach clarify where his Government stands with regard to the National Maternity Hospital in Holles Street? It has a long tradition of care. As somebody who had a baby in Holles Street, I can personally testify to that. When we were in government, there was a strong understanding between the Labour Party and the Taoiseach's party, as the bigger party in that coalition, that this would be a fully independent maternity hospital whose ends and objectives would relate to women and babies irrespective of any kind of clerical or church control or influence. The Taoiseach and Minister for Health have consistently refused to come out completely clearly and show how that will be done by the State. The nuns have announced that they have stood back but none of us is clear as to whether or not the commitments they have given are adequate. The Taoiseach must have taken advice from the Attorney General. We know that the hospital project has to proceed. What is delaying the Government, the Taoiseach and the Minister for Health in being clear about this?

The Taoiseach: There are quite a few things happening with regard to patronage and ownership. Many new schools are being built around the country. Many are community national schools, Educate Together schools or are under education and training boards, ETBs. Some are under relatively new religious patronage bodies such as Le Chéile or Edmund Rice Schools Trust. These new builds on new sites are publicly owned by the Department of Education and Skills. There is a divestment programme, which is slow but it is happening. That relates to a number of locations around the country where the parents of pre-school children are being surveyed and polled about what type of patronage they would like to have for their local school. In time, that will lead to quite a number of diocesan national schools being transferred to the patronage of the local ETB.

In healthcare, a former chief civil servant in the European Commission, Catherine Day, has prepared a report on patronage and voluntarism in our health service. I do not think many people in this House will dispute, with regard to voluntarism in the health service, that many hospitals around the country, including the Mater, St. Vincent's or the National Children's Hospital, formerly on Harcourt Street, or the Mercy in Cork, were founded by religious bodies or charities, often being paid for, built and staffed by them and they did the country a lot of service. We should not throw the proverbial baby out with the bathwater. We need to modernise, but I do not believe that should involve abandoning or expelling voluntarism from our health services. The same would apply to Our Lady's Hospice and to St. Francis' Hospice as well. It is a case of making sure we have modern structures and governance in place, but that does not necessarily mean complete and absolute secularisation.

Deputy Micheál Martin: I am not saying that.

The Taoiseach: People who have had the experience of those hospices and so on will agree with that.

Deputy Bríd Smith: Does that apply to governance?

The Taoiseach: In terms of Holles Street specifically, as I understand it, it is intended that the site and building will be sold and that the proceeds will be used as a contribution towards the new hospital. It will be gifted to the State.

Deputy Micheál Martin: It is not going to be gifted.

The Taoiseach: On the national maternity hospital, it is important that we develop a practical solution in this instance. This is not a greenfield site or the establishment of a hospital *de novo*. Rather, it is the movement of a hospital that has been around for hundreds of years onto the site of another hospital that has been around for a long time, both of which are currently not in the ownership of the State. The Minister for Health is bringing together two existing hospitals on the same site. These are hospitals with their own legal personalities, boards and staff and, in some case, their own debts and various other liabilities. It is important to get the governance and ownership right. It is intended that the hospital will be owned by the Government and that any procedure or service that is legal in this State, including tubal ligation, abortion, IVF, will be available in that hospital, the law of the land will apply, and the ethical principles that will apply are those of the Medical Council and medical ethics not any other ethics. The hospital will also have its own board and governance separate from St. Vincent's Hospital but the hospitals will require a degree of integration. The purpose of co-location is to ensure that a woman who is pregnant and has a heart condition can avail of the cardiology services in St. Vincent's Hospital. Similarly, a woman who is pregnant and suffering from epilepsy will have access to the full suite of neurology services available in that hospital. These are the matters we need to get right.

An Ceann Comhairle: The time for this group of questions has expired. We must move on.

The Taoiseach: The reason for the delay in providing clarity around this issue is that it has not yet been finalised or formally agreed. Once it is, clarity will be provided.

Deputy Bríd Smith: Will it be clarified by Friday?

The Taoiseach: I do not know.

Deputy Micheál Martin: May I ask a brief supplementary question?

An Ceann Comhairle: The time for this group of questions is expired. If members wish to ask further supplementaries, the time will have to be taken from later questions.

Deputy Bríd Smith: I would appreciate it if we could do that.

The Taoiseach: I also have not finished my answers.

An Ceann Comhairle: Do members wish to continue on this group of questions?

The Taoiseach: I have a lot more supplementary answers.

Deputy Brendan Howlin: We will need only a few minutes to deal with the final question, so we could take some of the time allocated to it.

An Ceann Comhairle: Let us take ten minutes and first allow the Taoiseach to continue his answers. Is that agreed? Agreed.

The Taoiseach: I was asked about the interaction between the Minister for Children and Youth Affairs and the Pope during his visit. As members will be aware, they spoke briefly in Arás an Uachtaráin about Tuam and the Minister followed up that conversation with a letter. The Pope has provided a written response, although it is more of an acknowledgement than a substantive response. The Minister has engaged with the religious order that operated and owned the Tuam home and it has agreed to make a financial contribution towards the excava-

tion and to work with her on helping the commission get to the facts of what happened in that particular mother and baby home.

On church-State dialogue, it is not a formal structure in the sense that it does not have a secretariat and there is no member of staff whose job it is to manage that dialogue, but it is structured in the sense that it occurs at least once a year. Everybody knows when it is going to happen, an agenda is prepared and delegations are put together, usually comprised of myself and a number of Ministers and representatives of the religious orders. Defined times are set aside to deal with each of the issues and during the year these are followed up by the line Ministers.

The Church of Scientology is not part of the church-State dialogue and I have not had any interactions with it.

An Ceann Comhairle: I will allow brief supplementary questions as distinct from statements.

Deputy Micheál Martin: I am not talking about voluntarism in respect of St. Vincent's Hospital and Mercy hospital. These are systemic hospitals. They are big concerns in which there has been significant investment by the State. To all intents and purposes, they are tertiary hospitals and will remain so into the future. The religious orders have exited the governance of the hospitals. The danger with a lay trusteeship is that private concerns can enter into the realm over time. The State needs to be guarded in protecting the taxpayer and the citizen in terms of what have been identified as tertiary centres where acute care has to happen. As I said, I am not talking about fuzzy voluntarism; rather, I am talking about a fundamental aspect of capacity and governance in our health services into the future. As the new maternity hospital is being co-located on the site of St. Vincent's Hospital, which is a tertiary hospital, the former has to have a State-oriented future one way or the other.

Deputy Mary Lou McDonald: Nobody is gainsaying the contribution of voluntarism in the past but we are now at a point where massive public investment is envisaged in a national maternity facility and people need clarity and certainty. The Taoiseach said that he cannot give that certainty because the matter has not yet been resolved. It was to have been resolved at this stage, but it still is not. When will it be resolved and when will we have the certainty we desire?

Deputy Bríd Smith: According to the media, construction of the national maternity hospital is due to commence on 14 December. We still do not know when a company, which 18 months ago we were promised would be established, will be incorporated. This company was to be established for the expressed purpose of separating the new national maternity hospital from the St. Vincent's Hospital Group. Until such time as this has been done and we have assurances in that regard, the doubt, concern and protests will continue. We need to see the colour of the Government's money, in particular of the Taoiseach and the Minister for Health, because our money is being used to build a hospital with no guarantees for the future of women's health-care. There is ambiguity in the Taoiseach's response.

Deputy Brendan Howlin: I remember well my visit to Holles Street hospital as Minister for Public Expenditure and Reform, following which I had discussions on the new national maternity hospital with the then Minister for Health, James Reilly, because I allocated the money for it. There was an understanding between us that the hospital would be a national maternity hospital built on a co-located site but totally independent. We need to have this clearly expressed now and doubly so in the context of the utterances of a senior church person during

the week which urged Catholics to break the law or, at least, to not comply with laws that run contrary to church teaching. This is a worrying development in the context of a new national maternity hospital. I ask the Taoiseach to state that the intention of the Government, and of this House, is that the national maternity hospital will fully comply with every aspect of the law, its governance will be secular, and whatever legal means are required to achieve that will be pursued.

Deputy Joan Burton: The Taoiseach cited examples of women in either hospital and what might happen to them. If a pregnant woman in St. Vincent's Hospital is in danger of dying due to a heart attack, will she be moved to the maternity hospital for a termination if that is what will save her life or could staff with conscientious objections on the general hospital side simply not offer her what should be available to her and her family by way of choice? It is important that the Taoiseach publishes draft governance arrangements such that we can work through the type of examples he set out earlier. They are challenging examples so can the Taoiseach assist the Dáil in that way?

The Taoiseach: Hospitals such as St. Vincent's, the Mater and the Adelaide and Meath Hospital incorporating the National Children's Hospital in Tallaght are tertiary hospitals. They are also voluntary hospitals. There is nothing fuzzy about voluntarism.

Deputy Micheál Martin: There is no volunteerism in them at present.

The Taoiseach: It is serious. It is a particular model of governance, and it is certainly not unique to Ireland. The Mater Hospital in Belfast, for example, which has been part of the NHS since its foundation, has autonomy and an arrangement with the NHS. Many of the hospitals in Germany are owned by voluntary bodies or charities, some of which have religious foundations as well. However, Deputy Micheál Martin's point is valid. There is a difference. As religious orders diminish in number they are transferring patronage of schools and hospitals to lay people, who may or may not have religious views. We must bear in mind that a change is happening in that regard.

I was again asked about when the issue relating to the National Maternity Hospital will be resolved. I do not know. I cannot put a date on it because the Government is not the only party involved. It involves the Department of Health and the HSE, St. Vincent's and the National Maternity Hospital. When three parties are involved in a negotiation no single party can say when it will be resolved. It would be similar to me asking Deputy McDonald when an executive will be up and running in the North. It is not in the gift of any single actor in this-----

Deputy Mary Lou McDonald: One would not think that normally given the commentary.

The Taoiseach: -----so it will be resolved when it is resolved. I will repeat what I said earlier, lest there be any doubt. The Government will be investing hundreds of millions of taxpayers' money in this new hospital and it will not be gifted to anybody. The entire investment will be protected by the State. The hospital will be independent of St. Vincent's and will have its own governance, board and staff, but there will have to be a degree of integration because that is the point of co-location in the first place. Regarding what laws will apply, they will be the laws enacted by the Oireachtas, not canon law or any other law. The ethics that will apply are the medical ethics laid down by the Medical Council, not any other ethical framework. As regards conscientious objections, the laws relating to conscientious objection will apply in the same way in every hospital.

Cabinet Committee Meetings

5. **Deputy Michael Moynihan** asked the Taoiseach when Cabinet committee A on the economy last met. [49135/18]

6. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee A on the economy last met; and when it is scheduled to meet again. [50347/18]

7. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee A on the economy last met. [50391/18]

8. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee A on the economy last met. [50552/18]

9. **Deputy Michael Moynihan** asked the Taoiseach the Cabinet committee at which agricultural issues are discussed; and when it last met. [50822/18]

10. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee A on the economy last met; and when it plans to meet next. [51853/18]

The Taoiseach: I propose to take Questions Nos. 5 to 10, inclusive, together.

Cabinet committee A held its first meeting on 12 September 2017. This Cabinet committee covers issues relating to the economy, jobs, the labour market, competitiveness, productivity, trade, the Action Plan for Rural Development, the digital economy and pensions.

Issues relevant to the agriculture sector can arise, as required, in either Cabinet committee A which covers rural affairs, Cabinet committee C which covers Brexit or Cabinet committee D which covers climate action and the national planning framework.

Of course, as with all policy areas, agricultural issues are regularly discussed at full Government meetings-----

Deputy Micheál Martin: Is the Taoiseach replying to Questions Nos. 5 to 10, inclusive?

The Taoiseach: Yes.

Deputy Micheál Martin: He is taking the economy and agriculture together.

Deputy Brendan Howlin: Yes.

The Taoiseach: Questions Nos. 5 to 8, inclusive, ask about Cabinet committee A, which deals with the economy, Question No. 9 asks at which committee agricultural issues are discussed and Question No. 10 asks specifically about Cabinet committee A.

As I said, as with all policy areas agriculture issues are regularly discussed at full Government meetings where all formal decisions are made.

The most recent meeting of Cabinet committee A took place on 12 November last.

Deputy Micheál Martin: Brexit represents by far the biggest economic risk our country faces in the short, medium and long terms. The Central Bank has said it is already impacting on key parts of the economy. The budget documentation issued by the Minister for Finance two

months ago states that the fiscal situation is exposed to a failure to achieve an orderly Brexit. Nearly half of exports are to the United Kingdom and critical sectors have said they would face severe difficulties with the exchange rate that was reached yesterday. The Government's data show that the majority of firms are simply not ready for Brexit. Given the events of yesterday and the Taoiseach's statement that he has decided to ramp up preparations for a no deal scenario, something he has said many times previously but he has not done, can he tell us what the likely implications of a no deal scenario are for our economy next year? If there is a failure to have a deal which comes into force at the end of March, what are the working assumptions of the impact of this on our economic and fiscal situation? While the European Union has published a no deal guidance, as has the United Kingdom, there is no Irish specific guidance, or at least no such guidance that is publicly available.

There are 108 days left until the Brexit day set down in UK legislation. At what point will we see any of the no deal preparations which we are told are on their way and, in particular, the memorandum brought to the Cabinet today by the Tánaiste and Minister for Foreign Affairs and Trade? Will the Taoiseach give a commitment to publish the essence of that memorandum, which deals with the central case scenario? Will the Taoiseach outline the preparations for what we are likely to encounter in the context of no deal?

Deputy Mary Lou McDonald: I too ask the Taoiseach to publish that memorandum. Perhaps in the first instance he would share it with the Opposition so we can get a sense of the sectoral preparations. However, the point I made on Leaders' Questions still stands - there must be a far more comprehensive and long lasting response in the event of a crash and that revolves around resolving the constitutional issue and removing the Border.

In respect of the economy, the Taoiseach was questioned earlier about climate change. The performance index published by the UN Climate Change Conference in Poland yesterday made grim reading. We are ranked as the worst state in the European Union when it comes to addressing climate change. According to that report we will miss our 2020 and 2030 climate change targets. This will cost us. It will cost the State in terms of environmental consequences, and missing our emissions and renewable energy target means the State will also face huge fines. This is not acceptable. We have moved beyond the point of taking small steps. We need vision and action. Ours is a small state in global terms but I believe this island can lead by example. This means action being pursued cross-departmentally to tackle climate change. A range of commitments have been made over the years to get to grips with our lacklustre performance but they have not been kept.

First, is the climate change agenda central to the work of the economic committee? Also, can the Taoiseach produce a progress report on the implementation of the climate change measures contained in the programme for Government?

Deputy Bríd Smith: I wish to discuss the announcement of new guidelines for maximum building heights in towns and cities. Restrictions have been lifted by order of the Minister. My question relates to planning and economics, because one cannot have one without the other. Did the Department of the Taoiseach have discussions with NAMA at any stage? Did it inform NAMA of the likely impact the lifting of height restrictions would have on any planning permission application that might be submitted by developers and, most importantly, on the value of sites that NAMA was selling? When it discussed how the remaining sites and loans could be important to deal with the housing crisis and be utilised directly by State agencies to build social and affordable homes, was this just an example of NAMA gobbling up very lucrative

lands in advance of the restrictions being lifted? There are two sites where this took place. One of them is in Dublin north docklands near Mayor Street on Castleforbes Road. One of the last remaining prime development sites in the docklands was sold for €110 million. The planning that was granted for that site could be scrapped and they could go back to issue new planning. If they had any sense they would. This would mean that developers have gobbled up public land owned by NAMA at a very giveaway price. I want to know if there were any discussions by the Minister or the Department with NAMA and with developers about this move to lift the restrictions on building height. It is quite a serious move and it would be very surprising if there had been no discussions.

Deputy Joan Burton: Does the Taoiseach agree that a lot of people who are in mortgage difficulties, including those people whose mortgages were sold over their heads from PTSB to an investment vehicle administered by Pepper Finance with the agreement of the Taoiseach's Minister for Finance, must feel sick at the derisory level of penalties levelled on a former banking executive in the Irish Nationwide Building Society today? That information coincides with a report from the Economic Social Research Institute, ESRI, that says despite the Government pledging to cut taxes the Government's budget will actually leave households, and in particular the lower income households, paying more tax. Lower income households include large numbers of younger people who are being absolutely stung for rising rents and who are beginning to feel that they will never be able to afford a property. Through the budget the Government is essentially worsening their situation by some 0.7%, in terms of what the ESRI has to say on it.

Deputy Brendan Howlin: I have two questions. The first concerns the worrying aspect of the recent inability of the Department of Finance to predict corporation taxes accurately. Will the Taoiseach indicate if there has been any analysis on this? France has announced recently that regardless of any European agreement it is going to introduce its own digital tax. This is likely to be followed by a number of other countries, as indicated by the Chancellor in the United Kingdom and by Spain. If they introduce the digital tax has there been any analysis of the impact of this measure on Ireland's tax base? I would be interested in hearing it. Is there any intention to have that sort of analysis?

My second question relates to the very worrying prospect of a hard Brexit and I want to focus on one tiny but very important aspect, that is the importation and exportation of goods to and from our island. In the event of a hard Brexit are there contingency plans to increase the capacity of our main exporting ports, especially the ports of Dublin and Rosslare? Will the Taoiseach clarify if the Government has plans to identify vessels that might be chartered in the event that the land bridge is so congested by the backlog in ports such as Dover that it would be useless to us? Have we looked at the international shipping market to see if Ireland can charter vessels to have direct access to the European markets in that eventuality?

The Taoiseach: I thank the Deputies for their questions. On the issue of a no-deal Brexit, it is of course difficult to predict the impact on our economy, on the British economy or the European economy because this situation where the UK leaves the European Union without a deal is unprecedented. No country has ever left the European Union before. There have, however, been a number of analyses and I refer Deputies to the Copenhagen Economics report that was published a few months ago, which gives at least an estimate of what the impact will be in different scenarios including a no-deal scenario.

No-deal preparations are not a big secret, nor are the central case plans. As I explained earlier, they happen at two levels; at European level and at national level. At the European level,

70 notices have been issued already and seminars are ongoing. The seminars will continue until mid-January. With regard to national level preparations we have had Brexit preparedness seminars also. The preparations involve a number of elements including the hiring of staff such as customs' staff, veterinary inspectors for sanitary and phytosanitary controls, SPC, environmental health inspectors and property professionals. The preparations include additional infrastructure at Dublin Port, Dublin Airport and Rosslare Port. It also involves a suite of legislation that we will have to put through the Houses of the Oireachtas in the first quarter of the year, some of which is very simple legislation and some very complicated. IT systems and customs' training for business are already under way. There are other planning measures too and we will be happy to publish those as we go along. We are not going to publish Government memos but we are happy to make public the information as we go along. It is essential that we make the information public because the public has to be involved in this. There are no preparations that do not involve the public and business. We will keep parties updated through the stakeholder forum. I am glad that many parties attend that.

Deputy Micheál Martin: We were told that we could not see what was put before the Cabinet. The Government is withholding stuff.

The Taoiseach: We are giving the information but not publishing a Government memo-----

Deputy Micheál Martin: The essence of what was in that-----

The Taoiseach: -----because that would be unconstitutional, but of course we will make information public. We have to. There is no way one could do these preparations in secret somehow. There are no means of passing secret legislation. There are no means of secretly hiring people. This will all be public and there will be less drama to it than the Deputy may think.

Deputy McDonald was not quite correct in her assertion. The league table was not published by the UN climate conference. It was published by a German NGO. This speaks to the point I made earlier about how often in this House, and more broadly, people do not make a distinction between the statistics produced by official bodies, be they the Central Statistics Office, the UN, the EU or the Environmental Protection Agency, and the statistics produced by NGOs or campaign or advocacy organisations. I have no bugbear with NGOs, or campaign and advocacy organisations but they do have a particular agenda. We need to make a distinction between statistics produced by independent bodies and those produced by campaigning bodies. There is quite a difference.

Deputy Brendan Howlin: The question is "Is it true?"

The Taoiseach: I do not know because the table is not based on an index that is produced by a UN body or an environmental body. It has been produced by a campaign organisation. Is it true? I do not know and neither does Deputy Howlin. That is the point.

Deputy Micheál Martin: But you do know.

The Taoiseach: At least we know that if the figures come from the EPA or the CSO they are-----

Deputy Micheál Martin: The Taoiseach said that we were the laggards-----

The Taoiseach: -----statistically accurate.

11 December 2018

Deputy Micheál Martin: ----and that we are approximating the truth, unfortunately.

The Taoiseach: That is true but each of the Deputies is speaking about different things, I am afraid.

Deputy Micheál Martin: I am talking about our performance in trying to change the country, and it is very poor.

An Ceann Comhairle: Could we please allow the Taoiseach to finish?

The Taoiseach: That particular league table had Ireland at a particular place in the world. One would have to go through the data-----

Deputy Brendan Howlin: We might be better than Kazakhstan.

The Taoiseach: -----for each of those countries to analyse it objectively and have it peer reviewed to see if it actually stacks up. The answer is that none of us know whether that table is true. We can say, for example, that the EPA data is true. That data does not come from a campaigning organisation. It comes from a body that assesses these issues statistically and independently and has them peer reviewed. It is the difference between a fact and a claim. There is sometimes a big difference between fact and claims, and we should know the difference-----

Deputy Micheál Martin: That is why we do not believe the homeless statistics either with the-----

The Taoiseach: -----if other people do not.

Deputy Burton's assertion that loans were sold by the Minister for Finance is not correct. The Minister for Finance does not sell any loans and nor was agreement sought.

Deputy Joan Burton: He has a 75% shareholding.

The Taoiseach: The Minister has no role in it and nor is there a shareholder vote on it.

Deputy Joan Burton: He had approval so he had a role in it.

The Taoiseach: No. That is incorrect. For the record, the Minister for Finance did not have to approve it and did not.

Pepper is regulated and all mortgage holders whose mortgages have been sold on will continue to have the same consumer rights and protections as they did beforehand. We will make sure that this is the case.

I discussed the ESRI reports earlier. It is based on a wage index model. There are different models including an inflation index model and a low-index model and each one produces different results. The ESRI is saying that pensions are going up next year, welfare is going up next year, income tax is going down and USC is going down but because 1.5 million people are getting a pay increase of roughly 3% as well as all of that, everyone is worse off. It is a particular model based on a wage index. If one looks at it differently wages are going up: the minimum wage, public sector wages and private sector wages. Pensions are going up, welfare is going up, income tax is going down and USC is going down. Everyone is better off in cash terms. Even when one adjusts for inflation, everyone is better off in cash terms.

Deputy Micheál Martin: Not according to the ESRI.

The Taoiseach: Yes according to the ESRI. The Deputies do not understand the difference between a wage index model and an inflation index model.

Deputy Micheál Martin: We bow before the Taoiseach.

The Taoiseach: The point that it validly makes-----

Deputy Micheál Martin: We bow before the Taoiseach.

4 o'clock

-----is that if we do not increase tax credits every year either in line with inflation or wages-----

Deputy Micheál Martin: We never did.

The Taoiseach: -----if we do not widen tax bands every year, whether it is indexed to inflation or wages, we end up having more people paying more tax. That is why it is the right thing to do to increase tax credits every year. That is why it is the right thing to do to widen the index bands.

Deputy Joan Burton: For the 25% who are on the higher rate.

The Taoiseach: People are being quite contradictory in what they are saying-----

Deputy Micheál Martin: What they are saying is what the ESRI says.

The Taoiseach: -----in that if we want to avoid a situation whereby people end up worse off on this index we must increase tax credits every year and we must widen the tax bands.

Deputy Joan Burton: For the top 25%.

The Taoiseach: Parties that oppose that policy, which is my party's policy, are actually the ones that want to make people worse off.

Deputy Brendan Howlin: It is the pensioners who will be worse off.

Deputy Bríd Smith: The Taoiseach did not answer my question on the height restrictions and NAMA.

Deputy Brendan Howlin: Nor mine.

The Taoiseach: I have run out of time. I am happy to add more time.

An Leas-Cheann Comhairle: We have one minute left and I think we will have to move on.

Deputy Bríd Smith: Can we take that minute to answer the question on the height restrictions and NAMA?

Deputy Micheál Martin: Yes, that is fair enough.

The Taoiseach: I am answering the questions one by one.

11 December 2018

Deputy Brendan Howlin: Keep going, then.

Deputy Micheál Martin: Answer that one. There is one minute left.

Deputy Mary Lou McDonald: Yes, the height restrictions.

An Leas-Cheann Comhairle: The Taoiseach has one minute to conclude. We are not going on to question No. 11.

The Taoiseach: If there had been fewer interruptions while I was answering I would have been able to answer more questions. I do not interrupt the questions.

An Leas-Cheann Comhairle: There should be no inviting of interruptions either.

Deputy Mary Lou McDonald: The Taoiseach is never one to interrupt.

Deputy Dara Calleary: This is not the “Late Late Show”.

The Taoiseach: I do not interrupt the questions ever but my answers are constantly interrupted. I do want to-----

Deputy Joan Burton: Ryan Tubridy was a lot easier.

An Leas-Cheann Comhairle: There are 50 seconds left. We will move on. Question No. 11 in the name of Deputy Michael Moynihan will be dealt with first the next time Taoiseach’s Questions are being answered.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Declan Breathnach and Pat Casey - to discuss the IceCast road weather system used by local authorities for warnings to treat the road network; (2) Deputy John Lahart - to ensure the implementation of Operation Open City all year round to tackle the year-round traffic congestion in Dublin city; (3) Deputy Mick Wallace - to discuss suicide prevention resources for children and adolescents in County Wexford; (4) Deputy John Brassil - to provide funding for the development of disability services in counties Cork and Kerry; (5) Deputy Brendan Smith - The urgent need to provide additional services and to improve without further delay the provision of respite services in Cavan-Monaghan for persons with disabilities; (6) Deputy John Curran - the need to address funding issues for drug and alcohol task forces; (7) Deputy Clare Daly - to discuss overcrowding and the use of mattresses on floors as sleeping accommodation in the State’s prisons; (8) Deputy Mattie McGrath - to address the challenges facing community employment scheme operators in light of increased eligibility restrictions; (9) Deputy Brian Stanley - to outline the current issues with designating data controllers in regard to CCTV systems; (10) Deputy James Browne - to address the need to upgrade Rosslare Europort to make it ready for a no-deal Brexit; (11) Deputies Catherine Connolly and Éamon Ó Cuív - to address the imminent closure of Galway Autism Partnership due to a lack of financial support from the HSE; (12) Deputy Martin Ferris - to discuss the proposed closure of the draft salmon fishery on the River Feale in Kerry; (13) Deputy Louise O’Reilly - to discuss the provision of home support in Fingal; (14) Deputy Gino Kenny - to address the statistics of the Simon Communities

on persons seeking help for their services; (15) Deputy Jackie Cahill - to address the recent tax ceiling of €70,000 imposed on the transfer of agricultural land to qualified young farmers; and (16) Deputy Richard Boyd Barrett - to address new planning guidelines with regard to building heights. The matters raised by Deputies Breathnach and Casey, Wallace, Lahart, and Stanley have been selected for discussion.

Gnó na Dála - Business of Dáil

An Leas-Cheann Comhairle: I wish to announce for the information of the House that the Business Committee has consulted on the change agreed earlier on the Order of Business relating to tomorrow's Taoiseach's oral questions, and has agreed to the change. Accordingly, Taoiseach's oral questions will not now be taken tomorrow.

Teachtairacht ón Seanad - Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Finance Bill 2018, without recommendation.

Ceisteanna (Atógáil) - Questions (Resumed)

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Departmental Expenditure

33. **Deputy Dara Calleary** asked the Minister for Rural and Community Development the amount of funding allocated by his Department for current and capital expenditure in 2018 including the capital carry-over from 2017; the amount spent under each category to date in 2018; his plans to ensure full expenditure of funds available by the end of 2018; and if he will make a statement on the matter. [52192/18]

Deputy Dara Calleary: Let battle commence. I am trying to get my head around the funding model of the Minister's Department and the constant underspend in capital. I know it is drawdown but the fact is there is still 30% of the budget unspent after 11 months of the year. What are the Minister's plans to deal with that and to ease the system whereby money is drawn down from his Department?

Minister for Rural and Community Development (Deputy Michael Ring): I want to take this opportunity to congratulate Deputy Calleary on his recent appointment. I am delighted to see him opposite me. It is well deserved and it is a great honour that I have the deputy leader of Fianna Fáil as my spokesperson. I am very pleased to have him and welcome him.

The revised Estimates for 2018 in respect of the Department of Rural and Community Development set out gross capital expenditure of €87.5 million and current expenditure of €144

million for the Department. The capital expenditure is supplemented by €7.7 million capital which was carried forward from 2017. As of 7 December 2018, €73.7 million of my Department's capital allocation and €135.4 million of the current allocation has been spent. There remains €21.5 million in capital expenditure and €8.6 million in current expenditure to be spent before the end of the year.

Close monitoring of expenditure is a matter of significant priority for my Department so as to ensure full use of our allocated resources and that value for money is delivered in respect of all our funding. I have already identified areas where some capital programmes are unlikely to spend their full allocation this year. For example, while LEADER activity is ramping up and a healthy pipeline of projects has been approved, the programme will not require its full allocation this year. I have been proactive in reallocating resources where possible. For example, I have already expanded the community enhancement programme this year, increased investment in libraries, and provided additional support to fund the local improvement schemes, LIS. I have also supported the development of Coillte trails, Tidy Towns, agricultural shows and men's shed organisations. The progress being made with regard to payments is clear. Almost €35 million in capital expenditure was paid out in October and November. I will continue to closely monitor expenditure over the final weeks of this year to ensure our resources are fully used, delivering for all communities and for rural Ireland.

Deputy Dara Calleary: I thank the Minister for his good wishes. Both of us share an interest in and a passion for this area and I look forward to working with him. There is €21 million in capital to be spent between now and the end of the year in three weeks' time, and €8.6 million in current expenditure. Is the Minister confident that he will spend that €21 million, particularly in capital? I suspect he will spend the allocation in current expenditure. Can he give a guarantee that if it is not spent, it will go into his Department's budget next year as opposed to going back into the central Exchequer? Are there programmes into which the Minister intends to divert extra cash over the next two weeks or maybe when the House is in recess? Can he give us an indication of what those programmes are?

Deputy Michael Ring: All available allocations will be spent on my capital. I will guarantee the Deputy that. As I said in my reply, almost €35 million in capital was allocated in October and November. The Deputy is quite correct that I have reallocated resources required including the senior alert scheme, libraries and the LIS scheme. I have reallocated money to that already and am confident that my capital budget will be spent at the end of this year. I can assure the Deputy in that regard. I know he spoke about last year. We have to remember that this Department is 16 months in existence. I want to take the opportunity to put on record that the Department had two moves. The Department was set up in July of last year and I am very proud of the hard work done by my officials, my new Secretary General, my assistant secretaries and all my staff, both in Ballina and in Dublin. I want to compliment the staff on the work they have put into setting up this Department - I am very proud of them. I would go so far as to say it is a Department that should be kept for the future. There is a fantastic team there now. I have no doubt and can assure the Deputy that I will have my capital allocation spent by the end of this year. A colleague of the Deputy's used to have a lot of sleepless nights about underspend. The Deputy should go back over his record; it is no wonder he had sleepless nights.

Deputy Dara Calleary: I am very proud of the Department as well. I am very proud of the fact that my party proposed that it be established. I am delighted we gave the Minister a job. I am proud, too, of the fact that it is in Ballina. That is an example of how decentralisation works. The people who are on the ground, top class civil servants, who are living these programmes are

delivering them. Long may it continue and let us encourage more of it. The Minister has made commitments on expenditure but will the groups be in a position to draw them down? Allocations are certainly made but the drawdown across many of the Department's programmes for whatever reason seems to be complicated and difficult. Is the Minister 100% confident that the money will not be just allocated but completely drawn down before the end of the year?

Deputy Michael Ring: What I will guarantee the Deputy is that my capital allocation will be spent for this year. He asked a question. There is funding outstanding to different groups that they will not be able to spend but we have taken that into consideration. My capital budget will be spent this year. Anything that is not spent I have already reallocated in respect of LIS. The Deputy knows how important that is to our own constituents and to every other constituency in the country. I am proud also that we put in place the senior alert scheme; thousands upon thousands of people now feel safe in their homes because I have reallocated money for that. I am confident that my available allocation for 2018 will be spent and I assure the Deputy that when he puts down this question again in the new year, I will have my capital allocation spent.

Rural Resettlement Scheme

34. **Deputy Martin Kenny** asked the Minister for Rural and Community Development his views on whether the allocation of €100,000 to six towns as part of the scheme to encourage families to return to live there will be adequate to achieve that purpose; the way in which he plans to achieve what is intended with that amount; and if he will make a statement on the matter. [51990/18]

Deputy Martin Kenny: The Minister has introduced a scheme to encourage families to return to live in towns and villages. He has allocated €100,000 to six different towns. While I understand what he is trying to do, the scale is tiny. Boyle in County Roscommon contains dozens of old buildings that are falling down. One could spend €100,000 on just one of these buildings. I cannot envisage anybody in London or Birmingham being encouraged to move back because €100,000 is coming to their home town. It is ridiculous. Somebody needs to get a grip on the scale of the problem because this will not solve it.

Deputy Michael Ring: The rejuvenation of our towns and villages is a priority for the Government and is a strong feature of the national planning framework, NPF, and the Action Plan for Rural Development.

As part of the Government's efforts to rejuvenate towns, I launched a pilot initiative on 11 October 2018 to examine how best to encourage people to take up residence in towns. The town centre living initiative is being piloted in six towns of different sizes around the country.

The reasons people do not choose to live in town centres, even if premises are available, are complex. These may relate to the availability of services, recreational facilities, access to public transport etc.

Each of the towns in the pilot will receive funding of up to €100,000 to engage with their communities, chambers of commerce and local businesses to identify practical solutions that can be delivered to achieve the objective of increasing the number of people living in the town. Every town's situation is different and there is no one-size-fits-all solution. However, the ideas emerging from this pilot may serve as a model for other towns with similar features.

It is envisaged that the solutions identified through the six pilot towns will lead to the development of more proposals for funding from the rural regeneration and development fund.

The rural regeneration and development fund will provide €1 billion up to 2027 to support the revitalisation of rural settlements with a population of less than 10,000 people, and their outlying areas. The fund aims to support ambitious projects of scale that are multifaceted and which will make a significant impact on the economic and social development of our towns.

I announced the first round of projects to be supported under the fund on 23 November and further announcements will be made in the new year.

Deputy Martin Kenny: This is basically money to pay for a study in six different towns. I presume the study will involve employing a consultant to do a report. That seems to be where we are going here. The Minister should talk to Irish Rural Link, the credit union movement or the chambers of commerce in any of those towns. He would not need to spend €100,000 for an analysis of the problems and where the money needs to be spent to regenerate those towns and get people to come back to live in them.

It is a waste of resources compared with the problem we have. With €100,000 allocated, people in those towns think that it is coming to deliver something in that area and not to produce another study. We have probably had dozens of studies on rural Ireland and they are all sitting on shelves gathering dust. Action is needed. The Minister will say before having action we need a plan as to where that action will be and all that. All those plans have been done before. I am frustrated €600,000 will be spent buttering up more consultants. If that is what it is about, it is time the Minister gave this a bit of a shake-up.

Deputy Michael Ring: The Deputy is missing the point. The point is a number schemes involving grant aid existed. The Department of Housing, Planning and Local Government had two schemes, but there was no uptake and, therefore, there was a problem.

We picked six towns for the pilot. The €100,000 is not to do up any premises. The €100,000 is to sit down with the local people, chambers of commerce and other groups. These six towns might come back with six solutions for their towns. They may all be the same or different towns might come up with different solutions.

The Deputy and other Members continually refer to the diktat coming from Government. I am now saying the Government is going to the people and the groups. They are going to sit down. We have given them funding. They will get professional people and work with the community. They will talk to everybody and they will come back to me next year with proposals. When these proposals come back, I can then consider what funding we can take from the rural regeneration and development fund, what funding we are spending in the towns and villages what funding we are spending on outdoor recreation to see what we can do to help these towns. They may be different solutions; they are different problems. The existing schemes have not worked and this is a new way of doing it.

Deputy Martin Kenny: We knew the schemes were not working. We should not throw more good money after bad because the schemes have not worked. One of the examples is the repair and leasing scheme where a person could get €40,000 from the local authority to do up a property which would then be leased to the local authority for ten years. It did not work. It is not necessary to be a genius to know why it did not work. First, there was not enough money. If it was going to cost €150,000 to do up a property, nobody would be willing to accept €40,000

and then lose control of it for ten years. It was a poorly thought out scheme. It might have been fair enough if it only needed a bit of painting or decorating. However, for that amount, it was never going to work. It is not necessary to have someone do an assessment as to why it did not work.

We need money put into the schemes that require money. We need proper grant schemes to allow people to do up those old buildings and make them available for rent without restrictive conditions. Much of the time it is not the people on the local authority housing lists who want to rent houses in towns, but the people who are working and cannot get on the local authority housing lists. The problem is with the people trapped in the middle. Many people are not on the local authority housing lists because they earn slightly above the limit, but, at the same time, they cannot afford to rent. It is the Minister's responsibility to make available places they can rent.

Deputy Michael Ring: That is the whole point. The Deputy gave me the answer in his question.

Deputy Martin Kenny: Why does the Minister need to spend €100,000 asking other people?

Deputy Michael Ring: The answer is very simple. We are giving these towns funding to allow them to plan their futures. It will not be the local authority or the Department of Rural and Community Development, but the towns. I believe Boyle is in the area the Deputy represents. The people in Boyle are very happy. They welcome the €100,000 pilot scheme because for the first time they will be able to plan their futures. They will be able to identify what Boyle needs and not what the Government thinks Boyle needs. The same applies to Callan, Ballinrobe, Banagher, Castleblayney and Cappoquin. We picked these towns. If they come back to us with proposals and solutions, we will look at them. We will look at all the existing schemes we have. In the case of Boyle, the funding will tie in to the overall plan the people have for that town. They are delighted they were included in the pilot scheme. They are happy that they can plan for the future.

LEADER Programmes Administration

35. **Deputy Dara Calleary** asked the Minister for Rural and Community Development the progress made to date with the roll-out of the LEADER programme 2014 to 2020; the expenditure incurred to date on the programme by administrative, animation and project costs; and if he will make a statement on the matter. [52193/18]

Deputy Dara Calleary: The LEADER programme continues to be behind budget. The Minister referred to it in the reply to my previous question. He made some changes when he took office. I ask for an update on expenditure on the programme.

Deputy Michael Ring: LEADER is a multi-annual programme with a total budget of €250 million over the period to 2020.

Total expenditure on the LEADER programme since it commenced, which was effectively in 2016 when the majority of funding agreements were signed, amounts to €34 million. This comprises: €1.47 million in initial costs incurred by the LEADER local action groups to devel-

op local development strategies; €21.6 million in administration costs of the local action groups and the cost of their engagement with communities to generate projects, which is also referred to as animation costs; and €11 million on project expenditure.

The level of project activity under the LEADER programme has increased significantly this year. A total of 1,525 projects have now been approved for funding of more than €50 million, compared with 592 projects approved at the end of 2017. A further 370 applications, requesting an additional €23.4 million, are at various stages in the approval process.

Project payments have also increased significantly in recent months as approved works are completed and claims are submitted. More than €10 million of project expenditure has been incurred in 2018, compared with just under €700,000 in 2017.

I expect the progress being made on the LEADER programme will continue as further projects are approved and payment claims are made. The progress has been assisted by improvements made by my Department in the past year to the applications and approvals process in consultation with the local action groups.

Deputy Dara Calleary: I thank the Minister for his reply. A total of €11 million has been spent out of €250 million and we are now in year five of a programme that runs from 2014 to 2020. Only €11 million has actually been spent on projects to date. Even if we were to add the €23.4 million to that total it only brings the spend up to approximately €35 million. There is still a problem here. The Minister has referred to the ramping up of expenditure during 2018. He has also been moving funds out of LEADER and into other programmes, which does not suggest full confidence on his part that we will spend the €250 million by the end of 2020 or even 2021. How much of the €250 million will be invested in projects at the end of this? Is the Minister proposing any other changes to ensure that the cash goes into projects and that spending increases significantly during 2019?

Deputy Michael Ring: As the Deputy knows, spending under the LEADER programme takes a while to ramp up. To date, €35.5 million of the programme budget has been spent since it commenced. I am expecting that by the end of this year, a total of €24.5 million of that funding will be spent. Every LEADER programme takes a while to ramp up because the local action groups, LAGs, or LEADER companies have to identify projects in the first instance.

Another issue to bear in mind is the fact that with previous LEADER programmes, there were no other competing schemes. Now we have numerous other schemes and funds, including the rural regeneration and development fund, the outdoor recreation infrastructure fund, the town and village renewal scheme and so on. That said, I am pleased that this year a total of 1,525 projects have been approved to the value of €50.5 million and a further 370 projects with a value of over €23 million are going through the approvals process. When projects are approved, they must be developed further and then funding is drawn down. Approval has been granted for many projects and much work is under way. The programme is beginning to ramp up significantly and I am pleased with that.

Deputy Dara Calleary: While there has been some progress in 2018, the Department has still only spent 50% of what was allocated for LEADER this year. That suggests that the Department is not yet up to speed in terms of getting the budgeted amounts out. Is the Department looking at any of the structures involved? Are there LEADER companies or local authorities that are not performing at the level required? Has the Department identified any laggards that

might be delaying allocations to projects or delaying the draw down of funds for any particular reason and if that is the case, does the Minister intend to act on that?

Deputy Michael Ring: I am monitoring this closely. To be fair, my Department is not holding back progress. When the Department gets receipts, it pays out the funds as quickly as possible. In response to the Deputy's specific questions, some of the LEADER companies around the country have done very well. In Mayo, for example, 88 projects have been approved with a total value of €3.689 million and to date, €407,887 has been drawn down. In Kilkenny, 55 projects with a value of €1.498 million have been approved, while the figure for approved projects in Laois is €941,000, with a draw down to date of €317,000. The Deputy is correct in saying that some counties have been slow to get off the ground but they are beginning to make progress now. Galway has not been doing too well so far but I am sure it will improve. In Galway east, projects worth €1.254 million have been approved but to date no funding has been drawn down. In Galway west, a total of 22 projects worth €381,000 have been approved but only €70,000 has been drawn down.

To be fair, my Department is not holding things up. I have already made a number of changes to LEADER. My Department meets the LAGs on a regular basis. I met LEADER companies earlier this year and told them that I will make any changes that are required to improve the programme.

Ceisteanna Eile - Other Questions

Infrastructure and Capital Investment Programme

36. **Deputy Bernard J. Durkan** asked the Minister for Rural and Community Development the extent to which he can address the stigmatisation of rural or urban communities (details supplied); his plans to address the image of rural and some urban communities as being unattractive for investment because of a lack of basic infrastructure; and if he will make a statement on the matter. [51862/18]

Deputy Bernard J. Durkan: To what extent can the Minister enhance infrastructural investment in both urban and rural areas with a view to making those locations more attractive for residential development and industrial investment?

Deputy Michael Ring: Substantial progress continues to be made in improving the quality of life in communities throughout Ireland, both rural and urban. As the Minister with responsibility for rural and community development, it is my intention that the many supports available through my Department will continue to improve conditions in these communities into the future so that they are attractive places in which to invest and do business as well as to work and live. My focus is to support the creation of vibrant, inclusive and sustainable communities across the country. This can be achieved through the implementation of programmes and schemes that facilitate and encourage economic development and provide facilities that support communities to become and remain desirable places in which to live, work and raise families.

The rejuvenation of rural towns and villages is a priority for the Government. We are promoting a new narrative around rural Ireland, namely, that it is dynamic and can adapt to the

changes taking place in our modern economy. Every day and in every town and village I visit, I see great examples of the ability of rural Ireland to adapt to economic and social changes in a positive fashion.

The Action Plan for Rural Development, the framework policy for local and community development in Ireland and Project Ireland 2040 are the key policy initiatives that set out all the ways in which Government aims to address disadvantage and how we can support both rural and urban communities across Ireland. The action plan is co-ordinated and monitored by my Department and is the most comprehensive Government plan ever produced to support economic and social development in rural areas. The measures within it are being delivered across a range of Departments, State agencies and other organisations over the period to 2020. As part of Project Ireland 2040, the rural regeneration and development fund will provide €1 billion up to 2027 to support the revitalisation of rural towns with a population of fewer than 10,000 people. The fund will be a key driver in supporting the renewal of rural Ireland. Additionally, my Department continues to provide other direct supports to both urban and rural communities through a range of schemes and programmes, including the social inclusion and community activation programme, the Dublin north-east inner city initiative, the LEADER programme, the local improvement scheme, LIS, the community enhancement programme, the libraries capital investment programme, the CLÁR programme, the outdoor recreation infrastructure scheme and the town and village renewal scheme.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. To what extent will the Minister and his Department steer the various communities in a particular direction with a view to achieving results in the shortest possible timeframe? I refer in particular to those communities that suffered during the downturn through emigration, housing shortages and a lack of modern infrastructure. Does the Minister believe he can spearhead a campaign to ensure that the required attention and investment is directed to these areas?

Deputy Michael Ring: As I said earlier, a total of €50.5 million of funding has been approved for 1,525 LEADER projects. Under the Social Inclusion and Community Activation Programme, SICAP, for disadvantaged areas, a total of €38 million was provided in 2018. That programme will help more than 110,000 individuals and assist over 5,000 local community groups. Under the community service programme, a total of €44 million has been provided which will help 400 communities throughout the country. We also have the CLÁR programme, the town and village renewal scheme, the outdoor recreation infrastructure scheme and the community enhancement programme. The latter programme was given an allocation of €4 million this year and I added a further €8 million to that.

Successful programmes operate from the bottom up. The LAGs are dealing with much of this. I have asked them to identify the areas of most need. I am trying to bring this work down to a local level rather than issuing diktats from central Government. I am asking the LAGs to identify where the difficulties lie. All the aforementioned schemes are in place in an effort to target the areas that need help most. In particular, the town and village renewal scheme, the outdoor recreation infrastructure scheme and the CLÁR and LEADER programmes are important in this regard. While the LEADER programme has run into some difficulties, it is beginning to ramp up now. There are many good projects under way that will help both urban and rural Ireland.

Deputy Bernard J. Durkan: Is the Minister satisfied with the speed of the uptake of these programmes and schemes or does he believe the communities involved may need some further

impetus, inspiration or guidance in this regard? As well as taking advice from those on the ground and acting on it, is the Department doing anything else? We are talking here about different types of communities. Some are self starters and will drive progress themselves while other communities have become stalled or becalmed in recent years. Does the Minister have any proposals to jump-start them?

Deputy Michael Ring: In fairness, over the past few years the local authorities have begun to engage with communities, and communities are beginning to work with the local authorities.

On some of the schemes I mentioned, one can see there are good community groups in every corner of the country. One issue I encounter in all the schemes, however, is applications from groups which are well able to draw down funding. The matter raised by the Deputy is one which I must explore, and I will have to provide some funding to support groups to set up businesses, learn about the applications available and get the support they need. Some groups are paying people to submit applications for them but that does not mean they are the most in need. I want to identify where the need is to ensure the groups which need it most are looked after.

Local Improvement Scheme Data

37. **Deputy Marcella Corcoran Kennedy** asked the Minister for Rural and Community Development the allocation made in 2018 under the local improvement scheme, LIS, by county; and if he will make a statement on the matter. [51675/18]

Deputy Marcella Corcoran Kennedy: As a former member of Offaly County Council, I strongly welcomed the reintroduction of the LIS at the National Ploughing Championships in Tullamore. The Minister and I had many conversations about how valuable the scheme is to the local authorities and the communities that benefit from it. Will he outline how much funding has been allocated to the scheme, county by county?

Deputy Michael Ring: The Deputy lobbied hard for the scheme, which did not exist for many years. The LIS is a programme for improvement works on small private or non-public roads in rural areas. It is funded by my Department and administered through the local authorities.

As the Deputy may be aware, there was no dedicated funding for the scheme for a number of years due to constraints on public expenditure. I was conscious, however, of the underlying demand for the scheme in rural areas throughout the country, which is why I announced the provision of €10 million to local authorities for a LIS in September 2017. Based on demand and the capacity of local authorities to complete works before the end of 2017, I allocated a further €7.4 million to local authorities for LIS roads in November last year. In February of this year, I allocated €10.8 million to local authorities across the country under the 2018 LIS scheme, given the continuing level of demand for this funding in rural communities across Ireland. I also asked the local authorities to prepare a secondary list of roads which they could complete if further funding became available for the scheme during the year. Furthermore, on 26 October, I announced a further round of almost €10 million in funding to the local authorities. The allocations on a county-by-county basis for both of these rounds of funding are available on my Department's website.

For the Deputy's information, County Offaly was allocated €290,765 under the first round

11 December 2018

of the LIS this year, and an additional €353,889 was allocated under the second round, giving a total allocation of €644,654 to advance LIS works in 2018. It is clear there is a continuing demand for LIS funding in rural communities across Ireland, and I have secured an allocation of €10 million in my Department's Vote for 2019, which will enable me to continue to provide much needed funding for the LIS.

Deputy Marcella Corcoran Kennedy: I am delighted to let the Minister know that Offaly County Council is wasting no time in spending the funding allocation.

Will he consider developing a specific scheme that will take into account the fact that much of the road network in Offaly is on peat, including many of private roads? With the advent of climate change and given the peat roads last for only five years, rather than the 20 years one might expect, will he consider a specific scheme? It is a concern of many engineers in Offaly.

Deputy Michael Ring: I am currently considering the LIS scheme, along with all of my schemes. I receive much criticism of the LIS scheme from certain sections of the Dublin-based media, but they will never have to worry about an LIS road or look for private funding because Dublin City Council, Dublin County Council or whatever the case may be will address the matter for them. As the Deputy knows, people in rural areas pay their taxes, such as for property, and their dues to the State, and they are entitled to have a road into their home. As a result of the Deputy's question, I will consider the matter further.

The LIS scheme works and there is high demand for it. I wish there was more money but I also would like other Departments to match some of the funding because every €10 million that I allocate for the roads is €10 million worth of roads that does not have to be allocated the following year. In fairness, some counties have done well. I recently saw reported in one of the local papers, perhaps from Westmeath, that if the town received another €2 million or €3 million, it would be able to complete all of its LIS roads.

Deputy Marcella Corcoran Kennedy: I welcome that the Minister is reviewing the scheme. It has come to my attention that some of the non-public or private roads are used by landowners or people cutting turf but there may not be a dwelling house on the road. An older person may have passed away in the dwelling house, for example, and it is no longer used. Will the Minister take those people into account because they also need assistance?

Deputy Michael Ring: I am reviewing, and will continue to review, the scheme, and I will examine the point the Deputy raised. When I came into office, I reduced the local contribution to 15% for five houses or more, while I reduced it to 10% for five houses or fewer. The Deputy raised an important point that causes a significant problem in many areas where there are large roads but there may be only one or two people on them. The other day there was a €4,500 local contribution, which is a substantial amount for two young families, one of which had just built a house. I will consider the matter along with the scheme.

Rural Development Policy

38. **Deputy Bernard J. Durkan** asked the Minister for Rural and Community Development his plans for the development of services within his portfolio in the coming years with particular reference to the need to develop and modernise services affecting rural Ireland and the Border regions; the extent to which he expects to be in a position to interact with and pro-

vide funding for voluntary community groups while, at the same time, enhancing the quality of services available through both the public and the private sector; and if he will make a statement on the matter. [51861/18]

Deputy Bernard J. Durkan: My question is similar to my previous one. It relates to the extent to which infrastructure provision is being made throughout rural Ireland with a view to encouraging population to develop, ensuring the quality of life in rural Ireland is comparable to the best and ensuring the population will want to live, work and invest there.

Minister of State at the Department of Rural and Community Development (Deputy Seán Canney): The Department of Rural and Community Development was established to support the creation of vibrant and sustainable communities across the country, which supporting the development and promotion of the modern and efficient services needed for such communities to thrive is key to achieving. The Department provides a wide range of supports to communities in rural Ireland, including in the Border regions, through funding programmes such as the rural regeneration and development fund, the town and village renewal scheme, the outdoor recreation infrastructure scheme, the community services programme, libraries capital investment programme, the LEADER programme and others.

Local communities deserve much of the credit for harnessing these supports and driving and delivering economic growth regionally and in rural areas. The Government remains committed to funding to enable and facilitate access to the services that are necessary for communities to thrive in the 21st-century economy. The Department is finalising an implementation plan for the framework policy for local and community development in Ireland, published in 2016. I am confident the implementation plan will propose actions that will support the local and community development sectors to continue providing valuable needed services to both urban and rural communities.

On support for voluntary community groups, my Department operates a number of programmes and schemes that provide funding and other supports, such as the social inclusion and community activation programme, SICAP, LEADER and the community enhancement programme, which are open to those in the voluntary sector who satisfy the criteria during the application timeframes set for each scheme. The Department's community and voluntary supports and programme provide a framework of supports for the community and voluntary sector, including support for 21 volunteer centres, eight volunteer information services and a number of volunteer-support organisations, such as Volunteer Ireland. My Department is supporting the upgrading of the volunteer information services to volunteer centres in 2019. In addition, my Department recently issued a call for inputs to a paper on key aspects to be included in a national volunteering strategy, with a view to obtaining views from the sector in preparation for the development of a volunteering strategy in 2019.

Deputy Bernard J. Durkan: I thank the Minister of State for his reply. Would it be possible to encourage the provision of what I would regard as basic locally required services, such as group water schemes, of which there is a significant dearth in many parts of the country, and the upgrading of many existing schemes and the provision of community facilities the modern dweller normally seeks throughout rural Ireland, in particular in the aftermath of Brexit when this country will come under pressure. The Border areas and Northern Ireland will come under pressure as well. There is a moral obligation on us in this part of this island to do what we can to enhance the facilities available and to make the country a better place in which to live and to come to.

Deputy Seán Canney: LEADER, the social inclusion and community activation programme, SICAP, community services, CLÁR, townland and village and outdoor recreation are departmental schemes to enhance communities and to make them more vibrant. Of course, we need to do more because we have had a significant deficit in the rural areas and they have suffered most. CLÁR is there to help the areas where there is a serious decline in population and to bring them on and make them more vibrant. Some communities are better at it than others so we need to work on that.

The Deputy mentioned the group water schemes. These have been the backbone of communities in rural Ireland and have brought services to the doors of many families which would not have been provided without the meitheal going on within parishes and half-parishes. When reviewing all these schemes, we will look to see how best we can develop them. For instance, we will look at the group water schemes to see if there is anything we can do to assist the local authorities in providing funding there. It is important we work across Departments to see how we can source the funding to make the communities better places to live, work and invest in.

Deputy Bernard J. Durkan: I thank the Minister of State for his reply. In regard to any discussions the Minister of State may have with the local authorities, there are indications to the effect that rural dwellers are being denied planning permission in their own areas. Since this is a very basic requirement, would it be possible to engage with the local authorities on this? If we do not have a rural population, we do not have a need for services and eventually everything will decay. That happened in the mid-west of the United States many years ago and it has happened in many other countries.

Will the Minister of State and the Department commit to an ongoing programme of creating an awareness of the necessity to ensure that all these areas in rural Ireland have the ability to absorb and to grow a population and to make a serious contribution to the community and economic life of the country?

Deputy Seán Canney: The Deputy's sentiments are the same as the Minister's, mine and other Deputies present. It is exactly what we want to do. We want to provide equal opportunities for people. There are many opportunities for us. The Minister, myself and the Department meet regularly with local authorities. The very good councillors in the municipal districts bring forward the issues. There is a huge amount of work that we can do in these areas and I look forward to doing that with the local authorities, the Minister and the Department. It is something we discuss on an ongoing basis because we know what the issues are as we all come from rural Ireland. We know where the issues coming from rural Ireland are. We need to make sure we identify the problems and find solutions to them. The local authorities will be of great assistance there.

CLÁR Programme

39. **Deputy Tom Neville** asked the Minister for Rural and Community Development his plans to review the CLÁR areas; and if he will make a statement on the matter. [51678/18]

Deputy Tom Neville: What are the Minister's plans to review CLÁR areas and will he make a statement on the matter?

Deputy Michael Ring: CLÁR is an important part of the Government's Action Plan for

Rural Development and focuses on areas which have suffered the greatest levels of population decline. It is a programme that provides modest amounts of money for small scale initiatives in rural areas, but the impact of the funding for these areas is huge. CLÁR was effectively closed for new applications in 2010. However, since I relaunched CLÁR in 2016, more than 1,200 projects have benefitted from funding of €25 million under the programme. The type of projects which have been funded, include safety measures around schools and other community facilities, multi-use play areas, supports for voluntary first-responder emergency organisations and funding for vehicles to transport people to cancer care centres and other respite services.

I have visited many of the projects which have received funding under CLÁR and I can see the difference the support from the programme makes in improving the lives of people in CLÁR communities. As I have outlined, CLÁR focuses on areas which have suffered significant population decline. However, the underlying data need to be reviewed to take account of the 2016 census of population. In this context, I have commenced a review of the programme which will examine CLÁR areas in light of the 2016 census data. The review process began last month with a targeted consultation meeting with a number of experts who are recognised for their background in rural development issues. The review will also involve more detailed stakeholder consultation and I anticipate that it will be completed in the first half of 2019.

Deputy Tom Neville: I welcome the fact CLÁR funding was opened again in 2017. There was no delivery since 2010 given the economic crash. With the subsequent recovery, we are able to give back to and redevelop rural Ireland. As the Minister outlined, the investment has been in providing small scale infrastructural projects in rural areas that have suffered the greatest level of population decline. Some of these areas were undergoing population decline before the economic recession ever hit. We know that from our research on that. It is about trying to find more innovative ways to combat that.

I welcome the funding for Limerick under measure one of CLÁR, including funding for Bulgaden national school, Meekilly national school, Doon girls' national school, Athea national school, Kilbehenny national school, Mountcollins national school, Oola community council, village and school, Raheenagh national school, Knockadea national school and Ashford national school. I also welcome funding under measure two for Kilfinane community council and Kileedy development committee. Are there any measures to extend or review the CLÁR programme?

Deputy Michael Ring: The CLÁR programme is one of the better programmes introduced over the years. While I have differences with my colleague across the floor, it was one of the better schemes introduced. It was closed from 2010. I am reviewing the schemes and I am looking to identify schemes that will be supportive of rural areas and of communities that are not able to get the support they need from other State agencies. The one thing about CLÁR is it can identify programmes that help.

Last year one of things that worked out very well was in regard to first responders, particularly in some rural areas where they do not have health board services. They depend on ambulances and voluntary organisations, like the Order of Malta, to bring people to hospital. That has worked out very well.

I refer to cancer services. In particular in rural Ireland, many people do not have the funding and are not able to get to hospital appointments. We need to support them and help them to get to their appointments and home again. I am delighted I brought in that initiative. I am looking

at other initiatives and that is why we are doing the review. I am going on the old figures, so I need to do a review and to identify the areas that need to be targeted for CLÁR funding.

Deputy Tom Neville: I welcome the Minister's statement. I ask that there be some sort of synergy in regard CLÁR funding. I welcome the funding from the rural regeneration and development fund announced in the past couple of weeks. There will be huge investment in the Great Southern greenway in Limerick. It will start at Rathkeale and will go to Newcastle West and to the Kerry border. In Glengrohane in my constituency, there will be a community hub that will encompass an enterprise hub, a community hub and a Men's Shed. This is a very small village in south Limerick and this hub will be a great enhancement.

I ask for co-ordination with other Departments, in particular the Department of Housing, Planning and Local Government. In terms of moneys being delivered to rural areas that have been depopulated, it may be thought that there is no demand for housing in them. However, when these moneys are delivered, it will generate demand. The Department of Housing, Planning and Local Government should look favourably on that from a demand point of view.

Deputy Michael Ring: The Deputy mentioned the outdoor recreation scheme and the town and village scheme, which have all worked very well. I must be careful that other Departments do not see this as a mechanism to allow them not to do what they should be doing. Deputy Neville is correct: I need to get my Department to act. I have asked my officials to meet with other Departments. I am already aware that some Departments are telling groups to go to the Department of Rural and Community Development because it has the funding, even though they are the ones that have the direct funding. I do not want that situation to arise. I do not mind supplementing schemes. An issue that was raised on the previous Question Time and to which the Minister of State, Deputy Canney, referred a moment ago, is the wonderful job group water schemes do for rural communities. One of the difficulties is that a small number of people are involved and they must make a big contribution. I must examine how I can support them on foot of their contribution but what I do not want to see happening is the Department of the Communications, Climate Action and Environment or local authorities increasing their charges and taking the money from my Department. This money must go into rural areas.

Town and Village Renewal Scheme

40. **Deputy Peter Burke** asked the Minister for Rural and Community Development the status of allocations made to each county in 2018 under the town and village renewal scheme; and if he will make a statement on the matter. [51677/18]

Deputy Peter Burke: I want to ask the Minister for Rural and Community Development the status of allocations made to each county in 2018 under the town and village renewal scheme and if he will make a statement on the matter.

Deputy Michael Ring: The town and village renewal scheme is a key part of the Government's Action Plan for Rural Development. The plan contains more than 270 actions for delivery by Departments, State agencies and other organisations to help rural Ireland achieve its full economic and social potential.

The Government launched the town and village renewal scheme in 2016, with funding of €10 million to start the process of rejuvenating Ireland's rural towns and villages to make them

more attractive places in which to live and work, and to increase their tourism potential. The scheme is part of a package of national and local support measures to revitalise rural towns and villages throughout Ireland.

The 2018 town and village renewal scheme was launched on 27 April last. The scheme is funded by my Department and is administered through the local authorities. On 5 October, I announced funding of €21.3 million for 224 projects under the 2018 town and village renewal scheme. Since the launch of the scheme in 2016, a total of €53 million has been allocated to more than 670 projects throughout Ireland. The projects cover a range of activities, from improving the public realm to making towns and villages more attractive for locals and visitors alike, and to job creation initiatives such as the development of enterprise hubs and digital hubs. The full list of successful projects under the 2018 town and village renewal scheme, and earlier rounds, are available on my Department's website.

Deputy Peter Burke: I acknowledge the Minister's work in terms of the various schemes targeted on rural areas. I note that in my constituency County Westmeath received in excess of €500,000 for the town and village enhancement schemes. Towns such as Multyfarnham, Castlepollard and Castletown Geoghegan benefitted from the funding for key infrastructural improvements. The Minister got a 27% increase in his budget for 2019, which was the biggest increase of any Department. That makes an important statement for rural areas that he was able to deliver that for his Department.

Numerous schemes are funded by the Department. A total of €1 billion is available for the rural infrastructure scheme in the next ten years. Mullingar has been a significant beneficiary of the urban regeneration scheme for category B projects. The scheme is worth €2 billion nationally over the next ten years. A number of the schemes are targeted on rural areas and they are a significant asset in terms of changing the discourse and showing there is a lot to talk about in rural areas.

Deputy Michael Ring: I thank the Deputy for his comments. The town and village renewal scheme is probably one of the better schemes the Department administers. It is amazing what communities, towns and villages can do when they get a lift through a small allocation of funding. I was in Wicklow recently to visit a public realm project we had funded in the centre of the town. On foot of that, the HSE decided it would put in place a health centre and the council decided it would put in a library. All those projects gave the town a major lift. I see that happening all over the country where towns get a modest amount of money, local authorities match the funding and communities themselves support projects which give a lift to the area and the local people. It is good for the towns and for the community spirit. I visit a lot of towns and villages around the country and I see vibrant communities with a lot of people working on their behalf on a variety of initiatives.

Sometimes I hear negativity about rural areas and I wonder if the people making the comments see what is happening in some of the towns and villages and the employment that is being created. I see a bright future for rural areas. People have made a living out of knocking rural Ireland but I believe that the glass is half full and that many things are happening. Towns and villages around the country are improving.

Deputy Peter Burke: I would be grateful if the Minister could outline his targets for the town and village renewal scheme in 2019. I acknowledge the great work that is being done. The Minister pointed out what is happening in rural areas. Over the next 20 years the popula-

tion will increase by 1 million and 50% of the growth will be outside the five main cities in the country. Accordingly, there will be a significant need for infrastructural improvements in towns and villages and the Minister, Deputy Ring, is providing that. The facts speak for themselves. The population is growing in rural areas. Towns with a population of 1,500 have grown by 250,000 in the past 20 years. There are improvements in rural areas. Small schemes, such as the tidy towns schemes and agricultural shows, to major schemes, such as the urban and rural regeneration schemes, are key schemes that provide employment and infrastructure and make rural areas a positive place to live. Significant quality of life assurance is available in rural areas. It is great that the Minister got such an improvement in his budget this year and that he is providing key schemes to make a difference to people's lives.

Deputy Michael Ring: One of the worries people had about the €1 billion being allocated over ten years is that the existing departmental schemes would not continue. I assure Deputy Burke that the town and village renewal scheme, the CLÁR programme, the outdoor recreation scheme and all the other schemes will continue next year. I have funding in the Department's budget for all of them. Deputy Burke is correct that the schemes for urban and rural regeneration and all the other schemes and initiatives under the national planning framework up to 2040 will benefit rural areas and urban areas as well.

I like to use the example of Drumshanbo, which Deputy Martin Kenny will be familiar with. He saw what a small amount of funding for outdoor recreation did for the town. We put further funding into Leitrim village and Carrick-on-Shannon. Between 70,000 and 80,000 people used the walking facilities in Drumshanbo last year. The food hub and many other businesses developed on foot of that with many jobs being created. What I like about the town and village renewal scheme is that one can improve the public realm, provide a digital hub or a food hub or other type of development that will create employment.

Post Office Closures

41. **Deputy Bobby Aylward** asked the Minister for Rural and Community Development his plans to ensure the viability and sustainability of towns and villages in rural Ireland that have lost or are losing the local post office; and if he will make a statement on the matter. [51864/18]

Deputy Bobby Aylward: I want to ask the Minister for Rural and Community Development his plans to ensure the viability and sustainability of towns and villages in rural areas that have lost or are due to lose their local post office. It is not just a case of post offices. There has been a general decline in rural areas with the closure of public houses, post offices and Garda barracks. Rural Ireland is in decline and we need to revamp it as a matter of urgency.

Deputy Michael Ring: My colleague, the Minister for Communications, Climate Action and Environment, has policy responsibility for the postal sector. However, I am acutely aware of the value placed by rural communities on services such as the local post office.

Investment in rural Ireland is taking place right across Government. The Action Plan for Rural Development is a comprehensive cross-Government plan which sets out a wide range of measures focused on supporting and building sustainable communities, growing jobs and enterprise, improving access to services, maximising tourism, culture and heritage assets, and improving connectivity in rural areas.

The third progress report on the action plan was published in recent weeks and confirmed the progress being made, with more than 95% of actions completed or advanced. The €1 billion investment provided through the rural regeneration and development fund will also bring positive benefits to rural communities. I was delighted to announce the first group, totalling 18 projects, to be supported by the fund last month.

My Department is also continuing to support the many vibrant towns and villages across rural Ireland through a range of other schemes and supports. The evidence of impact can be seen in growing opportunities for employment and improved quality of life across rural Ireland. Of particular importance for those towns and villages most disadvantaged in terms of access to services are the CLÁR programme, the community enhancement programme, the town and village renewal scheme and the funding being provided to public libraries.

5 o'clock

Additionally, funding delivered through the community services programme, LEADER and SICAP provides supports tailored to the specific needs of individual areas.

The Government is continuing to explore ways to sustain the viability of the post office network into the future. In October last, the Department of Communications, Climate Action and Environment launched a new Digital Assist pilot initiative with An Post. Ten locations across the country will act as pilots for the provision of new services and I am delighted that my Department has been able to provide funding of €80,000 for this programme.

Deputy Bobby Aylward: The dismantling of the rural post office network continues across the country. We lost two important post offices in south Kilkenny at Mullinavat and Glenmore, and another is to close within the next two months at Kilmoganny. This follows the retirement of two long-serving postmasters who gave many years of dedicated service to their respective communities. Despite significant community activism in Mullinavat and the hundreds of submissions made to An Post, the independent assessor's decision stood and the doors shut.

The closure of post offices in Mullinavat and Glenmore and hundreds of similar closures in towns and villages around the country reflect a further denigration of services in rural Ireland under this Government. The Government claims it has no operational responsibility for An Post but, as far as I am concerned, the buck stops with it. If it had the foresight to implement the recommendations contained in the Kerr report when it was furnished in 2016 regarding the need for additional services to be made available to post offices, places like Mullinavat and Glenmore would have had the chance to increase their footfall and maximise their commercial viability. Many of the rural post offices now under threat of closure could have been saved if immediate action had been taken at ministerial level, and that point is directed at the Minister.

Deputy Michael Ring: I am sorry I have only a minute to reply. I wish I had more time because I have a list of all the post offices that Fianna Fáil closed.

Deputy Bobby Aylward: I knew he would come back with that.

Deputy Michael Ring: I would be here for 25 minutes-----

Deputy Bobby Aylward: That is not an answer. The Minister's job is to rule on what is being done now.

An Leas-Cheann Comhairle: The Minister without interruption.

Deputy Michael Ring: It is a pity-----

Deputy Bobby Aylward: He is closing more post offices than ever. He must be happy.

An Leas-Cheann Comhairle: Deputy Aylward, please.

Deputy Michael Ring: I did not interrupt the Deputy. I let him talk. If his Government had been as concerned about post offices when this country was awash with money, and if it had given them the services they needed, we would not have any closure of post offices.

Deputy Bobby Aylward: The Minister must agree the Government is closing post offices.

Deputy Michael Ring: The Government did not close any post offices in the past few months.

Deputy Bobby Aylward: I have proof of it.

Deputy Michael Ring: The Deputy should listen. People took the packages. They were given the opportunity.

Deputy Bobby Aylward: He is dressing it up.

Deputy Michael Ring: They got the packages. Let us be honest about what is happening and stop the nonsense about post offices.

Deputy Bobby Aylward: Then be honest about it.

Deputy Michael Ring: I will give an example. There was a post office in my own county where 500 people turned up at a public meeting. I am going to tell the Deputy how many of them bought television licences. There were 352 families and just 52 television licences were bought in that post office for that year. Either one of two things happened. They either had no licences, which I do not believe-----

Deputy Éamon Ó Cuív: They would never do that.

Deputy Michael Ring: -----or they went elsewhere to get their licences. If they want to keep rural post offices open, they will have to start using them, and not go to public meetings.

An Leas-Cheann Comhairle: The time is up. I call Deputy Aylward.

Deputy Michael Ring: In fairness, a post office was advertised twice and they could not get anyone to take it.

Deputy Bobby Aylward: The Minister is just getting angry and it is obvious he is getting angry because I am getting under his skin. He knows I am talking fact. To talk about what Fianna Fáil did years ago is not the Minister's job; his job is to rule as Minister now and to make decisions now.

Why would old postmasters and postmistresses who are in their 60s, 70s and 80s not take the package? Of course, they would - I would too. However, that is no reason for the post office to be closed. There was a meeting in Mullinavat, like the meeting in the Minister's area, with 400 or 500 people in attendance. There was a laughable appeals system which made a decision about the local post offices being so many kilometres away and about the size of the population, but it did not stop them being closed down. What about the people who wanted a post office? It

is more than a business where people get stamps and pension payments; it is also a social outlet, but that is not taken into consideration. People want to keep rural areas alive but closing post offices is not going to keep them alive. The Minister is making people travel to neighbouring villages when they do not have the transport to do it. The appeals system is a laugh. It is closing post offices in an underhand way, and that is all it is.

Where people want to keep their post office open and where there is a local supermarket or other business willing to take it on, that should be allowed, once it is viable. I heard the Minister say in the House three or four times that he would come forward with proposals to make them sustainable but I never heard one thing back about that until we got the word that all these post offices would be closed. Let him stand up now and say why he did not make them sustainable and why he did not come back with the money to keep these post offices sustainable, instead of going on with this craic.

Deputy Michael Ring: The hypocrisy sickens me. Fianna Fáil closed many post offices and we closed very few.

Deputy Bobby Aylward: He keeps going back to the one thing.

Deputy Michael Ring: The Deputy asked what I did. I provided €80,000 last year to examine where we can get more services for post offices. Let us take the example of motor tax. Nearly 88% of people now tax their cars online. We need to give post offices more services that people will use. People are living in the modern age. They have their computers and the Internet.

Deputy Bobby Aylward: Where is the report on sustainability?

Deputy Michael Ring: They want to do business in a different way. I want to keep as many post offices open as possible. However, I would say to the general public that if they want their post office and their small local shop open, and if they want services in rural Ireland, they have to start using them and they cannot pass the door every day. When that lady called the public meeting in Mayo, 300 or 400 people turned up and they all signed up to what they were going to do to keep the post office open. However, when she was on local radio, she quenched one of the Deputy's colleagues awful quick when she said, "I did not see many of you since then." She said she was closing the post office and that she was only sorry for the elderly people who depend on it, not for anybody else.

Deputy Bobby Aylward: Where is the report on sustainability?

Rural Regeneration and Development Fund

42. **Deputy Martin Kenny** asked the Minister for Rural and Community Development the status of the rural regeneration and development fund. [51872/18]

45. **Deputy Martin Heydon** asked the Minister for Rural and Community Development the status of the rural regeneration and development fund; when he expects to make further allocations for 2019 from the fund; and if he will make a statement on the matter. [51842/18]

51. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development the funding approved to date for projects under the rural regeneration and development fund; when

further tranches of approvals will issue; his plans to seek further applications under this process in the near future; and if he will make a statement on the matter. [51847/18]

Deputy Martin Kenny: An announcement was made in recent weeks that there were almost 300 applications for category 1 of the rural regeneration and development fund and that there were some 18 approvals of projects throughout the country. I would like to have more information on where matters stand in regard to the other categories and when more announcements will be made.

Deputy Michael Ring: I propose to take Questions Nos. 42, 45 and 51 together.

The first call for applications for the rural regeneration and development fund closed at the end of September. Some €1 billion is committed to the fund over a ten-year period to support rural economic development and help build strong communities, with €55 million allocated to the fund in budget 2019.

There was an excellent response to the first call, with nearly 300 applications received. Applications for the fund are currently being examined by the project advisory board, comprising representatives from key Departments and external experts, which was established to oversee the assessment process. Category 1 shovel-ready projects were prioritised in the assessment process and category 2 projects, that is, those which need development funding to become potential category 1 applications in future calls for applications, are now being considered.

I announced the first 18 successful projects under the fund on 23 November. These projects will receive a total of €24.4 million from the fund while unlocking a further €11 million in other funding, and all are ready to commence in 2019. The announcement on 23 November was just the beginning of the process and further announcements of successful category 1 and category 2 projects will take place early in the new year, with a further call for the fund taking place later next year.

Deputy Martin Kenny: The announcement of funding for 18 projects is welcome. However, there were 125 shovel-ready projects in category 1 and, therefore, many disappointed communities did not get funding. With regard to category 2, the Minister might give more detail on when he expects to put butter on that sandwich. We need something to happen quickly because people have to get moving on this. At the moment there is lack of capacity to get them to a position where they can get into category 1 and draw down funding.

I have looked through the list of projects, all of which are worthy and deserving of the funding they have received. However, in many cases, they are projects for which funding from other Departments, for example, the Departments responsible for tourism, housing or roads, would be expected. Why is everything left over being gathered up with the notion that the Department of Rural and Community Development will look after it? I just wonder about that.

Deputy Michael Ring: It might have been Deputy Martin Kenny and others who stated we would never open the fund.

Deputy Martin Kenny: I never said that.

Deputy Michael Ring: I also heard complaints that we would not allocate the money and then I heard complaints that it would never happen. It happened. Let us be honest and fair about it. There are 18 shovel-ready projects. Shovel-ready status is one of the key elements of

the programme. There are many projects which would not have been able to advance but for the funding put in place. Some of the other schemes to which the Deputy referred do not have the level of grant necessary to allow the relevant work to proceed. I am delighted with the scheme and these 18 good projects. These are projects that are going to happen. The Deputy asked about category 2 and I will give him a straight answer. I intend to have the rest of category 1 and category 2 completed early in February. I could do one in January, but I do not want to do that. I want to do the two schemes and get the funding. As stated earlier, I will open the scheme for new applications again early in the new year.

Deputy Martin Heydon: I thank the Minister for the information outlined on those issues. The rural regeneration and development fund is crucial. While I am disappointed that my local authority of Kildare County Council did not have projects at the shovel-ready stage, I am keen to ensure our very strong applications under category 2 will be considered. We have a number of plans to redevelop town squares and we also have public realm plans. In Athy, for example, we have the town centre, the site of the former Dominican church, Emily Square and Athy enterprise centre. In Kildare town, we have Cherry Avenue, which involves a plan for a multifunctional town park, and other projects to improve local infrastructure. There are also public realm projects in Kilcullen, Rathangan, Monasterevin and Robertstown. Each of those projects, some of which the Minister visited with me, will give local communities a shot in the arm. A particularly important one, however, is a plan involving close collaboration with the Department of Defence. We are seeking to leverage all aspects of State involvement and develop a serious management plan for the Curragh plain, a 5,000 acre outwash plan of national significance and great local significance to the people of Kildare who use it for a variety of reasons, including recreation and tourism purposes. We need a co-ordinated plan and I am delighted that Kildare County Council and the Department of Defence are working together as closely as they are. These are the kinds of project we need to see funded early in the new year.

Deputy Michael Ring: The Deputy is quite correct. The great thing about this scheme is that any State agency or local authority working with community groups can make an application. There are a number of ways to get matching funding. Údarás, local authorities and other State agencies, including the Western Development Commission and LEADER companies, have come in. As Minister, the major complaint I have heard was touched on by Deputy Heydon. It relates to groups getting projects ready. They have often simply lacked the funding necessary to make a plan and the seed funding required to get schemes ready. That is why we created category 2. It provides the seed funding to allow groups to get their applications ready. They were not ready for the first phase, but they will be ready for the next. We are going through and evaluating the projects which have not been dealt with yet and determining which ones can be shovel-ready for next year. We hope to make the announcement in early February. I could have done one in January and the other in February, but I want to do them together. I want to do categories 1 and 2 because I want to get the scheme open again for next year. That is because the important thing about the scheme will be to continue it over the years ahead.

Deputy Éamon Ó Cuív: The Minister knows my normal concern. He has let out €24 million and he has to have €55 million spent by the end of 2019. He tells the House that he will let another tranche of money out in February, but he knows from his experience of the LEADER programme that allocating the money out does not mean it will be spent quickly. Is the Minister talking about allocating another €70 million or €80 million given my estimate that he would have to have €100 million approved at the end of February to get a spend of €55 million by the end of next year? That is the reality. Are these the kind of figures he is talking about letting out

at the end of February? If not, he is going to underspend again.

Deputy Michael Ring: To be fair, it is one of the things I am looking at. The Deputy is correct. As with the town and village scheme or the outdoor recreation scheme, if one does not spend in advance, one will have a difficulty. Category 2 will provide seed funding for projects and I expect a lot of it will be drawn down quickly. Some of the schemes are shovel-ready. Those behind one €4 million project have told me they expect it to be completed by September of next year. I am hopeful that people are as good as their word. The project is shovel-ready and an effort will be made to ensure that work will start and projects will be completed by the end of the year. I take the Deputy's point. It is something I am considering. He is correct, given the outdoor recreation scheme, that we need to push on with further schemes and greater spend than perhaps I should do and make the allocations. It is as simple as that and I do not disagree with what the Deputy says.

Deputy Éamon Ó Cuív: From his experience with LEADER, does the Minister agree that he will need to have approved €100 million between category 1 and 2 by the end of February if he is to hit his target of spending €55 million by the end of next year? Anything less will leave him short at the end of next year and we will end up having the same debate about money going back to the Exchequer.

Deputy Michael Ring: While I cannot commit to that, I can commit to ensuring that there will be a substantial spend. I have to see what projects are actually shovel-ready. My problem is that they must be ready to go. Category 2 will be an easier scheme because it is seed funding. People thought the scheme would not happen but it did and it is a good one. The Deputy should be happy that his constituency did quite well in relation to a project which would never have been able to get funding but for the scheme. It would never have been able to get the grant aid it needed. It is a scheme that creates jobs in the Gaeltacht in the Deputy's constituency. I am pleased that project came through because it is a very good one.

Dormant Accounts Fund

43. **Deputy Catherine Connolly** asked the Minister for Rural and Community Development if the interdepartmental group pursuant to recommendation 7 of a report (details supplied) has been established; the number of times it has met since its establishment; the membership of the group; and if he will make a statement on the matter. [51856/18]

Deputy Catherine Connolly: Has the interdepartmental group been established? If so, how many times has it met? Who are its members? This arises from the review established by the Minister's Department which reported in July 2018. The review was further to a chapter of the report of the Comptroller and Auditor General which came before the Committee of Public Accounts in February and identified significant underspending and serious problems. Is a copy of the reply available?

An Leas-Cheann Comhairle: No. Only replies to Topical Issues are available. The reply will be available later.

Deputy Catherine Connolly: That makes matters difficult.

Deputy Seán Canney: The review of the Dormant Accounts Fund disbursement scheme,

which was published in July 2018, set out 15 recommendations aimed at improving the management and administration of current and future disbursement schemes.

One of the recommendations was to establish an interdepartmental group for the Dormant Accounts Fund to meet on a six-monthly basis. The stated purpose of the group is to inform and monitor progress in the implementation of disbursement schemes and subsequent action plans and to ensure that up-to-date co-ordinated information is maintained.

The interdepartmental group has been established and it met for the first time on Thursday, 25 October 2018.

The group is chaired by my Department and membership consists of those Departments making use of dormant accounts funding. These include the Departments of Justice and Equality, Transport, Tourism and Sport, Health, Children and Youth Affairs and Education and Skills. Given its role in the operation of the fund, membership also includes the Department of Public Expenditure and Reform. Pobal is also represented in the membership of the group due to its administration of some measures on behalf of Departments and with a view to having it act as a link to the community groups which often utilise dormant accounts moneys.

I am informed that the first meeting of the group covered a range of issues, in particular information management and the development of guidance documents around how the fund should operate. The next meeting of the group is planned for April 2019 which will allow the group to inform the preparation of the 2019 dormant accounts action plan. This group will play an important role in supporting the implementation of the recommendations in the review and ensuring that the available funds are utilised for measures targeting disadvantage.

Deputy Catherine Connolly: I thank the Minister of State for his clarification that the group has been established and that it is going to meet again. However, it is important to put this in context. It did not come from the Department. The inefficiencies and serious problems with the Dormant Accounts Fund were identified by the Comptroller and Auditor General. Among many other things which are of great concern to me and other Deputies are the significant underspending, the fact that fewer measures are actually being delivered to the community, that there was no single database, that many of the reporting requirements set out in the legislation were not met, that there was insufficient incentive to undertake dormant account measures and that there was no awareness or communication strategy with regard to selling this to the public. There were also many other deficiencies. That is why 15 recommendations were made, one of which I am dealing with today. It is important to bear that in mind. Will the minutes of those meetings be available?

Deputy Seán Canney: The Deputy is right. As recommended by the Comptroller and Auditor General, my Department completed a review in 2017. The 15 recommendations seek to improve information gathering, simplify the operation of the fund and ensure that funding is used by the Departments or returned to the fund for use in other projects. Some good progress has been made, with comprehensive information on the measures being funded being brought together and maintained by my Department. My focus is on ensuring that these recommendations are implemented and that the best use is made of the funds available. I will check about the minutes of the meetings for the Deputy. I presume they will become public, as they should. I will confirm that for the Deputy. The fund allocation in 2017 was €30.192 million across all Departments. It is important that we are confident that the funding is going where it should.

Deputy Catherine Connolly: I would appreciate it if the Minister of State came back to me with the minutes because it is absolutely vital that we have transparency. Again, this has arisen because of a lack of transparency, significant underspending and a lack of preparedness. The review was finally carried out this year on foot of the Comptroller and Auditor General's report and due to the fact that recommendations in the report for the period 2013 to 2016 had not been implemented. No action plan was implemented in 2015. I do not say this to embarrass but because this is serious funding for the community that is not actually getting to the community. Later this week, my colleagues in Galway West and I hope to raise a Topical Issue debate regarding an autism project in Galway. The Minister of State is aware of the project. While organisations are struggling, millions are sitting in the Dormant Accounts Fund. These millions are dormant and that should not be the case. That is the importance of this issue.

Deputy Seán Canney: I again thank the Deputy. She is right. The diligence of the committee in coming up with the 15 recommendations has to be lauded. It is important that we take the recommendations on board. As the Minister of State with responsibility for the disbursement of the Dormant Accounts Fund, I will certainly be ensuring that everything is transparent. I repeat that €30 million - a not inconsiderable amount - has been allocated across the Departments of Justice and Equality, Transport, Tourism and Sport; Health, Children and Youth Affairs, Rural and Community Development, Education and Skills and Employment Affairs and Social Protection, and the Prison Service. The money is being allocated. There are issues in that, perhaps, we may not have enough money for everybody. The Deputy mentioned the autism service in Galway. I was at the meeting. There are other groups like it which find themselves left in the crevices and not being picked up for funding. I have come across many more like that.

CLÁR Programme

44. **Deputy James Browne** asked the Minister for Rural and Community Development his plans to review the CLÁR areas based on the 2016 census returns; the timeline for the review; and if he will make a statement on the matter. [51732/18]

Deputy James Browne: I ask the Minister his plans to review CLÁR areas based on the 2016 census.

Deputy Michael Ring: The CLÁR programme was originally launched in October 2001 to provide for targeted investment in disadvantaged rural areas. The areas originally selected for inclusion in the programme were those which suffered the greatest population decline from 1926 to 1996. The Cooley Peninsula was also included, on the basis of the serious difficulties caused in that area by foot and mouth disease. The average population loss in the original CLÁR regions over the period 1926 to 1996 was 50%. In 2006, an analysis of the 2002 census data was carried out by the National Institute for Regional and Spatial Analysis, NIRSA, at Maynooth University and the programme was extended to include areas with an average population loss of 35% between 1926 and 2002.

The CLÁR programme was closed for new applications in 2010. However, I relaunched the programme in the second half of 2016, using as a baseline the areas identified in the work carried out by NIRSA. Over 1,200 projects have been approved for funding of €25 million under CLÁR since I relaunched the programme in 2016.

I have now initiated a review of the CLÁR programme which will, in particular, examine CLÁR areas in light of the 2016 census of population data. The review process began on the 23 November with a targeted consultation meeting with a number of people who are recognised for their background and expertise in respect of rural development issues. The review will also involve more detailed stakeholder consultation and will inform launches of the CLÁR programme in the future. I anticipate that the review will be completed in the first half of 2019.

Deputy James Browne: I thank the Minister. As he knows, I have raised this issue a number of times since I was elected to the Dáil. There are only two counties outside of Dublin which are excluded from the CLÁR programme - Kildare and Wexford. That is partially because the CLÁR programme is still based on the 2002 census. We have had three censuses since then. A number of areas in Wexford would have been eligible for the CLÁR programme but have been excluded because of the reliance on the 2002 census. That has been deeply unfair to Wexford especially as it is consistently and unfortunately the third or fourth worst county in any assessment of disadvantage or socioeconomic assessment. To be excluded from a source of income is quite unfortunate.

To highlight another matter, CLÁR sometimes masks areas of concern. In areas along the south coast and into Wexford where there has been depopulation of young people, the overall population tends to remain stagnant because many retirees move down. Those retirees are very welcome but they can sometimes mask depopulation due to the departure of young people. Without young people our rural areas simply cannot progress. Perhaps the Minister might look at that in the future.

Deputy Michael Ring: I thank the Deputy for raising this issue. He has raised it before. My first priority was to get the programme opened again, which I did. To be fair, using the census figures we are using does not really make sense. I now need to do the review. I want it done quickly. I need to look at ways and means. There might be other issues, such as the one the Deputy has just raised, we need to consider in including areas in the CLÁR programme. Things have changed in certain areas. One would have to question whether some parts of my own constituency which were in the original CLÁR programme should be in it now. There are other areas which should be in the programme which are not. I need to start looking at it. I need to start looking at ways and means to include areas where there is disadvantage and where there are issues which need to be dealt with. One good thing about the CLÁR programme is that it can actually be targeted at schemes. One can look at ways and means to target schemes. I like the scheme and I want it to continue but the census figures I am using now are out of date. I need to get new figures and I have done so. We have started consultation. I also want to get down to those at grassroots level, rather than just the professionals, to see what they have to say and to see if they come back with any ways and means to improve the CLÁR programme.

Deputy James Browne: I welcome the Minister's intention to review the CLÁR programme and its use of census figures. I hope that the Minister will, as he stated, look at the deeper issues and ensure that the proper funding is targeted at areas of true disadvantage.

Deputy Michael Ring: As already stated, the review process has commenced. I have the views of well-respected researchers from Maynooth University but I also want to talk to people on the ground. I want to talk to the practical operators who operate some of these schemes. As I said, the one thing I like about the CLÁR programme is that difficulties can be identified and schemes can be created to help and support communities that need help. It is a bit like what the Minister of State, Deputy Canney, was speaking about earlier. Sometimes areas do not get

what they should because they may not have the supports they need to be able to make the applications. That is something I will be looking at in this scheme.

Deputy Tony McLoughlin: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: We do not have time for the Deputy's question. I told Deputy Calleary that too and he was also waiting. I can take the question if Deputy McLoughlin will allow the Minister only to give the reply. The Minister can give the response to Question No. 47.

Question No. 45 answered with Question No. 42

Question No. 46 replied to with Written Answers

Western Development Commission

47. **Deputy Tony McLoughlin** asked the Minister for Rural and Community Development his plans to enforce the role of the Western Development Commission; and if he will make a statement on the matter. [51671/18]

Deputy Tony McLoughlin: The Minister might give the responses to Questions Nos. 47 and 54.

An Leas-Cheann Comhairle: They are not grouped.

Deputy Michael Ring: The Minister of State, Deputy Canney, is dealing with Question No. 47.

Deputy Seán Canney: The Western Development Commission, WDC, was established on a statutory footing in 1999 under the Western Development Commission Act 1998. The main aim of the commission is to promote, foster and encourage economic and social development in the western region, covering the counties of Donegal, Leitrim, Sligo, Mayo, Roscommon, Galway and Clare.

A Programme for a Partnership Government includes a commitment to reinforce the role of the WDC. This has been done in a number of ways. For example, the commission participates on a number of groups which oversee the progress of key Government initiatives. These include the monitoring committee for the Action Plan for Rural Development, the implementation committees for a number of regional action plans for jobs, and the Atlantic economic corridor task force which I chair.

As the Deputy may be aware, a new chair and board were appointed to the WDC by the Minister, Deputy Michael Ring, last year. The board is currently developing a new five-year strategy for the commission.

My Department has regular engagement with the chair and the chief executive of the WDC with a view to strengthening the organisation's role in the delivery of Government objectives related to regional development. I am pleased to report that the Minister, Deputy Ring, secured an additional €500,000 in the 2019 budget process to support the WDC. This funding will enable it to maximise the potential of the western investment fund to support small and medium enterprises in the area under its remit, and also to provide a co-ordinating role in relation to the

Atlantic economic corridor initiative.

I have been assigned responsibility for the WDC by the Minister, Deputy Ring, and I look forward to working with the board and the chief executive to support the development of the western region and the wider Atlantic economic corridor area.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Roads Maintenance

An Leas-Cheann Comhairle: The first issue is in the names of Deputies Declan Breathnach and Pat Casey. I call Deputy Breathnach.

Deputy Declan Breathnach: In opening this debate I wish to acknowledge, first, the progress made in the winter gritting programme across the country over many years and especially the outdoor staff who work ungodly hours to deliver the gritting programme, which is often and mainly dictated by local authority officials and budgets. As the Minister, Deputy Ross, rightly knows, ice and snow bring a Christmas thrill but not to many motorists, cyclists or pedestrians for whom icy conditions are a time of anxiety for many people who go about their business, often in scary driving conditions. The Minister might pardon the pun but any public representative worth his or her salt would tell him that, apart from the public complaints about potholes and poor road surfaces, at this time of the year as temperatures plummet many become justifiably frustrated. Constituents call our offices complaining about there been no salting of the roads, not to mention the irate parents who often ring to say their child has just written off his or her first car.

My purpose in raising this matter in the season that is in it is to hope that winter gritting programme would be publicised more widely in terms of how it works and to make road users more aware of how it operates and to offer an exchange in terms of the ways in which the programme could be improved and expanded to be responsive and more impactful in the interests of safer driving with fewer accidents and a more co-ordinated approach and understanding of the way local authorities can respond.

The IceCast system, as I described it, is now known as the Vaisala road DSS manager – it is difficult for people to get their tongue around that. One can call it what one likes but all we need to know is that there is an effective and efficient system and that the road user who pays his or her motor tax, property tax and income tax achieves equity in reaching his or her destination in the shortest possible time on the most suitable salted route. The aim of the programme is to keep the major routes as free as possible from hazardous road conditions but with the current process, which involves weather forecasting in terms of the Vaisala system I referred to, the system is only 85% effective.

Deputy Pat Casey: Deputy Breathnach has raised most of the issues. We have all seen practical examples, despite all the technology used now, where the system has failed road users on certain mornings. The Minister is very familiar with the N11, which we often see being gritted in the evening and late into the night. However, we have had significant rainfall overnight

recently and a refreeze but at that stage it is too late to grit. The cars are on the road and the damage has been done. We have seen that happen quite a few times in recent years. While technology has brought more advances, it is about getting the grit quality right, the density of the grit and so on. All of that is improving.

In terms of the regional and local roads, different standards apply and there is a different approach to the regional roads. I recall getting a call from a constituent at 6.30 a.m. one morning to say that the long hill was completely covered in ice. That was because the road had been gritted but it rained and the surface froze over the gritting. The long hill was an ice rink that morning and by the time word got to the local authority to get the staff back out on the roads, almost two and a half hours had passed, which caused major problems.

Many national roads, including the M11, have been taken over privately in terms of providing maintenance, which is contracted. There is a different contractor on the M50 but the two roads inter-link. Is there co-operation between them to ensure all of them spread grit at the same time and with the same consistency to ensure the road user knows that the road will be cleared from one end to the other? The Minister might reply to the few points I have raised.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the two Deputies for what appear to be constructive suggestions. It is extremely appropriate at this time of year that this issue should be debated and it is one that has been. It would be fair to acknowledge first that the response to emergencies to which the Deputies referred has been good in recent years. There is always room for improvement and the suggestions they made, particularly the one in Wicklow with which I am familiar, are constructive. I will certainly convey both Deputies' suggestions to the appropriate local authorities and Transport Infrastructure Ireland, TII, for their comments.

As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding regarding the national roads programme. The planning, design and operation of the national road network, including winter maintenance operations, is the responsibility of TII under the Roads Acts 1993-2015 in conjunction with the local authorities concerned. Within its current and capital budget, the assessment and prioritisation of expenditure is a matter for TII in accordance with section 19 of the Roads Act.

The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority. The selection and prioritisation of works, including winter maintenance programmes, are also a matter for each local authority.

As the Deputies will have heard previously, Ireland has just under 100,000 km of road in its network and the maintenance of national, regional and local roads places significant demands on local authorities. Each local authority prepares an annual winter maintenance programme which outlines its plans for managing winter operations, including gritting.

In this context, TII operates the IceNet road weather information system, previously known as IceCast, to assist local authorities in the management and delivery of each local authority's winter maintenance activities. TII operates a network of road weather stations across the national road network, providing up to date information on road weather conditions. In addition, in conjunction with Met Éireann forecasts, the IceNet system provides weather forecasts for the national road network. This information is also used by local authorities to plan their treatment of regional and local roads.

I understand from TII that the system has been continuously improved and upgraded since the road weather information system was first developed in the 1990s. In the period since the severe weather episodes in 2010 the number of weather stations has increased from 60 to 100 and about 75 of those stations now have cameras installed with infra-red lighting capability.

Each year, in advance of the winter season, TII convenes an annual winter maintenance conference, attended by all local authorities. After that, decisions on delivery of winter maintenance activities, including the prioritisation of routes for salting, and where necessary snow ploughing, are operational matters made by local authorities.

Local authorities will make the call-out decision having considered the forecast, prevailing road conditions and local information provided by the relevant roads engineers and inspectors.

Deputy Declan Breathnach: I thank the Minister for his response. Technology is playing a major part in making further improvements. However, it would improve matters if additional weather stations across the network to those to which the Minister referred, were installed, particularly in my council area. I look forward to the installation of two additional stations, one on the N53 at Deerpark and one on the N2 at Funshog near Ardee. I understand that a further two weather stations are required on the R166 and R173, which needs to be funded by the Department of Transport, Tourism and Sport. We talked about thermal domains. They need to be changed to more accurately forecast temperatures, especially on local roads. Most of these thermal domains are on main roads which already have a gritting programme.

While technology is fine, the Minister mentioned local knowledge. I firmly believe that An Garda Síochána and the post service could provide an excellent service for the issues Deputy Casey mentioned. Where black ice occurs and rainfall dilutes the salt, there should be a link to the director of services responsible on a particular night to ensure that, where these black spots arise again, there is a programme to get out onto those roads.

Deputy Pat Casey: I thank the Minister for his reply. He acknowledged that this is a positive engagement, not a criticism, as we hit the winter season. It concerns all road users that the roads are gritted as much as possible. The area that is always left in abeyance is the local roads. We all know that some of our local roads are the most dangerous roads. There is no clear policy across local authorities of how to manage and grit local roads. Some local authorities put boxes of ice on dangerous hills or corners. Other councils do not bother. There are many inconsistencies across the nation with local and regional roads. I would like to see if we can move forward to make it standard for a certain level of facilities to be provided on all local roads. Deputy Breathnach mentioned the hard work that council staff do at all hours of the morning in very tough conditions. I wish to put that on the record too.

Deputy Shane Ross: Much of what the Deputies are saying depends on who makes the decisions about when to treat roads and which roads to treat after the data have been made available to them. That is taken by the local authority duty engineer. Decisions on the delivery of winter maintenance activities, including salting and, where necessary, snowploughing, are made by the local authorities. Local authorities are responsible for providing engineering staff, operational staff, drivers, helpers and yard staff, plant including trucks, demountable salt spreaders and snow blades, and managing the drawdown of road salt. Winter treatment of the motorway network is the responsibility of the relevant public private partnership, PPP, operator or motorway contractor. In addition to providing the Vaisala road weather information system, RWIS, the role of Transport Infrastructure Ireland is to co-ordinate the annual winter operations

programme. The authority provides support, back-up and funding to the local authorities each year in advance of the winter season. The authority convenes an annual winter maintenance conference, attended by duty engineers. Although I am satisfied with the way this has operated in the past, I am sure it can be improved and I will bring the references which Deputy Casey made to the N11 and which Deputy Breathnach made to the R166 and R173 to TII and the local authorities for attention and ask them. I cannot tell them what to do but I will refer the Deputies' remarks to them and ask them to respond accordingly.

Suicide Prevention

Deputy Mick Wallace: I thank the Ceann Comhairle for choosing this very serious issue. I want to read a statement from Olwen Rowe from Wexford, the sister of Kenneth Rowe, who took his own life. Kenneth was a good friend to two of my sons. The statement reads:

Families and friends live many nightmares when a loved one dies by suicide. When there is no warning, the shock and the pain are immense, beyond words.

But sometimes, there are warning signs and there's the unthinkable nightmare of seeing your loved one decline, seeing their distress, and repeatedly trying to access professional support for them, but hitting wall after wall. You watch your loved one fighting for their life without the professional help they desperately need. You try to believe the experts [who] say that you are over-reacting but you are terrified you'll get the call, or the Gardaí will come to your door, and then that day comes, and your world falls apart.

Kenneth was 32. He was independent, private and self-reliant but when he hit a crisis, he knew he needed help. With the support of Kenneth's GP and others, Kenneth tried to get help. My parents spent countless days and nights sitting with Kenneth as he battled his anguish, wrapping him in the light of their love. They worked tirelessly to get him the care he needed.

It was like watching a train hurtle towards an abyss and begging for help from the experts only to be told we were exaggerating, we were overprotective, he'd be fine, it was Christmas and there were no appointments, he should get back to work, work stress was normal, he should drink less coffee and get more exercise, he should take the increasing number, and doses of medication he was being prescribed, all without any ongoing support.

Kenneth was failed by both public and private mental health services in this country. It is difficult now to meaningfully engage with those who were asked to provide care for Kenneth, to see why these health systems failed him: whether it was individual failure, shortage in resources, lack of expertise, lack of compassion, lack of understanding.

We heard University Hospital Waterford was under pressure for beds, that patients were being admitted and kept in chairs. Can you imagine how awful it is, hoping a family member would be admitted for psychiatric care and being terrified of whether or not that service would be fit for purpose? Whether the hell that he was living through, as he tried to get on with his daily life was better than the hell of being admitted to an overstretched mental health facility?

Kenneth was sent home from Waterford Hospital 3 times in 5 days. Imagine our de-

spair that in spite of an urgent referral from Waterford to Summerhill Community Mental Health Services, Kenneth's appointment was for six weeks later. The wait was impossible. We were told Kenneth couldn't access mental health services in another public hospital. As Kenneth's crisis deepened we attempted to access private mental health services at St. Patrick's in Dublin. This was another disaster, another failure. There was nowhere else to turn.

Kenneth fought so hard to stay alive for everyone and everything he loved. But he didn't make it. He ended his life 19 days before his appointment at Summerhill.

The Taoiseach gave the opening speech at the Pieta House "Darkness Into Light" event. Yet his government has failed to give adequate funding to mental health services. Suicide rates in Wexford are a lot higher than the national average; yet no emergency mental health services exist in Wexford. Charities like Pieta House and the Samaritans do good work; but their supports cannot replace the complex psychological and psychiatric care that should be provided by HSE mental health services.

An Leas-Cheann Comhairle: The Deputy will have a further two minutes in his supplementary.

Deputy Mick Wallace: I will just finish. It continues:

In the middle of our grieving and the unspeakable pain, it is hard not to feel anger and rage about a health system that is inadequate, underfunded and criminally absent in some parts of this country. It feels like no one, who can actually make a difference, cares.

An Leas-Cheann Comhairle: I call the Minister of State. Deputy Wallace will have another minute.

Deputy Mick Wallace: It continues:

Kenneth gave so generously of his time and resources that he always gave the impression of having plenty, even when he was struggling to make ends meet. He has left little by way of material goods, but his legacy is immense - the many acts of kindness he wove into the fabric of his life, his unremitting intolerance for bullshit-----

An Leas-Cheann Comhairle: We are moving on to the next issue. The Deputy cannot take advantage.

Deputy Mick Wallace: It continues:

his courage to stand up for the people he loved, for people who needed support during difficult times, his honourable commitment to doing his work well.

It concludes:

Would that we had a future with him. He didn't want to die.

An Leas-Cheann Comhairle: Deputy Wallace must have some consideration. He will get no second intervention.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Wallace for raising this very important issue. It was a very powerful and sad letter to hear, about Kenneth Rowe's story. He was a young man, aged 32. I accepted that and offer my

deepest sympathy to the family. We have to deal with the issue. I do not doubt the Deputy's sincerity and integrity about the issues he raised. I can assure him that tackling suicide is a priority for the Government. Under the care of my Department, a cross sectoral steering group was established to assist the National Office for Suicide Prevention, NOSP, in implementing Connecting for Life - Ireland's national strategy to reduce suicide. This is a six year strategy running from 2015 to 2020. The National Office for Suicide Prevention is part of the HSE and was specifically established to co-ordinate suicide prevention efforts around the country and to implement Connecting for Life. To support NOSP, funding was increased from €3.7 million in 2010 to the current level of €12 million. An additional €275 million was provided in 2015 for additional resource officers for suicide prevention and for priority actions under Connecting for Life.

Wexford's local Connecting for Life plan was launched in January 2016 and is aligned to the national strategy. As suicide affects each person in the community, this local plan is a collaboration by individuals and statutory and non-statutory bodies in the communities throughout Wexford. It has built on work already begun in Wexford since the initial countrywide plan was launched in 2004. The work of NOSP has helped to reduce the number of suicides in Ireland from 495 in 2010 to 392 in 2017. It must be noted that the 2017 figures are provisional and by their nature are subject to change and so should be interpreted with caution at this time.

The NOSP efforts in suicide prevention include training programmes such as safeTALK and ASIST. In addition, the Little Things campaign focuses on measures we can all do to protect our own mental health and to support the people we care about. Children and adolescents who present with suicidal ideation in Wexford, depending on their presentation, may be referred to a number of services, including a school counsellor; teen counselling services in the Ferns Diocesan Youth Service, FYDS; the HSE child and adolescent mental health service, CAMHS, in Wexford; the HSE primary care community psychology services and the HSE self-harm intervention programme, SHIP. In addition, the report of the national task force on youth mental health contains a number of recommendations on youth mental health that have been incorporated into the service plans of lead agencies and priorities for 2018 and 2019. Additionally, the Pathfinder project, which will be the first of its kind, will bring together officials from a number of relevant Departments to form a unit focused on youth mental health. This work will include the implementation of the recommendations of the national task force on youth mental health.

I accept the Deputy's point that nothing will bring back Kenneth Rowe, the lovely young man about whom he spoke, or take away the sadness in his sister's heart. We must develop mental health services that will help young people, in particular young men like Kenneth.

Deputy Mick Wallace: I do not wish to personalise this or to blame any one Minister for the problem. I had a pint with Kenneth Rowe a few weeks before he died. He is gone and he need not be. I note the services mentioned by the Minister of State, Deputy Finian McGrath. The people of Wexford are of the view that there are not adequate services available to them. Young people are dying because the help they need is not available to them. In the last month, a 13 year old boy and a 15 year old girl committed suicide in Wexford. Wexford has the highest rate of suicide in the country. There is a serious problem there. Kenneth's sister believes that the Government has failed to adequately fund mental health services in Wexford. I am sorry to have to say it, but that is the truth. This Government and its predecessor failed to hit the mark in terms of mental health service provision.

People in Wexford are constantly ringing and texting me asking why nothing is changing,

what the Government is doing to address this issue and if the Government cares. As I said, I do not blame any one individual for the lack of service provision but I believe that this Government and its predecessor failed the people of Wexford in terms of that provision. Neither Government served them well. That is the truth. Something has to give. I am pleading with the Minister of State to take action.

Deputy Finian McGrath: I agree we need to take action in regard to this particular issue. The Deputy's reference to a 13 year old and a 15 year old having recently committed suicide makes the other situation he highlighted even worse. The Minister of State, Deputy Daly, in conjunction with the Department of Health and the HSE, will continue to enhance the policies and services to reduce the incidence of suicide in Ireland.

I have looked at the statistics for Wexford. The Deputy is right in what he said. According to the three year moving average rate of suicide per 100,000 population by county of residents deceased between 2004 to 2017, the national average was 8.8%. In Wexford, its is 11.1%. I accept what the Deputy says. I do not propose to make false promises but I will bring the Deputy's concerns to the attention of the Minister of State, Deputy Jim Daly, and ask that consideration be given to Wexford in the context of any services development into the future. We must take action. Suicide is a serious problem. We cannot afford to lose young people like Kenneth Roe. As I said, I will bring the Deputy's concerns to the attention of the Minister of State, Deputy Daly, in the hope that he will take action in the next few months.

Traffic Management

Deputy John Lahart: I thank the Minister, Deputy Ross, for coming to the House to address this issue. He is one of the few Cabinet Ministers that turns up for Topical Issue matters on a consistent basis.

Deputy Finian McGrath: Hear, hear.

Deputy John Lahart: I am sure the Minister will accuse me of whining and whinging if I start off in a particular vein but I have a duty as a public representative to raise issues on behalf of my constituents. We become much more exercised about traffic at Christmas time but this Topical Issue is about traffic congestion all year round and specific issues that the Minister might consider addressing.

At Christmas time, people like to be relaxed but at any given time of the day there is intense traffic and pedestrian movement to and from the city or major shopping centres such as Dundrum shopping centre in the Minister's constituency, The Square in my constituency or in Liffey Valley and Blanchardstown centres as people attempt to do their Christmas shopping and enjoy the festive spirit. There is nothing worse than being stuck in a car or on a bus that is not moving, aggravated by weather conditions. One of the principles behind what was previously known as Operation Freeflow but is now known as Operation Open City is that all road works and so on are curtailed or undertaken during less busy commuting hours. At the entrance to my estate on Scholarstown Road, an area which the Minister previously represented, there is a roundabout at which major works are being carried out. This roundabout is 200 yd. from the M50 and thus there are never ending tailbacks. This work is due to continue until 17 December which means there is no Operation Open City in this area. I would like the Minister to whom I can appeal under Operation Open City to take action in this regard, particularly at this time of

the year.

I would like to comment on a couple of issues. The Minister and I have previously engaged in this Chamber on the cost of congestion to the city annually, which is currently €300 million and is expected to increase by 2030 to approximately €2 billion annually.

6 o'clock

Dublin Chamber discovered that one of the matters that frequently cheeses off commuters and deters them from using public transport is the reality that bus journey times are uncompetitive with car journey times.

I travel in a number of ways, be it walking, cycling, driving the car and occasionally on the bus. The bus lanes are not policed adequately. Does the Minister, the NTA or the councils have any plans for this? I realise that it uses up many Garda resources but if they were policed, the benefit would be twofold. A number of bus lanes do not operate on a 24-hour basis but when they are operational, cars simply fill up the space. That habit has been allowed to form because there is a lack of observational police control over it. However, if they were properly policed, many more people would have confidence in using the bus to commute to and from town or other areas. This is one matter in which the Minister could take a particular interest. There are others. We could try to facilitate a number of park-and-ride facilities on the outskirts of the city and in the suburbs by using existing car parks that are not used during office hours.

These are just a few ideas for the Minister and I welcome his feedback on them.

Deputy Shane Ross: I thank the Deputy for his constructive suggestions. Congestion is a feast that keeps on giving. It must be wonderful to be a transport spokesperson or spokesperson on Dublin in the opposition and wonder what to have a go at on a given day. One could talk about congestion every day until kingdom come and one would still find problems. We admit that it is not optimal. There are problems with congestion and it is easy to tackle it from the Opposition. The Government is not ashamed of the strong measures it has taken to relieve congestion. It is a little odd that when we do something right at Christmas, the complaint becomes, “Why not do it all year round?” rather than, “Well done, it is working at Christmas”. It is a short and sharp attempt to tackle the traffic challenge around Christmas. Thankfully, it is successful even if there still is congestion. The Deputy acknowledges it and I am grateful to him for that.

It is a matter of Garda enforcement. While we welcome what the gardaí are doing, it would be difficult for them to do it all year round. I guess that is because of resources. I do not know because Garda enforcement is not in my portfolio. However, the Garda makes an extra special effort with extra manpower on the city traffic flow and it tackles that with some success, but I assume those resources must be deployed elsewhere or are not available during the rest of the year. I congratulate the Garda on what it has been doing around Christmas. I share the Deputy’s aspiration that we could have perfection or near perfection all the time, but we will not get that in respect of the traffic flow and congestion in Dublin for some time to come. That does not mean we are not tackling it; we are doing that constructively.

Operation Open City aims to help people get about their day’s business, and enjoy the seasonal festivities, by facilitating the movement of public transport in Dublin and minimising traffic disruption to the general public through high visibility and enforcement activity. The operation is led each year by An Garda Síochána. A number of different agencies are involved in supporting the work of the Garda such as the National Transport Authority, NTA, Transport

Infrastructure Ireland, TII, the Dublin local authorities, transport providers and the business community. However, the issue of congestion in our cities, while it may become more acute over the Christmas period, is a challenge all year round. As can be seen from Operation Open City each Christmas, that challenge requires a multi-agency response. I assure the Deputy that such an approach is being adopted in Dublin city and the wider greater Dublin area.

The NTA, Dublin City Council and TII, in conjunction with public transport operators, are progressing various measures to ensure efficient functioning of transport within the city centre. These measures can be found in the NTA's transport strategy for the greater Dublin area, as well as the 2015 Dublin city centre transport study which was prepared by the city council and the NTA. Not surprisingly, a key thrust of both is to significantly improve public transport infrastructure and services, as well cycling and walking facilities in the city. A number of recently completed projects have served to improve both capacity and quality of service. These include the opening of Luas cross city last year, the reopening of the Phoenix Park tunnel for commuter trains to and from Kildare at the end of 2016, the introduction earlier this year of ten minute DART services, investment in cycle routes and public bike sharing schemes and the renewal and expansion of the PSO bus fleets.

This week, new timetables came into operation across the commuter rail network, which provide for extended services throughout the day. Next year, the PSO bus fleet in the city will increase by approximately 70 and the fleet has expanded by 17% in the past couple of years. The Luas green line capacity enhancement project will continue in 2019 with the delivery of extended trams expected toward the end of the year.

Deputy John Lahart: The Minister started by saying it must be wonderful to be in opposition and raising traffic congestion, which is the gift that keeps on giving. It does not give me any pleasure to do it because it is a problem on which he does not appear to be making an impact. I have not seen a significant Garda presence on the street. However, let us keep the focus on positive matters. Did the Minister call the representatives of all the agencies to his Department, because if I was in his position I would do this a month or two months before the Christmas period, and have a discussion with them, push them hard on the measures they could take and ask them if they look at international experience? It would be a logical first step for a Minister with responsibility for transport to hear from them at first hand and also to offer some suggestions.

Perhaps the Minister would abandon the script for his response to the next issue, which is the bus lanes. This could benefit people all year round. If they are policed adequately, particularly the important ones, and if people are penalised when they drive in a bus lane, they will learn a habit that will continue over the rest of the year. It is not about penalising them for being in a bus lane but because the bus simply cannot proceed when there are cars in the bus lane. The buses are held up and do not meet their timetables so the public is less inclined to take public transport. This would be a real public transport initiative.

There is another issue. On the next occasion the Minister meets the representatives of Luas and Dublin Bus could he ask them why all vehicles must start at a terminus? I have raised this with Dublin Bus. In Dundrum and Sandyford in the Minister's constituency, is there some technical or logistical reason that Luas cannot dispatch the occasional empty tram at peak times that passes a few stops and starts at Dundrum and is able to pick up everybody on the platform instead of starting every Luas at the terminus? It is similar with buses. Many people in different areas complain that if a bus was allowed to start boarding passengers four or five stops

into the route, it could absorb the capacity and there would not be the problem of packed buses passing people queuing at bus stops.

These are two or three simple solutions.

Deputy Shane Ross: It is difficult to respond without being too detailed, which is not in my brief. I do not decide on bus routes, individual corridors or the like and it would be absolutely wrong if I did. The first thing that would happen is I would have to consider various people's constituencies and I would be accused of political favouritism. I do not get involved in that type of detail. However, I meet representatives of the NTA, Luas, Dublin Bus and the other bodies the Deputies mentioned regularly and I express the type of concerns he expressed regularly. They are aware of that. I refer the concerns he expressed, which probably reflect my own, to them from time to time.

It is unfair to suggest they are not doing an adequate job in relieving congestion. Congestion will not be resolved in the short term. One will not wave a magic wand and sort it out overnight. We are taking extraordinary measures which are part of a long-term programme that will relieve the problems. Bus transport is the main component of the solution. Sustainable transport is very important and bus transport is the largest ingredient of that. We have invested huge sums of money in bus transport to achieve the same objectives that Deputy Lahart and I would like to achieve. I do not think the Deputy and I differ on issues such as BusConnects. Perhaps we might have some differences on the detail of certain routes, but on the whole this is a very concerted and expensive plan, although money well spent, on getting people to more places in a shorter time. It will involve building more bus corridors, to which the Deputy referred. This is important because the buses will cut the journey times, which hopefully will automatically take the cars off the road.

With other projects that I do not have time to list-----

An Ceann Comhairle: No.

Deputy Shane Ross: We are tackling this on a long-term and a short-term basis. Traffic congestion will not be sorted overnight, but it will be relieved greatly by the projects on which we have embarked.

Closed-Circuit Television Systems Provision

Deputy Brian Stanley: I welcome the opportunity to address this issue. I am disappointed the Minister for Justice and Equality, Deputy Flanagan, is not in the Chamber to take the Topical Issue matter. Perhaps there is a reason for that. I will address it with the Minister of State, Deputy Stanton, who is designated in the Minister's place.

There is a very frustrating situation currently where community groups have been awarded grants for community CCTV but they are not in a position to draw down the grants. Mullaghmore, Woodenbridge and Mountmellick community alerts in Laois are all shackled at the moment. Those groups have raised thousands of euro towards a CCTV scheme through voluntary efforts but they are in a situation where they cannot put their plans into action because of a dispute over who is the data controller. I have raised the issue previously in the Chamber, and I raised it at the Laois local joint policing committee, JPC, of which I am a member. The polic-

ing committee asked me to raise the issue with the Minister, and I have spoken to him about it. I am trying to get greater clarity on it but we do not seem to be getting any closer to a solution. We need to push on to solve it and crack this nut.

I raised the matter with the Minister for Justice and Equality, Deputy Flanagan, on September 25 and he told me he was anxious to sit down with the remaining handful of local authorities with a view to dealing with the issue. At that stage 26 out of 31 local authorities had agreed to be data controllers. Some people in local government believe the role should be taken on by the Garda, and I will return to this point shortly, but information that has since come to light shows that the responsibility is with the local authorities.

I raised the issue again in the Chamber with the Minister for Justice and Equality on 29 November during questions to the Minister. The Minister replied with greater clarity and he set it out very clearly that 28 out of 31 local authorities across the State had taken on the job of data controller for local CCTV schemes. Three local authorities, however, are refusing, including Laois County Council. The Minister also stated that “the Data Protection Commissioner does not have any concerns about the legislative basis for CCTV.” The Data Protection Commissioner is happy with it. The Minister also stated the Office of the Data Protection Commissioner was currently conducting an audit of the practice, operation and governance of CCTV, that he expected findings from this process to be of assistance to all concerned and, in particular, to local authorities and that his Department was engaging on an ongoing basis with the Local Government Management Agency and the County and City Management Association. In reply to another question the Minister clearly stated that “the legal requirement for local authorities to act as data controller for the purpose of community CCTV schemes has been in place since 2006.” That is in black and white. It is useful that the Minister nailed that information in the Dáil Chamber when I asked that question but we are no further on. There are meetings in Laois on issue - I am sure it affects other counties - to try to get a solution.

What has happened since the commitment was given in September that the Minister would sit down with the handful of remaining local authorities? Has he sat down with the remaining local authorities? Have his officials sat down with the local authority chief executive officers to see why they are holding this up?

On 29 November it was stated that the Department officials were again meeting with the CEOs of the local authorities. Has there been progress as a result of that? The Data Protection Commissioner does not have any concerns about the legislation and that the data controller would be the local authorities.

The community alert groups, such as those in Mullaghmore, Woodenbridge and Mountmellick, are all shackled despite having raised thousands of euro. They cannot move ahead to implement the scheme. It is very disappointing because Laois has a motorway running through it and people there are particularly vulnerable. There is concern about the issue in all those neighbourhoods.

People are trying to work with the Garda and there is good co-operation with gardaí. We have a good joint policing committee in the county, and a good superintendent and assistant superintendent who work with the local communities to help out in every way they can.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): The Minister sends his apologies for not being present this evening. I thank Deputy Stanley for

raising this very important issue and I recognise his serious interest in the matter. The Minister and I have heard from many groups of their desire for CCTV in their local areas and we know the sense of security that it can bring to many communities. Responding to this demand, the Government has made significant funding available to assist groups wishing to establish community CCTV in their areas. The grant aid scheme administered by the Department of Justice and Equality is intended to run for three years, with €1 million available each year.

The Deputy will appreciate that there are a number of legal requirements around establishment of CCTV. CCTV systems installed for the purposes of crime prevention and as aids to policing in areas to which the general public routinely have access, such as town centres, fall into two distinct but complementary categories, namely, Garda CCTV systems and community-based CCTV systems. Neither type of CCTV system may be established without authorisation by the Garda Commissioner under section 38 of the Garda Síochána Act 2005, among other requirements. Community CCTV is governed by section 38(3)(c) of the Garda Síochána Act 2005 and the Garda Síochána (CCTV) Order 2006. This legal framework requires that any proposed community CCTV scheme must: be approved by the local joint policing committee; have the authorisation of the Garda Commissioner; and have the prior support of the relevant local authority, which must also act as data controller. I emphasise that this is the legal basis for all community CCTV schemes, regardless of whether or not grant funding is sought from the Department to assist in their establishment.

In accordance with this legal framework, the vast majority of local authorities have previously undertaken to act as data controllers in the context of specific community CCTV schemes. This has been the case either in the course of the current grant aid scheme administered by the Department of Justice and Equality, during the previous grant aid scheme operated by Pobal on behalf of the Department, or in connection with schemes funded independently by local authorities. The Minister, Deputy Flanagan, has informed me that, based on his Department's engagement with the Local Government Management Agency, the number of local authorities that have undertaken the role of data controller for these purposes amounts to 28 out of the 31 local authorities nationwide, as Deputy Stanley already said. I am pleased to inform the Deputy, on behalf of the Minister, Deputy Flanagan, that the Office of the Data Protection Commissioner has, on 29 November of this year, issued a guidance on data protection and community CCTV. The guidance, which is available on the Data Protection Commission website, confirms that there is a legal basis for community based CCTV and that the General Data Protection Regulation, GDPR, does not introduce new barriers in that regard. In particular, the Data Protection Commissioner's guidance states:

Data protection legislation does not stand in the way of the roll-out of Community based CCTV schemes that have been authorised by the Garda Commissioner. Once the local authority in the administrative area concerned is willing to take on and deliver on its responsibilities as a data controller for the schemes concerned, there is no legal impediment under data protection legislation to the scheme commencing.

The guidance covers a number of other issues also - for example, confirming that local authorities are not required, as a result of their role as data controller, to monitor CCTV live feeds on a continuous basis. The Minister, Deputy Flanagan, is confident that this and other clarifications in the note will be of significant assistance to local authorities in how they carry out their role in relation to community CCTV.

The Data Protection Commissioner is also currently conducting an audit of issues, includ-

ing the practice, operation and governance of CCTV. Again, it is to be expected that the more detailed findings of that process to be of assistance to all concerned and, in particular, to local authorities. The Deputy may also wish to be aware that the Department of Justice and Equality is engaging on an ongoing basis with the Local Government Management Agency and the County and City Management Association to clarify any queries arising.

A Programme for a Partnership Government commits to supporting investment in CCTV systems and, as I said, the Department of Justice and Equality is administering a grant aid scheme to assist groups in the establishment of community-based CCTV systems in their local areas. Eligible groups can apply for grant aid of up to 60% of the total capital cost of a proposed CCTV scheme, up to a maximum total of €40,000. I am informed that to date there have been 27 applications to the scheme, with 20 applications approved for grants totalling more than €500,000. A further four applications to the scheme are currently being assessed and considered. The remaining three applications have been returned to the applicants concerned to enable them to supply the information necessary to qualify for grant aid.

Deputy Brian Stanley: I thank the Minister of State. His reply brings further clarity to the situation. In respect of section 38(3)(c) of the Garda Síochána Act 2005, the Minister of State restated that the local authority must act as the data controller. That is clear and has been established. He also said that he has received feedback from the Data Protection Commissioner, who confirmed that there is no issue with local authorities doing this in respect of the new GDPR regulations. We are removing the roadblocks. I want to be fair to the CEOs of the local authorities. Perhaps it is an issue of resources, finance or IT staff, particularly for the smaller local authorities. Let us consider where the situation seems to be stuck at the moment. The Data Protection Commissioner is okay. The law is sound and we are clear on that in black and white. The Minister of State has provided further information regarding data protection. What happens next? How far is that advanced with the CEOs of local authorities around the country, including the three that are still refusing to do it? Perhaps they have good reason. Is it a question of resources or staff?

I have corresponded again with the CEO of Laois County Council and I have forwarded the most recent reply to the CEO that was given to me by the Minister in the Chamber. The existing schemes that are not part of the grant scheme in Shanahoe and Borris-in-Ossory, Co. Laois, have been of enormous benefit in recent years in helping the Garda and the local community to prevent and solve crime. I know that at first hand. There is a real benefit. The Minister of State might be able to tell me first where those discussions are at with the CEOs of the three county councils. I also request that he relays to the Minister, Deputy Flanagan, that there is one roadblock in the way. If it is resources and staff that the county councils need, it needs to be sorted.

Deputy David Stanton: I reiterate that it is a long-standing statutory requirement that any proposal for a community CCTV scheme must, among other legal requirements, have the prior support of the relevant local authority. That is a must. It must also act as data controller. This requirement is set out in the Garda Síochána (CCTV) Order 2006 and applies to all community CCTV schemes, regardless of how they are funded. The Minister has indicated that he considers it important that communities are able to make decisions to enhance their own sense of security. Community CCTV schemes are one way in which communities choose to do this. With Garda approval and local authority co-operation, communities can play a real role in making themselves feel safer and be safer. We are confident that the guidance issued recently by the Office of the Data Protection Commissioner regarding data protection and CCTV will be very helpful to all concerned, as the Deputy has outlined, and particularly to local authorities as they

carry out their role. The Minister has asked me to put on record his thanks to local authorities that have supported such schemes and to assure them that his officials are doing all they can to further streamline and simplify the process. Officials in the Department of Justice and Equality are available to provide initial guidance on the application process for grant aid and I encourage the Deputy and other colleagues to join the Minister and me in encouraging interested groups to take advantage of the scheme. I will bring back the request that the Deputy has made to the Department and the Minister. Only three local authorities have not signed up to this. They probably have their own reasons. I assure the Deputy that the Minister and his officials will do all they can to find out what those reasons are and to streamline the situation so that these schemes can be put in place.

Messages from Select Committees

An Ceann Comhairle: The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Public Service Superannuation (Age of Retirement) Bill 2018 and has made amendments thereto.

The Select Committee on Business, Enterprise and Innovation has completed its consideration of the European Investment Fund Agreement Bill 2018 and has made no amendments thereto.

Irish Film Board (Amendment) Bill 2018: Committee and Remaining Stages

SECTION 1

Question proposed: “That section 1 stand part of the Bill.”

Deputy Richard Boyd Barrett: Is there not a debate on this?

An Ceann Comhairle: The Deputy can debate the section if he wants to.

Deputy Richard Boyd Barrett: We can only speak on the section because amendments have been ruled out of order. It should be noted, although I know there are reasons we are having to short-circuit the normal legislative process on this Bill, that there was no pre-legislative scrutiny and Committee and remaining Stages are being rolled into one. It is a bit unfortunate for me and other Deputies whose amendments were ruled out of order. If there was another debate scheduled, we could have refined those amendments and resubmitted them on the next Stage. Debate on what I consider to be a pretty important issue has been truncated and we are left only with a brief opportunity to talk about what is in the Bill. Section 1 is the substantial section of the Bill, which extends the loan capacity of the Irish Film Board from its current ceiling of €300 million to €500 million, a considerable sum.

An Ceann Comhairle: No amendments to this section were tabled.

Deputy Richard Boyd Barrett: The amendments tabled proposed to create a new section 2 but now that they have been ruled out of order, the only substantial section that we are able to talk to is section 1.

An Ceann Comhairle: No, all the amendments were to section 2.

Deputy Richard Boyd Barrett: My amendment was after section 1 and before section 2, and proposed to create a new section 2.

An Ceann Comhairle: All right. Go on.

Deputy Richard Boyd Barrett: Section 3 is just the citation, is it not?

An Ceann Comhairle: Yes.

Deputy Richard Boyd Barrett: The substantial section of the Bill is section 1, which spells out the increasing loan capacity. The amendments we hoped to move, which were ruled out of order, provided that there would be a certain conditionality on that. We agree with section 1 but we want conditions put on it. While for the purposes of pressing those conditions, they have been ruled out of order, it is entirely in order to say that the decision of the Dáil to expand the loan capacity of the Irish Film Board should be conditional. I seriously appeal to the Minister and the Department to examine the conditions relating to this significant public funding for the film industry, particularly in the areas of the extent to which the loans and grants that are given out by the Irish Film Board are helping to develop the industry and to create quality employment and training in it. That should be the point of public funding. In 2016, this stream of funding resulted in €12 million being distributed in loans. It varies from €12 million to €16 million depending on the year. That is a lot of money. In addition, there is the section 481 tax relief that comes via Revenue. I was just at a meeting of the Committee on Budgetary Oversight at which this matter was also discussed. Last year, that tax relief amounted to €100 million. There is €100 million in tax relief and €12 million to €16 million coming through the Irish Film Board. Most of this money goes to approximately 12 film production companies, with the bulk of it going to about seven of those. It is very good that the State is funding the Irish film industry. I want to see more funding for that industry, whether it is via Revenue or through direct grant aid. However, we need to ask what we are getting out of it. At the meeting of Committee on Budgetary Oversight, the representatives from the Parliamentary Budget Office, who are independent people, stated there is a real problem with us evaluating public expenditures. We allocate money every year but we are not so good at scrutinising what we get in return.

In the film industry, what is the result of €300 million of public funding via the Irish Film Board and probably another €1 billion through section 481 tax relief? What tangible results do we get for that level of public investment? Even though most of the money has gone to approximately 12 companies, those companies employ almost nobody. There may be a few administrative positions in some of the bigger ones, but there are no jobs. What film infrastructure does the State own? The answer is almost none. Even though we finance these companies, they have not created any long-term employment and the State owns virtually no infrastructure. That is a problem. I want to see the investment, but where is the net result?

I just came from a meeting of actors and performers which, unfortunately, coincided with this debate and at which the topic is that they are the working poor, living a completely precarious existence. That echoes some of the stuff I heard from the film industry. This is another area of the arts where the performers are saying they are living in dirt poverty. A dancer who is very prominent on the international stage is living on €12,000 a year. She asked what kind of future she has. At the age of 20, 21 or 22, she might have been happy to sustain that for a while, living with six people in a small apartment, but where is her future? The answer is that she has no career progression, which is a problem. For all this public money, there has to be a career progression and some sort of future for people who work in the industry.

Although the amendments have been ruled out of order, I appeal to the Minister. I welcome the great engagement in recent weeks by Department of Culture, Heritage and the Gaeltacht, the Department of Finance and the Revenue Commissioners. I have brought workers in with me to meet officials. That is a great improvement and positive signals are coming from the Government. This is not a criticism of the Government, but we need to address the issue of employment in the industry.

It would be wrong for the film industry to run purely on a for-profit or commercial viability basis because we need to subsidise the arts. However, let us consider the figures for the loans being given out. In 2007 €16 million in loans was given out. The amount recouped from these loans was €1.1 million. The following year €17 million was given out and €1.3 million was recouped. In the year after that €15 million was given out and was €738,000 was recouped. It is pretty much the same picture each year, with less than 10% of the money recouped. A lot of money is being loaned out with very little coming back. One could say that this is acceptable because we need to subsidise the film industry. However, how much are we getting back in tax revenue from the sector? Is that maximised? Much of the employment is precarious, with people being forced to work as contractors, freelancers and so on. They are not getting direct employment and there is resistance from the production companies to employ people directly as PAYE workers. Not only do they face an existence where they do not know from job to job if they have a future in the industry and are very vulnerable, but if they look for their rights, ask for PAYE employment, try to get overtime rates or anything like that, they will be told they will not be coming back for the next production because they have asked about these things. That is bad for them but it is also bad for Revenue because, generally speaking, it would get a considerable amount of money from PAYE employment. The Revenue Commissioners would get a higher yield of tax through PAYE than they tend to get when the whole thing is freelance and self-employed.

We need to link this public funding more closely with creating quality employment and training. The workers need career progression and a properly structured system of training. That training needs to be linked to trainees on productions and not just training in the abstract. The Irish Film Board runs some courses, but what is the relationship between that and trainees working on productions? People are categorised as trainees, but it is never clear when they cease to be a trainee and become a qualified professional.

An Ceann Comhairle: We can ask the Minister if she can deal with those questions.

Deputy Richard Boyd Barrett: I have not finished.

An Ceann Comhairle: All right.

Deputy Richard Boyd Barrett: We need to have those things. One way to establish that would be - as I proposed in my amendment - by having a register of employees. If we can find out who is working in the industry, we can then gauge how we are doing. We can then say that we are putting in this amount of money and this is how many jobs we are creating. We can then ascertain if the number is improving year on year; if the quality of that employment is improving; and if the trainees are progressing or if they are trainees for a while and then dropping out of the industry because they cannot survive and have no future. These are things we need.

At one of the meetings I attended with officials from Revenue and the Department of Finance, the workers from the film industry actually showed that in the past there was a register

of trainees. There is no longer such a register. We actually had some of these things in the past but we do not have them now. Why is that the case? If we did have them, we could know who the trainees are and could track if they are progressing from production to production so that we are developing the skills base of the industry. This has relevance when we talk about attracting inward investment.

Internationally, film production is ramping up very significantly with organisations such as HBO, Netflix, Amazon and others, but how much of this stuff are we getting? I think we are not getting enough and part of the reason we are not getting enough is that there is not enough stability in the skills pool. When they come here it needs to be clear to them we have the infrastructure and people skilled in all these areas. However, it is too precarious for the workers. It is also too fragmented in terms of what potential investors might be looking for. We need those registers of employees and we need direct PAYE employment.

This issue was discussed with the officials from the Department of Culture, Heritage and the Gaeltacht and I know they are looking at it. The Irish Film Board should be expanded. It needs stakeholders from across the industry and not just the producers. Of course, we need producers on the Irish Film Board, but we also need workers on the board and people who will evaluate how the money is being allocated, and the extent to which the State is getting a good return based on criteria such as employment, building up infrastructure and cultural impact. All of these factors need to be assessed independently and not just by producers. We need to look at issues like potential conflicts of interest whereby producers on the film board are lending money to their own production companies. I am not saying that those producers should not be on the board but we must be very careful about this kind of thing. As I understand it, there was a very substantial revamp of the film board in Britain. The British got rid of their film board and created a film commission which has a much wider industry stakeholder involvement, including workers as well as producers, performers and others.

I hope to hear more from the Minister on this and I also believe that the Revenue Commissioners and the Department of Employment Affairs and Social Protection have a role to play in this area. Revenue and the relevant Departments must work together to progress these matters, which would be to the benefit of the entire industry. It would also be very much to the benefit of those who work in the industry to have direct employment and the full application of all of their employment rights, which many would say is not happening currently. It would also help to draw in more investment from some of the big international producers of film and television in the audiovisual sector.

Deputy Aengus Ó Snodaigh: I also submitted an amendment to section 1 which was ruled out of order. My amendment sought to address some of the concerns raised by Deputy Boyd Barrett. The amendment, which should still be accommodated by the Minister, calls on her to produce regulations which would rule out certain work practices and govern terms and conditions of employment in the film industry.

The State has invested an enormous amount of money in this sector. Tax relief is tax forgone which means that the Irish people have not enjoyed that money because it has been invested in the film industry rather than being collected in taxes. What do we have to show for that? What are the consequences and benefits of that? Certainly from an artistic point of view and in terms of our international standing and the films that have been made here, the results are obvious. While terms and conditions of employment and the skill set of those working in the Irish film industry have also improved, we still do not have the register to which Deputy Boyd Barrett

referred earlier. As with many other industries, many of those working in the sector have gone overseas. The film sector, like many others, is experiencing a brain drain.

As I have said, we are investing in the sector through both grant aid and tax forgone. In that context, we need to be sure that the Irish taxpayer and this Parliament are getting a bang for our buck and I do not just mean getting international exposure because we have contributed to the production of a very good film and to the enjoyment of millions who watch it. We also need to see the industry achieve sustainability. When I was first elected, I was lobbied very heavily in 2004 on section 481. The lobbying campaign was absolutely brilliant in its execution. Those working in the industry as well as their family members were involved in writing individual letters. It was not like the campaigns we see nowadays, with the same email sent multiple times. The letters were from individuals and their families who appealed to Deputies to retain the aforementioned section 481 tax relief in order to keep themselves, their brothers, uncles and so on in employment. I had absolutely no problem with that at the time and I still have no problem with it. However, 14 years later it is hard to stand over the benefits since then. There is no State-owned infrastructure as a result of this investment. We do not have terms and conditions of employment here that would be considered second to none in the film industry. Indeed, we lag very far behind in that regard. Quality employment is not being created and quality training is not being provided. Certainly, new workplaces and new film studios are being developed but they are not State owned.

I raised the issue of continuity of employment when we last discussed the film industry. It is not too difficult to know what film is coming next. While there will always be some sort of gap in terms of when people with different levels of expertise are required on a film set or in film production, it should be relatively easy to work out how many people are working at a given point in time. What we have seen is people being counted twice or three times over the course of a year so that the figures for employment in the industry are inflated. Figures are often announced by Fís Éireann or the Department which are exaggerated. That is not the fault of Fís Éireann or the Department which are getting these figures from the industry. The figures should come with a caveat because some people will work for two months on one film set, for three months on another and for six on a third set.

These are matter which should have been dealt with in this Bill. My amendment has been ruled out of order because it has been deemed to be unrelated to the aims of this Bill. However, it is related because if we are jumping from an allowable spend of €300 million to €500 million, we should be able to attach caveats or rules to that. That is what we tried to do with our amendments. We also raised these matters during the Second Stage debate. We know what Fís Éireann or Screen Ireland spends. That is clear and is increasing, which I welcome. However, we have not seen problems in the industry being addressed and if they were addressed, we might not even need amendments to legislation. In my amendment, I was trying to give the Minister some leeway in allowing her to introduce regulations. As with other similar legislation, the Minister would be making regulations. That said, I would prefer that any regulations would be presented to the relevant Oireachtas committee before being signed off. In this instance, given the short period of time involved and the lack of pre-legislative scrutiny, we did not have a detailed discussion on this. I also did not want to delay the Bill unnecessarily.

The funding of films here is done by way of the creation of special purpose vehicles which, of itself, can create problems. I have already mentioned the fact that many jobs in the industry are precarious. People are given work for a week here and a week there. If they raise any concerns or complaints, they are guaranteed that not only will they be put off the set on which they

are currently working, but that they will not get work on another set and in some cases, they will not work on a film set in Ireland ever again. People might be trying to look out for colleagues on a film set. They might raise matters related to bullying or ask about compensation for working over and above hours for which they are contracted to work or for which no advance notice was given. A lot of people to whom I have spoken have said that at some points in their careers, they were almost expected to work for nothing. We are all aware of the scandals related to unpaid internships in the past. Employment in the industry is precarious with many people on zero hour contracts. That ties in with the need for greater liaison among the Minister, the Department, *Fis Éireann* and the Department of Employment Affairs and Social Protection to ensure people who work in an industry from which we all benefit have some type of a financial net between periods of employment in the film industry.

There are a number of other issues which need to be considered. Will the Minister give an undertaking to return to the issue of films? We will not oppose the legislation at this point but there are concerns, and we need some indication at some stage that she will seriously address the concerns that have been raised with me and other Deputies, whether through regulation or other legislation, to ensure this industry is properly regulated? We have similarly asked in the Chamber for other industries to be properly regulated in order that there is not abuse and that there is some mechanism of redress, which does not now exist.

The Minister raised the point that a worker can be blacklisted in the film industry. When workers come forward to Deputies as whistleblowers, they do not want their names mentioned in the House for fear of losing the job in which they have spent many years working and gaining expertise. In some cases, these people are the best in the industry, yet they fear for their job even though there might not be anyone who can match them in this jurisdiction or on many others. They fear for their job because it is precarious employment.

We have a reputation for being favourable to art, artists and those working in the arts. That reputation is generally justified but not in regard to the concerns I have raised.

Deputy Joan Collins: I will not take long because I covered many of the points I wished to make when I spoke on the Bill last Thursday. It is regrettable that amendments which could have had a positive impact on the industry have been ruled out of order. Whatever about the increase in the loan capacity from €300 million to €500 million, the extension of section 481 and the increase to €100 million in the maximum tax relief for the film industry, the promotion of equality and fair employment within the industry was attached to the introduction of those measures. Equality and fair employment is provided for by the Protection of Employees (Fixed-Term Work) Act 2003 or the Organisation of Working Time Act, but the Acts are not having the desired effect.

As I explained last Thursday, I have spoken with workers in the industry who have worked in it for 20 years. These workers were on registered lists of employees or trainees when they entered the industry. They have seen the way the industry has gone over the past 14 or 15 years. They are not mad, agitators or difficult people. Rather, they are trying to ensure the job in which they work gives them the money to at least pay mortgages, bills, for their children's upbringing, food to put on the table and for all the things that are expected. Section 481 is supposed to ensure equality and fair employment within the industry, but we are not seeing it. Surely the best way to approach this is to provide for regulations attached to the section to examine registers of employees, trainees and apprenticeships in order that they can be checked against the figures that the industry claims.

I support the amendments, in particular, Deputy Boyd Barrett's amendment, which provides for the reconfiguring and expansion of the board of Screen Ireland to include workers representing various parts of the industry, such as actors and people work with props or in production. It is important the Minister produces the report outlined in the amendment.

Section 481 requires employers to ensure equality and fair employment in order to be eligible to receive the €100 million but if there are no checks on how it is working, it is a failure of the Oireachtas and the Government. If it is the case that there is equality and fair employment, where are the people and where are they on the list? Do they work full time, pay PAYE and provide money to the Exchequer through their taxes?

Deputy Joan Burton: I do not wish to obstruct in any way the passage of the Bill, but in the context of shortly proceeding to Report Stage, I demand the Minister consider the three amendments before her. Two of the amendments are related to reports, while mine proposes that a committee be established under the aegis of the board. The creation of a committee is in order because the Title of the legislation is the Irish Film Board (Amendment) Bill. It is perfectly in order, therefore, to amend the Irish Film Board for a purpose with which the Minister probably agrees, namely, to ensure that the way in which the Irish Film Board carries out its work includes a committee to provide insight into and oversight of the terms and conditions under which people work in the industry. It is also important to consider the training provided in respect of the industry, as we discussed in a previous session. Some of it is provided at third level or used to be provided at FETAC level, and much of it is done in public educational facilities to degree or master's standard. It attracts a significant number of students every year. By discussing the amendment I tabled on behalf of the Labour Party, I intend to give the Minister breathing space for an amendment, which is perfectly in order.

An Ceann Comhairle: I am reluctant to intervene but we may not discuss an amendment that is not in order. It was not ruled out by the Minister but by me on advice from the Bills Office, specifically because the Deputy proposed the establishment of a committee, which has the potential to impose a charge on the Revenue. As someone who has been a Member for some time, the Deputy will be well aware that it is not open to an Opposition Deputy to make such a proposal.

Deputy Joan Burton: Yes, but the Ceann Comhairle will agree that in all the different boards which our State has established since its foundation many years ago, boards which are established have committees of the boards and they are recognised and acknowledged because our Constitution says workers have rights to organise and to be protected. When I was Tánaiste and Fine Gael was in government, it agreed at my request to introduce and advance the issue of workers' rights through registered employment agreements and the establishment of a pay commission to ensure fair pay, protection of the minimum wage and a movement to a living wage. Those are all facts and Fine Gael signed up to them. On its own, however, Fine Gael seems to have backtracked and reneged on the notion of protecting workers' rights. That is reflected in our Constitution and in our laws through various structures established by the State.

7 o'clock

This is another State board and as with other State boards, it has the inherent capacity, with the agreement of the Minister and the Department, to provide mechanisms, committees and subcommittees of a board that are a standard feature of State boards and to allow for the proper regulation of employment conditions and the proper examination of the appropriateness of

training and education for the industry.

This is important for two reasons. We want young, creative people to be trained and educated to work in this industry. Many of them are not just creative but they have a great love for and interest in the industry. They may be writers of screenplays, actors or technical people working in the support of production. What I have put forward is perfectly legitimate. We heard much talk the last day, and we have heard comments at committees, that there is much difficulty and strife in the industry. The industry has, as a consequence, ended up with a difficult reputation in some countries.

It is the responsibility of the Minister to assist the industry. In a way, the Minister is doing this by increasing the loan capacity of the board, which I support and do not wish to obstruct. I am offering, as a person with much of experience of Government and of different Departments, a mechanism to her which will allow her and her officials to offer leadership in addressing what is clearly a problem in the regulation of the sector, in particular in regard to the terms and conditions of employment that apply in it. It is as simple as that. The Minister would be doing a very significant thing for the progress and viability of the industry. It is a global industry and we are competing against many other countries for this highly regarded and valuable enterprise. We are prepared to support it with significant State funding, both directly, although that is not under discussion in the context of this Bill, and by the provision of loans to allow films to be made. I do not understand why the Minister would resort to creating a financial barrier in this regard.

The other issue in this industry, which has been covered worldwide and which was referred to in the Labour Party amendment, relates to providing a mechanism to address practices relating to gender pay equality in the industry. The Taoiseach, Deputy Varadkar, and Fine Gael supported as recently as last week. The Minister should not tell me she is not aware of serious difficulties in gender pay equality for women in the industry in Ireland and globally because almost everyone who is prominent in the industry has spoken about it in recent times.

This House has been debating, as has the Seanad, the fact that in this 100th anniversary of votes for women, support for gender pay equality. That is the wish of the people as well. On the 100th anniversary of votes for women, the Minister, as a woman in this Department, should provide the structures whereby gender pay parity in this industry could be both examined and progressed. It is very simple.

I have not asked the Minister for a detailed report, as the other amendments have, because if she established a committee within the remit of the board, she could address a series of questions which would enable the Department to look at the proper development of the industry alongside the existing supports provided. This would ensure that women get proper opportunities and that they get pay parity and, ultimately, respect in the industry. When talking about women's issues, these are the very views the Minister has expressed and supported.

There are other structures in Ireland, which the Minister and the board can consult, such as Quality and Qualifications Ireland. In the private sector of education and training, as I am sure the Minister and her officials are fully aware, a lot of fees are being paid and it is reasonable that students would know that the courses they and their parents are paying for are quality courses that will enable them to get employment in Ireland and abroad, if that is what they wish.

We are looking at a sustainable film industry. I refer to when Yeats and Lady Gregory es-

tablished the Abbey Theatre. Some of the earliest archival material that is available relates to early film. When Joyce was writing in Dublin, as the Minister is aware, he also had an interest in a cinema on Talbot Street, the Volta, if memory serves me correctly. When one looks at the greats of Irish literature and theatre, all of them professed a very strong interest in what was the whole area of cinema.

“The Quiet Man” is still shown on a rainy day in Connemara and it is still very recognisable to anyone interested in the history of film in Ireland. Moving on to the more recent films, we can see some of the extraordinarily talented people that this country has produced. Let us support and endorse that creativity by examining and ensuring that, as far as possible, a fair regime is established which allows for proper training and qualification, for appropriate experience and which looks at the regulation of employment contracts, salaries, pay and conditions.

Everybody is aware that the film industry is based on films, so in essence it is project-based for the period of time that it takes each film to be made. I am really disappointed in this regard. On the two reports, the late Brian Lenihan, as Minister for Finance, agreed to my request that reports be allowed on the Finance Acts, a much more difficult area than this area of film where we are all largely in agreement. However, somebody in the Bills Office has kiboshed this. We know that the Bills Office and the Department contact each other.

Has the Minister of State, Deputy D’Arcy, a point to make?

Deputy Michael D’Arcy: The Deputy has the floor.

Deputy Joan Burton: I thank the Minister of State. I can almost hear his sighs. Maybe he is just being a bit of an actor.

Deputy Michael D’Arcy: The Deputy should keep going for another 30 minutes, perhaps.

Deputy Joan Burton: I thank the Minister of State.

An Ceann Comhairle: I ask the Deputy to proceed, please.

Deputy Joan Burton: The Minister of State, Deputy D’Arcy, frequently seems to have a problem when people like myself speak. That is his problem not mine.

Can the Minister tell us what she proposes to do for the industry and whether she proposes to address what everybody knows is a difficulty in the industry? Unless it is addressed by a mechanism which has been offered to her, it will continue to damage Ireland’s reputation. We all want the issue to be settled in a fair and reasonable manner, and the way to do that is to bring people in the industry together so that we can work out a fair and appropriate structure for the industry. The industry and the people who work in it will benefit from that and it will also, in turn, mean that it will be possible for the State ultimately to give more support and recognition to it and to make this country a significant hub on a global scale for the industry.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank all the Deputies for their comments, including Deputies Boyd Barrett, Joan Collins, Ó Snodaigh and Burton. I did not have time to mention Deputy Joan Collins last week, but I thank her for her contribution.

The amendments were ruled out of order on the basis that they dealt with subject matter unconnected to the Bill. I wish to make clear that the committee itself decided not to go ahead

with pre-legislative scrutiny. It informed the Department of the decision on 18 October. That is the reason we are here in the Dáil today. There was no conspiracy in that regard.

In any event, this should be a straightforward Bill. It is a simple Bill to increase, subject to the normal Estimates and budgetary process, the limit for the cumulative capital expenditure of Screen Ireland, Fís Éireann, from €300 million to €500 million. There is an increase of 14% in 2019 to Fís Éireann, increasing its allocation to €20.4 million and there was an increase of €2 million in funding to Screen Ireland this year as well.

I will respond to some of the points that have arisen. In general, there is a ten-year action plan for the audiovisual sector and, under the plan, a steering group will oversee the €200 million investment of taxpayers' money, which is targeted at this sector in the national development plan. It will also examine funding models, regulatory reform and other supports in addition to general oversight.

Deputies Boyd Barrett, Burton, Ó Snodaigh and Joan Collins mentioned training. Earlier this year Screen Ireland set up a sub-committee of its board to oversee training. It also employed a new director of its training division, Screen Skills Ireland. In the Government's audiovisual action plan, which was published last June, there were a significant number of recommendations and actions to be undertaken in the training area, including the matching of skills with production growth and partnering with third level institutions in skills development. Reference was made to the unrest in the film industry. I am acutely aware of that and I would welcome any suggestions from Deputies on a way to remedy it. There are issues of inter-union rivalry currently, which are stymying any progress and it is very important that we get to the bottom of them. It is unseemly to have worker representatives at loggerheads with each other on these matters. Some Deputies are aware that officials from my Department are available to meet with all industry stakeholders and they do so. Last year, the international consultants, Olsberg SPI, with Nordicity, carried out 90 separate consultations, evaluated 180 data sources and collected data through surveys for their report.

Several contributions related to section 481. This section excludes broadcasters from applying for the tax relief in their own right and a broadcaster has to partner with an Irish company to qualify for the relief. A company must also have a record of being in the jurisdiction for 21 months to be paid relief. That is not an unreasonable provision because it acts to protect the taxpayer. To obtain tax relief under section 481, each producer company is required to provide proposals to my Department on its planned training to fulfil its requirement under section 481. The producer company must provide those in its application for the tax relief in advance of the project. The Department can accept the proposals or request changes. To monitor the provision of training, each producer company is required to provide a return to the Department on training within four months of the completion of the project. The return must include the trainee name, the training role, the mentor role, the period of training and the amount of compensation paid to the trainee. The information provided to my Department is for the purposes of monitoring compliance with the conditions of the award of tax relief under section 481 of the Act. It contains significant personal information as well, which is subject to data protection requirements, and it cannot be universally disseminated.

With regard to legal protections for workers in the film industry, it is important to note that employees in every industry and sector are entitled to all existing legal protections. As Members will be aware, legislation is being introduced by my colleague, the Minister for Employment Affairs and Social Protection. The Employment (Miscellaneous Provisions) Bill 2017

should improve the insecurity and unpredictability of working hours for employees on insecure contracts and those working variable hours. Employment law in general should also have a role to play in terms of existing legal protections. There are also institutions for reporting abuse of employment legislation. I am satisfied that the industry works in general to a high standard. My Department is working with all partners to ensure that all sectors of the industry comply with their obligations.

I mentioned the audiovisual action plan that I launched last June. There is a steering group to implement the plan. This is a whole-of-Government approach to the audiovisual industry. Deputy Burton mentioned female representation in the film industry. Screen Ireland has committed to address gender inequality in Irish film-making. Screen Ireland is doing all it can to work towards achieving the target of 50:50 gender parity by 2020 in creative talent working in screen content. There has been a significant increase of 62% in applications received from female talent and an 82% increase in funding awards for female talent in 2018 in comparison to the 2017 figures.

Deputies Ó Snodaigh, Boyd Barrett, Burton and Joan Collins referred to people working in the film industry in general. My Department has published additional information on its website, which is now available on the audiovisual sector, in the form of a technical annexe to the audiovisual report. As I mentioned earlier, there were 90 separate consultations. We must ensure that all the information is taken into account.

The promotion of the Irish film industry in general is the responsibility of Screen Ireland, which was formerly the Irish Film Board. It is fair to say that it has undergone major change and development both domestically and internationally in recent years. It has a vision for a vibrant, creative, and sustainable Irish film, television and animation industry with diverse voices, talent and opportunities. It promotes Irish film and animation in a number of A-list international festivals and markets, as well as promoting Ireland as the location for internationally mobile film production. The overall audiovisual action plan was launched last June and the key points of the plan include the extension of section 481 tax relief, a regional uplift of 5%, an increase in business skills development, matching the skills with production growth and partnering with third level institutions and skills development. It is important to note as well that the plan was underpinned by an economic assessment of the audiovisual industry by Nordicity with Olsberg SPI consultants. They said Ireland's film, television and animation sector could, in a period of five years, double employment to over 24,000 full-time jobs with a gross value of nearly €1.4 billion, and I hope that will happen.

The loan facility was mentioned by Deputies Boyd Barrett and Burton. The assistance given by the Government through its various agencies is usually by way of non-repayable grants. Screen Ireland is unusual in that it awards grants by way of loans which are repaid if and when the project is successful enough to make a profit. The repayment of any loan allows Screen Ireland to increase the level of loans given to projects. This system of support operated by Screen Ireland allows Irish indigenous film and television projects to be made which would not otherwise be made. This means profit is not the only consideration in the support of the audiovisual sector. As is the case with some statutory bodies that receive public funding, a limit was set by statute on such outlay when the Irish Film Board Act was enacted in 1980. That is why we have to change the limit from €300 million to €500 million, as Deputies know.

Deputy Boyd Barrett is right that we need good data to evaluate our investment in the audiovisual sector on an ongoing basis. As I mentioned, we are going to look at this in the context of

the ten-year audiovisual action plan.

I discussed the question of broadcasters. There is a balance to be struck. They are not all international, although I know some international broadcasters have lobbied to have the broadcaster exclusion dropped. We will examine this to see if there is a disincentive in this regard.

Deputy Joan Collins referred to Screen Ireland and section 481. In fact, Screen Ireland has no involvement with section 481.

Deputies Burton and Joan Collins raised the issue of board appointments. Nomination to the board is subject to the guidelines for the appointment of members to State boards. If anyone wants to apply, it is done through the PAS system. The board of Screen Ireland is not a representative board but it is skills-based under the Act. There are seven members under the Act and I accept this should be looked at as it is probably a very low number for a board. Screen Ireland has a robust policy for dealing with conflicts, which is important. I hope I have covered most of the issues.

Deputy Richard Boyd Barrett: I want to-----

An Ceann Comhairle: No, Deputy. We are not going back again.

Deputy Richard Boyd Barrett: What do you mean, a Cheann Comhairle?

Deputy Aengus Ó Snodaigh: It is Committee Stage.

An Ceann Comhairle: We have had a detailed Second Stage debate. Much of what we are debating now is a repeat of what we had on Second Stage.

Deputy Richard Boyd Barrett: On a point of order-----

An Ceann Comhairle: I will facilitate the Deputy.

Deputy Richard Boyd Barrett: I am genuinely not trying to be difficult. I know this needs to get passed and we are not trying to extend the debate unnecessarily. However, on Committee Stage we get to scrutinise and this is our only chance to scrutinise this Bill. I take the point about the arts committee and pre-legislative scrutiny, which is fair enough. Sadly, I am not on the arts committee but the point is we are having two Stages rather than the normal three and, therefore, this is our one opportunity to scrutinise the legislation. It is reasonable, as happens in the committee, that there be a little back and forth on what is, to my mind, a significant Bill.

An Ceann Comhairle: I am not being awkward on this. God knows, I am most anxious that Members get their time. However, we are talking now in something of a vacuum. The Minister has brought no amendments, the amendments that have been brought forward have been ruled out of order and the salient points have been made very clearly by each of the speakers. If you want to make them again, off you go.

Deputy Richard Boyd Barrett: As I see it, the whole point of committee is that we get the opportunity to have a little back and forth on, in this case, the one substantial section in the Bill. We have heard from the Minister and we want to have an opportunity to respond. I do not see why that would be considered a problem. That is what a committee is for.

An Ceann Comhairle: The Deputy should proceed.

Deputy Richard Boyd Barrett: First, I fully accept the Minister did not rule the amendments out of order. I talked to the person in the Bills Office this morning and she was very reasonable and gave me an explanation. However, I am just making the point that this is a very important issue. Some of us believe the continued operation of the film board, which is imperative for the Irish film industry, should also be accompanied by changes to the benefit of the film industry and those who work in it, and in order to ensure the best return for the State for the considerable amount of public funding that goes into it. That is the context in which we are trying to put in amendments. They have been ruled out of order on technical grounds, not on political grounds, but I still think it is entirely justifiable for us to use the opportunity to make those points.

To be fair, we often have “bash each other” sessions in here but I am not here to bash the Government. The Government, the Department and the officials have engaged not just with myself but with other stakeholders. Nonetheless, I would like there to be clarity about where that process of engagement is heading in regard to the film industry, the film board and so on.

To respond to the Minister, and to put it succinctly, those who get the public money should be responsible for delivering the quality employment. Currently they are not because of the SPV structure. There are cases in the courts and at the Workplace Relations Commission in regard to trying to look through the SPV structure to the parent recipient, or whatever we want to call it, behind that structure but it is difficult to establish who are the employers and where are the employees. If the condition of section 481 is quality employment, then a fairly elementary point is to ask who are the employers and who are the employees. It is not quite clear who is responsible for employees and who are the employees.

One interesting and curious comment came from one of the workers who was, let us say, harshly treated in the recent “Prime Time” programme on RTÉ, when he said he did not mind being harshly treated by RTÉ because at least it proves he exists. He was making a point on these issues. For example, how do we establish who are the people who work in the industry? How do they prove they exist? What rights do they accumulate from one film to the next? How can it be that somebody works for 12, 15 or 20 years in the industry yet they have no employer and have not accumulated any rights whatsoever? It is the hope that the Minister will look at these issues.

It is very positive to hear the Minister say she accepts we should look at the size of the film board. Part of improving that situation would be to have worker representatives, that is, PAYE workers, represented on the board so the workers as well as the producers and the others on the board would have a real input into it, which would make the board more representative of the stakeholders in the industry. It is not a question of making it bigger but of making it more representative by being certain we have workers on it. While I do not expect the Minister to say right now that she is definitely going to do that, I would like to hear her say it is a reasonable thing to consider. We have it in other State bodies and we should have it here. It would help to resolve some of the problems to which we are referring.

We should also press ahead with the stakeholder forum. While one wants to bring everyone on board, at a certain point the Government should establish the forum and put it to people that if they want to have their say on the industry, they should attend. If they do not want to have their say, they need not attend. The contributions made at that forum will inform our policy, which is important.

The following is a very reasonable thing to ask the Government to consider. If people are in receipt of public funds and they are found to be in breach of the working time directive, employee rights and so on, we have to consider applying penalties, withdrawing the public funding or holding them to account in some other way. While there have been some changes in the section 481 relief, we must zone in on it and make it clear that it is not going to be acceptable to behave in this way. We should expect employees to be categorised correctly. In most areas where there are allegations of bogus self-employment, the control test is simple to apply. If someone is told what hours to work, when to have lunch and is subject to someone telling him or her what to do, he or she is an employee. He or she is not a contractor or self-employed entrepreneur but is, rather, a worker and should be categorised as a PAYE employee. If a person is miscategorised, he or she will not be given his or her rights. In the bulk of the situations we are talking about this evening, the majority of workers should be PAYE employees. If they are not, there is probably something amiss. We know this from the construction sector. That is not to say there cannot be some legitimate contractors in these areas. Of course, there can. However, one would expect the bulk of people in this situation to be PAYE workers and to accumulate rights. One would expect to see a transfer of those PAYE employees and trainees from one production to the next and to see the companies receiving the relief taking responsibility for their workers. Those are reasonable things and if they happened, it would resolve many of the problems. It would improve the industry and its output and improve the lot of those working in it. I am encouraged by the Government's response over the past while. I hope it will follow through in the new year with the forum and the establishment of proper employee and trainee structures and ensure the full application of employee rights for the workers in the industry.

Deputy Aengus Ó Snodaigh: The Minister might be able to explain a technical point. I am trying to figure out why the opportunity was not taken to change the reference to the Irish Film Board to Fís Éireann, or Screen Ireland. It is strange when that is its name as set out in legislation and we are dealing here with an Irish Film Board change. There may be some technicality I have overlooked. I will not delay much as I have asked some of my questions already.

Screen Ireland provided funding of €281.66 million for the Irish film sector in 2017. How much of that went to training or is there any separation out of that part of the funding spent on training? That is one of the key issues. We are trying to ensure that there are proper training and facilities but also that trainees will have proper contracts at the end of the process. I have heard no one argue against the intent of the Bill or the changes to section 481. All I have heard is Members seeking to ensure that any employment in this industry is quality employment. If we have quality employment, we get a return on our investment. Those who work in the industry would then have proper terms and conditions and benefits and it would improve things. We are not trying to restrict or hamper small Irish companies availing of up to €500 million in grant aid from Screen Ireland. I have been informed that it should be easy to capture some of the abuse by way of a proper interrogation of the budgets submitted to Fís Éireann. It ought to be possible to identify whether a film's budget is realistic. While we know some films run over schedule, a film should generally take a certain length of time to make and one should be able to identify the number of people employed on it. From that information, it should be possible to work out if they have been paid the proper rates of compensation and the other standard contributions we expect in every other industry. One should be able to determine whether it is a company designed to make a profit for the owners first and foremost rather than to look after the key workers on the film in question.

A number of recommendations were made by the Joint Committee on Culture, Heritage and

the Gaeltacht. I will not go through all of them. Some of what I was trying to do involved allowing the Minister to try capture some of those by means of regulations, reports or one of the proposals in the three amendments. I hoped one of those would be acceptable to the Minister to ensure that there is an ongoing understanding that we are not willing to accept a continuing failure by an industry which has been grant-aided and subsidised by tax relief to address the problems which have been exposed. Some of those problems were set out in the report. There may be merit in the Minister reconsidering and reverting to the House with a new Bill to address other small housekeeping aspects of the film industry, including its tax treatment, in the near future. At least then, we could get properly to grips with the future of the film industry in Ireland, whether at the point of pre-legislative scrutiny or on Committee Stage.

The industry is supposed to support the employment of nearly 17,000 people but I am informed that the latter is a huge exaggeration and that the number of persons employed in the industry is far lower. Within that 17,000, I understand some people have been counted twice if not three times due to their employment across a number of film or television productions within a 12-month period. It is a pity the amendments were ruled out of order. If they had been accepted, we might have had a more specific and structured debate.

Deputy Joan Burton: The Minister, as the responsible office holder who is enabling funding for this industry to be increased from €300 million to €500 million, has failed to answer in any reasonable way in respect of areas for which she is responsible and which are currently the subject of significant scandal. This scandal has the capacity to damage Ireland's international reputation at a time when there is general agreement in the country that we should support the film industry and seek to have it expanded. It goes without saying that, for the sake of the people who train for, are educated for, and work in the industry, this funding should be increased in a way which looks at and faces the issues. When one is a Minister, one is responsible for facing up to the problems in the sector and for seeking to alleviate and remedy them. We have already seen an extensive programme devoted to the industry on RTÉ. We know from conversations we have had with different people that there are issues. There is a common, united view in the House that this industry is well worth supporting and that it is really important for culture and identity both for Ireland and for newcomers to the country. It is a powerful agent for projecting a vision of Ireland and our ambitions for what will happen to young people and older people.

Despite this, the Minister has been completely silent as to how she is prepared to respond. In a significant acknowledgement, she indicated that, with just seven members, the Irish Film Board is possibly too small. I assume she means that it is therefore unrepresentative. My guess would be that it is not sufficiently representative of the wide range of people who work in the industry, including people who are employed in the industry. That is what we are talking about.

I find it really strange that the two amendments relating to reports have been ruled out of order given that the Department of Finance has no difficulty dealing with reports. Perhaps members of the Business Committee and other committees of the House should look at that because it is a very bad ruling. It should be possible for the Oireachtas to seek to have reports dealing with pertinent issues which have been raised laid before us.

The Minister did not say much at all that was not in the material included in the report on the industry in 2017. I am certainly a very strong supporter of the cartoon industry. It has done some great work and produced some wonderful films here. It is for the Minister to be open to addressing legitimate issues in the industry in a creative way. I am just not clear as to whether she has any standards at all. She indicated that she acknowledges that people have legal rights.

She stated that they have these rights but this Bill deals with extensive access to funding and with how the industry is organised. The context of the industry has been expanded to include, as the Minister outlined, audiovisual areas, cartoons and so on, but that is in response to what has actually been happening. A huge amount of talent in the fields of film and cartooning has been nurtured in Ballyfermot College of Further Education. What is the Minister saying to students who are going to graduate this year and who really want to work in this industry, which they love? Will they have any opportunity to work under proper terms and conditions? What we are asking for is in no way radical or revolutionary. It simply makes sense.

We are all equally aware that films are project-based. This allows for a great deal of change in a creative industry, but it results in responsibilities to ensure that the people who are employed in the industry and the young people who are coming into it to make names for themselves are genuinely treated fairly and given good opportunities. There is a responsibility to ensure that the quality of training and education in the industry is up to date, modern, and empowering because we want all of these people to be able to develop and use their talents to the maximum extent.

I am very disappointed in the response of the Minister and her officials. It is not the officials who make the policy, however. It is the Minister who is responsible to the Dáil for policy. We are talking about an area in which it is known internationally that there is a policy problem. We have all said how we might reasonably go about addressing that problem. If the Minister is now thinking about expanding the board, perhaps she could tell us a little about how she sees that happening. Is she to allow herself a period of reflection so that she can then expand the board and set up proper structures? She has offered that. Would the board be expanded to 11? That would be four extra people. Would she have people from the education area of the industry on the board? Would she include people from the training and experience areas of the industries? Would she include producers working in different areas of the industry? The Minister has acknowledged that the board is somewhat small. As there are only seven members and as it is an international industry, is it difficult to get many members of the board to attend meetings? I would not be surprised if that was a problem.

There should be a sub-committee. People who are not members of the main board could also be appointed to the sub-committee so that we would really get decent oversight on this issue, which has caused some difficulties for the industry. We all have goodwill towards expanding funding and loan capacity in the industry but we also want to see those areas - which, as I have stated, have been the subject of a great deal of discussion and a fair amount of scandal - addressed.

Deputy Josepha Madigan: A number of matters were raised. Deputy Boyd Barrett referred to employment issues. I have already mentioned the normal employment legislation which is there for any worker in any industry. I also mentioned the Minister for Employment Affairs and Social Protection's legislation which will be coming through and which should protect workers, namely, the Employment (Miscellaneous Provisions) Bill 2017.

I am not sure whether it was Deputy Ó Snodaigh or Deputy Boyd Barrett who mentioned PAYE. People in the audiovisual industry are employed under many arrangements. There are employers, PAYE workers, sole traders, the self-employed and freelance workers. As long as the arrangement is legal, all of these are legitimate. Many people choose to work as non-PAYE workers. They have a right to do so without fear or intimidation.

11 December 2018

I acknowledge Deputy Boyd Barrett's comments on the board. I remind Deputies that we are looking at Screen Ireland this evening rather than at section 481. The issues are being examined by Screen Ireland and my Department.

Deputy Ó Snodaigh mentioned capital expenditure, which typically is loans while current expenditure is administration costs and training. I will arrange for information on training to be forwarded to him.

I disagree completely with Deputy Burton's comments. I do not agree there is any scandal attached to this particular industry other than the workers matter, with which I will deal. The Government is fully supportive of the industry. That is clearly demonstrated by the significant commitment to it of €200 million in the national development plan. On my own behalf, I ask that the Deputy not personalise her comments. I note the other Deputies did not do that. Her comments such that I am not clear as to whether I have any standards are not necessary in a debate of this nature. I am happy to answer questions but I would beg her indulgence not to personalise her comments.

Deputy Boyd Barrett mentioned the issue of employment by a qualifying company. In order to apply for section 481 relief, there must be a qualifying company, which is also known as a designated activity company, or DAC. The DAC must be a wholly owned subsidiary of a producer company and must incur, on the production of the qualifying film, at least the eligible expenditure amount as set out in the certification for section 481 tax relief. When the project is completed a compliance report must be submitted to the Revenue Commissioners and following the submission of that compliance report, the DAC must continue in existence for at least 12 months. After that, the company may be wound down via by members by a voluntary liquidation or a voluntary strike-off. If there were outstanding liabilities or a claim against the DAC, an orderly wind-up of the company could not proceed until any outstanding liabilities were addressed.

I agree with Deputy Burton about the quality of the graduates from Ballyfermot College of Further Education. They usually have employment before they finish their studies. I am confident they will enjoy excellent employment prospects in the sector into the future.

Those are the main issues. I thank the Deputies for their impassioned and valued contribution to this debate. I know it is of extreme importance to all the Deputies that have contributed here this evening. I was happy to do this.

Question put and agreed to.

An Leas-Cheann Comhairle: Three amendments have been tabled by Deputies Ó Snodaigh, Burton and Boyd Barrett and others. I am sure they have been made aware they have been ruled out of order for various reasons.

Amendments Nos. 1 to 3, inclusive, not moved.

SECTION 2

Question proposed: "That section 2 stand part of the Bill."

Deputy Richard Boyd Barrett: I will be extremely brief. On the SPV structure, the problem is that it appears and it disappears. That is a problem in terms of people's employment rights. We need to re-examine that. I just want to make that clear. I am not going to elaborate

the point as the officials understand it. It is a particular structure. There are reasons at one level that we should have it but it causes a problem in terms of the normal relationship between an employer and an employee that should exist.

On the issue the Minister mentioned regarding people having the right to be freelancers and so on, my response to that is “Yes” and “No”. There is a control test. There are documents which have been produced and I probably have one of them among my papers. There are rules about the way employment, as against self-employment, is defined. It is not a case of somebody saying he or she is a freelancer or a lone trader. If a person’s relationship to an employment ticks certain boxes that person is an employee. That person is not a lone trader or a self-employed entrepreneur. It is not accurate to say that. These issues are set out in a code for practice for determining employment or self-employment. We need to examine this area.

I understand that in some jurisdictions, such as France, at the beginning of a production officials from the equivalent of Revenue and the state ask the people involved what they do, what are their terms and conditions and they set out the way they will be categorised. That is how it is done. They go through every single employee and set out the way it is defined. I will not go through them. The officials will be aware of them.

In fairness to the Government, in response to campaigning in other areas such as construction, it has taken this issue on board, and the Minister, Deputy Regina Doherty, has stated we need to deal with issues such as bogus self-employment. There has been an acknowledgement in other areas, particularly in the construction sector, that must be dealt with. There are at least allegations, and I believe credible ones, that this is happening in the film industry. Therefore, it must be examined. That is not unreasonable. That is how we get to the truth. In any of these situations some people will allege one thing and others will allege another. Our job, as public representatives and as representatives of the Government, is to find the facts, establish what the rules and the law are, ensure they are being applied and to make it clear to the stakeholders in the industry that these are the rules and this is the law. The law must be complied with. If we have to debate whether we should change laws in certain circumstances, let us do that. I am simply arguing, as are I believe many people in the industry, that must be applied.

Some information is being gathered and some has been remitted to Revenue. However, we need more information about who is working, what they are doing and so on. We need to know what sort of tax remittances we are getting. I will not elaborate the point further. The point has been made.

I believe the board should be larger. I am glad the Government is talking about that. However, it is important to have workers on it and a good diversity and not just one type of board member, for want of a better description. We need to examine that.

Question put and agreed to.

Title agreed to.

Bill reported without amendments, received for final consideration and passed.

11 December 2018

**Finance (African Development (Bank and Fund) and Miscellaneous Provisions) 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.

**Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill
2018: Report and Final Stages**

An Leas-Cheann Comhairle: While only two minutes remain, the Minister of State can commence consideration of the Finance (African Development (Bank and Fund) and Miscellaneous Provisions) Bill, the Title of which has been changed from the African Development (Bank and Fund) Bill.

Bill received for final consideration and passed.

8 o'clock

Statute of Limitations (Amendment) Bill 2018: Second Stage [Private Members]

Deputy Jack Chambers: I move: "That the Bill be now read a Second Time."

I thank the Leas-Cheann Comhairle for the opportunity to progress this Private Members' Bill. I thank colleagues for their co-operation in allowing me to advance this legislation, having introduced it earlier this autumn. I will first give a technical breakdown of the proposals by addressing the various sections. The Bill provides that people who suffered as a result of maternal ingestion of thalidomide are not excluded from pursuing their cases because of time limits in the Statute of Limitations 1957. The Bill amends the Statute of Limitations 1957, Statute of Limitations (Amendment) Act 1991 and Statute of Limitations (Amendment) Act 2000. It inserts into the Acts that a person shall "in respect of injuries suffered by that person as a result of the ingestion of Thalidomide by that person's mother during the person's gestation period" be deemed to be under a disability. This section would apply to actions referred to in subsection (1) where the action concerned accrued before or after the passing of this Act, including actions pending the passage of this Bill. The section is in addition to and is not a substitute for section 48 of the Statute of Limitations Act.

It is important to state clearly that the primary focus of this Bill is to give victims of thalidomide a right of action. Unfortunately, the statute is currently being used as the primary wall of defence by the co-defendants in this case. However, the Bill states in section 1(2):

Nothing in section 48B of the Statute of Limitations, 1957, (inserted by *subsection (1)*), shall be construed as affecting any power of a court to dismiss an action on the ground of there being such delay between the accrual of the cause of action and the bringing of the action as, in the interests of justice, would warrant its dismissal.

The lifetime of thalidomide survivors has been blighted by the consequences of a drug taken by their mothers when they were *in utero*. The survivors were born with injuries that have an

exceptional level of effect. People have had to endure significant physical and psychological consequences of their injuries for nearly 50 years. I welcome many of the survivors in the Gallery. Hopefully, we can finally provide some hope and justice in their long struggle against the State and the company involved, Chemie Grünenthal.

The background to this case is important because it demonstrates a dark past, particularly in respect of the company, Chemie Grünenthal, which marketed and promoted the thalidomide drug after the Second World War. As people are aware, the thalidomide catastrophe is an example of a shameful cover-up by big pharma across the world. Chemie Grünenthal, which manufactured this drug, is still in existence and is the defendant in many of the cases currently before the High Court. It has been argued that the Chemie Grünenthal thalidomide catastrophe is one of the last remaining war secrets. The chemist in charge of research was Dr. Heinrich Mückter, who was also a medical officer in Poland during the Nazi occupation of the country. The founder of the company, Hermann Wirtz, came from a prosperous family which had been given two Jewish firms in the 1930s as part of the Aryanisation programme and emerged with the cash and contacts to establish this company, Chemie Grünenthal. In the 1950s, Chemie Grünenthal ignored German regulations about new drugs and appropriate testing, carrying out only limited clinical trials. A culture of profit superseded safety to the detriment of thousands of people born across the world who were left with disabilities.

In 1956, long before thalidomide was marketed in Ireland, concerns were raised about the drug when the baby of a Chemie Grünenthal worker who had been given the drug was born without ears. Chemie Grünenthal ignored this case, among others, to develop its blockbuster drug for profit. This reflected the prevailing culture after the Second World War. The company ignored warning signs for years as it pursued profits. A German judge described the company's actions as "negligent, misleading, inexcusable, unlawful" and "very inadequate by the standards of the day". Unfortunately, the State took a hands-off, *laissez-faire* approach in the 1960s and did not exercise its statutory functions under the Health Act to address concerns about thalidomide which had been flagged across Europe and beyond. The drug's recall was delayed as a result and carried out in a ham-fisted manner. Unlike other jurisdictions, the State took no action in 1961 to restrict the sale and distribution of the drug when other countries were doing so. The Whelehan Group, the distributor of the drug in Ireland, acted in a similar manner to the State by not proactively addressing a red flag that was spreading throughout Europe. The company took a hands-off approach to informing doctors and pharmacists, issuing a circular warning them of the emerging public evidence about the drug. The State and Whelehan delayed the drug's recall and a lack of information resulted in ongoing use of the drug which adversely affected many people.

There is documentary evidence in the Department of Health which demonstrates that flags were being raised in Tullamore, Ballinasloe and other parts of the country about the effects of the drug. The circular issued at the time did not warn people. The effects were being seen on the ground without any action by the Whelehan Group or the State. A confidential but questionable circular was issued to chief medical officers but there is no clarity about who was contacted and in what area, and whether the medication had been recalled and subsequently retrieved. The evidence suggests it was left on the shelves long after the official recall. There is evidence to suggest that the failure to properly recall thalidomide, even after the international withdrawal of the drug, demonstrated a shocking failure by the State and the distribution company, the Whelehan Group, to act quickly in citizens' best interests.

This is the backdrop to the ongoing struggle of thalidomide survivors. The State's failure to

honour a promised healthcare package in 1975 meant there was no follow-through on the provision of care adaptations, special equipment, education, training opportunities and healthcare supports. The State, through the Irish Thalidomide Medical Assessment Board of the 1960s, failed to acknowledge many people who were injured through the ingestion of thalidomide by their mothers.

Some 50 years later, sufferers are still emerging owing to a degree of covering up of the existence of records. Sadly, my legislation will come too late for two of the litigants before the courts who have passed away since their action began four years ago. I hope the Government and Minister will take this on board. This Bill gives those who are taking actions the ability to take their cases forward. The quantification of damages in the 1970s bore no relationship to the injuries sustained or the losses incurred. The State also failed to take the so-called settlement in the 1970s to be approved by the High Court, which was contrary to SI 72 of 1962, order 22, rule 9(2). It is important to put that on record. Damages proposed at the time were an insult and were generic, without proper personal injury precedents being followed, for the purpose of quantifying the entitlements of thalidomide survivors. The effect of the absence of a court ruling meant that an Irish court has not considered why children in Ireland continue to be injured after the international date of the withdrawal of thalidomide, whether the State failed under the Health Act to regulate the distribution of thalidomide and whether the German and Irish settlements met the threshold and precedent for the quantification and extent of the personal injury and loss sustained. As a result of the failure to rule on the settlements, many survivors have not received the benefit of the lump sum or even the healthcare benefits. If it had been approved by the High Court as it was in the UK, it would have enforced the limited benefits that were provided for in the settlement but for many, this did not even occur.

The entire lifetime of thalidomide survivors has been blighted by the consequence of a drug taken by their mothers. The survivors were born with injuries which, as I mentioned, have had an exceptional effect over 50 years. They have shown great stoicism and bravery in overcoming their disabilities to achieve so much in their lives. They demonstrate such courage and success. I have met many of them in recent weeks and months. They are very courageous and positive and they want justice. That the Government has been trying to technically knock out thalidomide litigants with time limits in a case management action in the High Court is shameful and wrong. New thalidomide victims who emerged since the 1960s, as well as people not acknowledged as survivors then, remain unacknowledged by the HSE and Minister for Health. These people have never received any entitlements from the State associated with their injuries. They should have the right to make their case if they can and they should not be locked out by a technical timing issue. It is not right for them to be stopped from taking their cases by the Statute of Limitations. They deserve the right to pursue their action. Even with the proposed change, they will still have to prove their cases, which will not be easy, given the time that has elapsed since the 1960s. Thalidomide survivors have been subjected to threats by way of court applications that their claims will be struck out on the grounds of timing and failure to provide medical records details. The State is being intransigent and difficult with thalidomide survivors, which is shameful, given what befell them. Furthermore, this House is being told that the reason the litigation is not resolved is that payments of compensation would become deductible from German or Irish state pension entitlements. That statement is inaccurate. These litigants have never received any compensation or pension entitlement, or any thalidomide related benefit, from the State. A 2010 State Claims Agency report on the thalidomide controversy was fundamentally flawed and the State has held on to an entrenched position because of this. The report did not acknowledge that thalidomide had remained on the Irish market for several years

after the date of knowledge that it posed a risk. Like the cervical cancer cover-up of this century, in the previous century pregnant women who ingested thalidomide were never told that their unborn babies could have been injured *in utero*. Why Ireland neglected to withdraw and recall thalidomide in a timely manner back in the 1960s has never been explained.

In its 2010 report the State Claims Agency states it is inappropriate, in its view, to apply current principles of tort and quantum to an event which took place in the years from 1958 to 1962. The perspective of this agency of the State that because justice in terms of quantification of losses in regard to damages did not occur many years ago and since has been delayed, the survivors have no appropriate entitlement today to losses is an insult. It appears to the agency that justice delayed should be justice denied and, shamefully, it is defending on that basis. That undermines an important principle of justice and due process. When faced with the hepatitis C and HIV victims from the 1970s, the State acted in a different way.

On 31 July 2013 the State again made a generic offer without quantification of damages and liability and tried to bounce survivors into a deal which did not address the core issues in the ongoing dispute. This has been described by survivors as the night of the long knives. Unlike in the aftermath of the cervical cancer controversy, no funding has been delivered to the HSE by the Minister for Health or his Department to enable it to provide the necessary medical records for thalidomide litigants. The Minister has a conflict in this matter. On one side, he underfunds the HSE's facilities for the provision of medical records, with the consequent effect that thalidomide litigants are placed in a vulnerable position in that their cases could be struck out for a failure to provide medical records. On the other side, the Minister is a defendant in the very same court proceedings. It is, therefore, within his remit to cure the issue on which advantage is being sought in terms of litigation. The Minister and his Department need to end this regrettable and hurtful approach of sympathising with victims, on the one hand, and blocking their progress and right of action, on the other. Actions speak louder than words, particularly for victims of thalidomide. In this action by the thalidomide survivors, in excess of 1,100 court documents have had to be filed thus far. Thousands of medical records have been sought by the defendants and the Minister from the survivors. As the hospital system's ability to deliver them is very limited, the litigants are in a catch-22.

I have given a broad outline of the Bill and the history and struggle of the victims. They should not be left in a precarious scenario of case management and a technical knock out to prevent their cases from being heard. It is ironic that the State Claims Agency and Grünenthal, a company with dubious foundations in Nazi Germany, are relying on the same defence to block genuine victims who were all failed by the co-defendants. Justice delayed should not mean justice denied. It is time to remove the Statute of Limitations for these victims in order that their cases can proceed and justice can be aired in the courts system. I urge Members across the House to support the Bill.

Deputy Stephen S. Donnelly: I welcome the visitors to the Visitors Gallery and commend Deputy Jack Chambers on bringing forward this Bill which deals with an issue in which I know he passionately believes. He is a strong advocate for those who have suffered immense harm owing to the scandal of thalidomide. He has laid out in great detail a litany of State failures not only from the 1960s but up until now and which continue to be perpetrated by the State. The Bill seeks to rectify it and I am happy that Fianna Fáil is using its Private Members' time to bring forward the Bill.

The mothers and fathers affected by the thalidomide disaster wanted more than anything to

protect their babies; love them, nurture them and, above all, keep them safe. One of the many cruelties of the thalidomide disaster was that the mothers were given a supposedly mild, safe morning sickness pill for pregnant women. The drug, as we know, was called thalidomide. We are familiar with the devastating effects it had on their children. When the truth finally emerged, that thalidomide had caused severe disabilities in children, one would think the State would have stepped in and done everything it could have to help the children and their parents, but, as laid out by Deputy Jack Chambers, it did not step in to help. Not only did it not step in to help, it quickly became part of the problem.

The drug was withdrawn from Irish pharmacies long after it had been withdrawn in other European countries. The Medical Assessment Board of the 1960s refused to acknowledge many of the victims. During the years it transpired that patient files had been hidden. The State has been fairly accused of being involved in a serious and sinister cover-up. For decades many of the thalidomide victims have been denied help and compensation. To this day, the State continues to work against the victims of thalidomide to frustrate their efforts to seek justice. The Bill before us fights back on their behalf.

To this day the State Claims Agency is a co-defendant with the drug company. The State is claiming that the victims cannot avail of justice through the courts because of the Statute of Limitations. Despite causing numerous pauses in the process, in which the State was complicit, the State and the drug company are claiming that for these victims it is too late. They are being told “tough luck” and “you are out of time.” We say it is not too late. The Bill seeks to provide that it is not too late. We say it is not too late to make amends or show compassion. We say it is not too late for the State to say thalidomide survivors’ legal cases can and will be heard and will not be thrown out on a legal technicality. It is my hope other Members of the Oireachtas in government and opposition will join us in that call and support the Bill.

We want the Government to amend the Statute of Limitations specifically and only in this case for the victims of thalidomide. We want it to include in the existing Act one sentence that could throw open the doors to these victims and indicate to them that the State is no longer going to get in their way and that they can avail of justice through the courts. The Bill seeks to insert the following: “A person shall, in respect of injuries suffered by that person as a result of the ingestion of thalidomide by that person’s mother during the person’s gestation period, be deemed to be under a disability”. That is all it would take to grant access to justice for these men and women.

There are many aspects of our past for which we need to make amends and we are discovering more of them every year. It must never be too late to do the right thing or for victims to seek justice. Let us offer thalidomide victims the protection and compassion they have been cruelly denied for so long. Let us allow them to go to court and facilitate them in doing so by making sure the resources are in place in order that they can access their files or whatever else they need. At a minimum, they deserve to be heard in court and the courts will decide in whatever way they choose. Rather than tell these men and women that regardless of what happened to them and what was done to them they will not have access to justice or their day in court simply because the case has exceeded the Statute of Limitations, let us remove it in this limited case and give these men and women access to the justice they deserve.

Minister of State at the Department of Justice and Equality (Deputy Finian McGrath): I thank Deputy Jack Chambers for bringing forward this important legislation. I wish to emphasise the central role of the Statute of Limitations in ensuring a fair system of litigation.

However, let us have truth and honesty in this debate and let us deal with the facts from both a legal point of view and a humanitarian point of view. That is important. Despite my personal view, the Government is opposing the proposed amendment for the reasons I will outline. This Bill would give rise to civil litigation that could not otherwise be prosecuted before the courts, resulting in the appropriation of public moneys to fund the costs of the courts and other costs associated with litigation. The Bill therefore requires a money message in accordance with Article 17 of the Constitution.

The Department of Justice and Equality is the sponsoring Department for the Statute of Limitations Act 1957. The Act provides for limitation periods within which litigation can be brought. The Act recognises that a balance must be drawn between allowing litigants to make their claims and at the same time serving the public good by setting definite timeframes within which litigation can be taken against any person in the State. Due to the great importance of serving the public good, the Act grants extensions of time to limited cohorts who are described in the Act as “under a disability”. It would run against the principle of protecting the common good to grant extensions of time to a cohort which does not meet the criteria for being granted this extension. The Department of Health considers that the amendment proposed has the potential for significant negative repercussions for the State as a defendant in litigation, as it would set a clear precedent for diluting the criteria defining what it is to be under a disability to such a degree as to make these criteria meaningless.

This Private Members Bill seeks to amend the Statute of Limitations Act to deem thalidomide survivors to be “under a disability” for the purposes of the statute, with retrospective effect. All of those currently recognised within the statute as “under a disability” are greatly impaired in their ability to take proceedings. That is why extensions of the limitation period apply in their cases. However, those persons whose injuries are attributable to thalidomide are not generally under severe legal disability which has impeded them from taking proceedings. The overall operation of the law in respect of the Statute of Limitations is complex and any changes to it will have a wide impact in law. This key area of the law is, therefore, a matter of ongoing review at the Department of Justice and Equality. This process is taking account of the findings and recommendations of the 2011 Law Reform Commission report and intervening developments.

In the ongoing consideration of the overall operation of the law relating to the limitation of actions or where specific areas of policy action arise, the core objectives of the Law Reform Commission report of 2011 will continue to apply, namely, that, “A balance is struck between the competing rights of the plaintiff and the defendant, as well as having regard to the public interest; in particular the right of the plaintiff of access to the courts and the right to litigate, the right of the defendant to a speedy trial and to fair procedures, as well as the public interest in the avoidance of delayed claims and the timely administration of justice.” Account will continue to be taken by the Department of Justice and Equality of the commission’s recommendations and other relevant developments in bringing forward any proposals for reforming legislation in this area including, possibly, as part of any new programme of legislation and with the careful consideration of the Attorney General.

With regard to some of the points made about the State not stepping forward, I will take this opportunity to outline briefly some of the background to the current provision of State supports to Irish survivors of thalidomide, which I have always supported. Thalidomide is a drug that was marketed in this country between 1958 and 1962. It was withdrawn from sale by the manufacturers because it was linked to disabilities in children born to mothers who had taken the

drug during their pregnancy. In January 1975, the Irish Government announced its decision to grant an *ex gratia* sum equivalent to four times the German lump sum and an *ex gratia* monthly allowance for life equal to the German monthly allowance from the Contergan Foundation to each of the children found to have thalidomide related injuries. This decision reflected the deep sympathy with which the Government always considered the effects of this tragedy on the lives of the children and their families. This is something I have always supported.

There are a number of other measures for thalidomide survivors. The Irish survivors have a full medical card which does not take means into account and provides access to a full range of primary care, hospital and personal social care. A HSE national thalidomide liaison provides assistance with securing HSE-provided health and social care services, access services and supports provided by other Government agencies, for example, housing adaptation grants from local authorities. It is open to anybody who believes that his or her injuries are attributable to thalidomide to be assessed by the Contergan Foundation to establish his or her status. Obviously the State would recognise the outcome of this process and extend them the same supports.

Finally, without prejudice, the Minister for Health intends to refer shortly to the Government with proposed draft heads of a Bill regarding health and personal social services for Irish survivors of thalidomide. I look forward to the House's support for these proposals. We listen and we will support in the future.

Deputy Caoimhghín Ó Caoláin: I welcome to the Public Gallery members of the Irish Thalidomide Association. I welcome victims, family members and litigants and hope that passing this Bill will help them address the great wrong that was visited upon them and upon those who have passed, without ever knowing justice, all the while with the full knowledge of the Irish State. More worrying, but not surprising, is the fact that yet again the Irish State tried to bury the scandal and deny these victims their voice. It is reprehensible that we are debating once again an issue concerning a medical scandal and a subsequent cover-up that has destroyed people's lives. To be frank, it sends shivers up my spine. What kind of State and society are we when we repeatedly find ourselves in these situations? When will we learn the lessons?

Thalidomide was given to pregnant mothers in this country in the late 1950s as a sedative and treatment for morning sickness. In November 1961, it was discovered by an Australian gynaecologist that thalidomide was responsible for causing profound deformities of body and mind in children born to mothers who had been taking the drug. Despite most countries ceasing the use of thalidomide at that point, it remained on the market in Ireland until as late as June 1962. This pattern is all too familiar, with similar scandals such as the anti-D product, haemophiliacs' contaminated blood products, transvaginal mesh and, most recently, the cervical cancer screening scandal. We react far too late when these scandals are discovered and then treat the victims disgracefully. We impose the weight of the State upon them to prevent them pursuing the justice they richly deserve. We see the result of this tonight.

These victims, numbering 26, who have cases outstanding are waiting more than 50 years to be compensated adequately. The case is at a standstill in the High Court, with Mr. Justice Seamus Noonan criticising the slow pace of proceedings with no prospect of progress in the medium term. The defendant company, Chemie Grünenthal, is sitting behind a 1970s settlement and the Statute of Limitations. I commend Deputy Jack Chambers on attempting to address this blockage here tonight. It is a commendable piece of work that is a genuine attempt to deliver for these people. I assure Jack and I assure this Chamber that its passage will have my and my party's full and unconditional support. I want to record my horror at the Government's

decision to oppose the Bill.

I wish to place on the record an unfolding similar scandal that concerns the drug valproate, which is used to treat epilepsy and bipolar disorders. It has, similarly, caused birth defects in newborns when their expectant mothers have taken the drug. A European-wide ban on the use of valproate during pregnancy is now in place since 31 May 2018, following a safety review carried out by the European Commission that resulted in a legally binding decision.

I welcome that there are now in place an awareness programme, pre-assessments and explicit warnings for women at risk. I further welcome that work is under way to review the diagnostic and support services required by people who may have been affected by foetal anti-convulsant syndrome, FACS. It scares me to recognise the similarities involved in the case of valproate and thalidomide. On 6 July 2017 France banned the use of valproate for expectant mothers. It is estimated that 4,100 births with defects arose from the use of this drug in France. Since late 2017 France has set up a compensation fund to begin addressing the needs of victims. I would appreciate it if the Minister of State, Deputy Finian McGrath, would update the House tonight or at some point in the very near future on where Ireland stands on this drug and the mark it has left on the lives of how many of our citizens.

I will conclude by once again assuring Deputy Chambers and this Chamber that we in Sinn Féin will assist in the passage of tonight's Bill through Second Stage.

Deputy Louise O'Reilly: I thank Deputy Chambers for bringing forward this Bill. As my colleague Teachta Ó Caoláin has outlined, Sinn Féin will be supporting the Bill wholeheartedly.

While the Bill is short and simple, it is an extremely important Bill. It addresses issues that many people will be familiar with. Although the group is small the thalidomide issue is very well known and the arguments very well rehearsed. Thalidomide was used in the late 1950s and early 1960s. It was withdrawn from the market in 1961 but it would be 2012 before the manufacturer, the Grünenthal Group, would issue a halfhearted and insincere apology. For 50 years they were silent. All the while people had to live with the consequences of what this drug had done to them. Families and friends had to live with it too. What was the role of the State during this whole process? It was to issue what at best could be called an ineffective recall of the drug once the devastating side effects became apparent. It was only a number of years ago that a "Prime Time" investigation exposed that the Government deliberately did not issue a public warning about the dangers of thalidomide because it believed such a move would be undesirable. The documents uncovered by that programme showed that the Government decided not to make a public announcement about the dangers of the drug and instead left it up to pharmacists and medical officers to withdraw it from the shelves. Given the roles they played in the creation and perpetuation of this scandal, one would have thought that the Grünenthal Group and the State would acknowledge in full the damage and the hurt they have caused and that they would do all they could to set things right. In 2018, however, with all that we know and all that we have found out, we have both the State and the Grünenthal Group trying to use the Statute of Limitations to deny the victims access to compensation.

I am rarely shocked in my job, but I am shocked that the Government is opposing this Bill. I urge the Minister of State to reflect on that and to perhaps come to a different conclusion. It is clear that with the State and the Grünenthal Group using the Statute of Limitations Act 1957 to deny these victims, the correct course of action for us as legislators is to amend the Statute of Limitations Act. I commend Deputy Chambers on giving us the opportunity to do that. The

Statute of Limitations (Amendment) Bill 2018 seeks to amend the 1957 Act, specifically section 48 which relates to disability. The State should not be in league with big pharma and it should not allow the companies to dodge their responsibilities when it comes to payment of compensation. It is our job to fight for those affected and to hold power to account and that is what we must do in this instance.

Speaking on this Bill tonight I am reminded of those children also affected due to the use of Epilim during pregnancy. When the Minister of State looks back on the history of thalidomide he will see, as I did when preparing my remarks for this evening, that the parallels are shocking. This tells me that no lessons have been learned and that we are not capable of looking back and seeing a copy of what happened. There are so many similarities in the situations. I echo the call made by Deputy Ó Caoláin. I urge the Minister of State to examine the issue because of these parallels. Day after day we come in here and talk about scandals of the past. We all nod our heads and say: “We are absolutely certain that it will not happen again.” We talk about the Magdalen laundries yet we have direct provision. Now we are talking about a historical injustice but actually the same injustice is being perpetuated. The regulators knew about the risk with sodium valproate when they were considering licensing the drug. The women were not warned that the epilepsy drug could cause birth defects and developmental problems in their babies. Sinn Féin is very proud to be active on this issue, which we have taken on. I look at the history and I see that history is about to repeat itself in a very shocking way. We should all be listening to those alarm bells.

The victims of thalidomide should, at the very least, have the right for their case to be heard before the court. I do not believe this is an unreasonable request. For a group of people who have the sympathy of the general public, and for whom we all want the very best, the very least they deserve is the opportunity to have their case heard in court. That is why we should ensure the Bill is passed.

The State, through the now defunct Irish Thalidomide Medical Board in the 1960s, failed outright to acknowledge many of those who were injured through the ingestion of thalidomide by their mothers. After 50 years victims are still emerging as a consequence of the cover-up of patient records. The role of the State over the past 50 years has been despicable. Successive Governments have failed to address this issue. Less than ten years ago, a previous Minister for Health, former Deputy Mary Harney offered a take it or leave it package of €2 million to be shared equally between the 32 survivors at the time, and a slight increase in the monthly payment. That was not good enough for the then Minister. It represented a continuation of the State’s failure to do the right thing. As has been pointed out previously, this is not a growing number of people. Those affected do not have time on their side. This group is, regrettably, diminishing in numbers so this is a very time sensitive issue. It is wrong to use the Statute of Limitations against this group. I know the Minister of State was very genuine in his words and I urge him to reflect on whether it might be possible to support the Bill. Sinn Féin will support the Bill.

I commend Deputy Chambers on bringing this short, very simple, but very important and necessary legislation to the House this evening.

Deputy Catherine Connolly: I compliment Deputy Jack Chambers on bringing forward this very precise legislation which I have no difficulty in supporting. I know the Minister of State to be very personable, but I, too, am shocked by the content and delivery of his speech and the ferocity with which he has told us that the Government will not be supporting the Bill.

If he is listening, I remind him that he spoke about a balance having to be struck between the competing rights of the plaintiff and the defendant. That is precisely what has been missing. There has been no balancing of rights. We have had the powerful against people with no power. The Minister of State's failure to grasp this and the content and manner of delivery of his speech are shocking. I might have misunderstood him at the end of it, but did he say he was bringing forward legislation to be of further assistance? That is what I heard, but perhaps I am wrong. Certainly, if that is the case, it should have been brought forward well before now, not 50 to 60 years after the event.

The apology given by Chemie Grünenthal was miserly, delayed until 2012 and only given to the survivors, those suffering from thalidomide injuries. It was never given to the mothers who had suffered on every level having given birth to children with serious defects, not to mention the guilt felt having taken the medication which was sold on the markets as being safe. Before coming into the House, I took the trouble of looking back to see how the drug had been advertised. It was advertised using images of the happy faces of children and mothers who were repeatedly told that it was a safe drug and encouraged to take it. I am a member of the Committee of Public Accounts and we received an update in the past few months, starting in July. We were told that there were 34 active thalidomide related cases. That figure is included in the State Claims Agency's annual report. All of the people in question were born between 1958 and 1962. It is difficult over 50 years later to convince the Government that it should do the right thing. Throughout his speech the Minister of State talked about the common good, but the Government utterly fails to realise what it is.

We are dealing with a very limited number of people and a very precise Bill that simply seeks to remove one of the obstacles for a group of people who should not have to go to court in the first place. In going to court they should not have to override this obstacle because of the passage of time. In his contribution the Minister of State did nothing to right the situation. There are very few grounds for opposing the legislation.

I will clarify a number of things that we sought to clarify at the Committee of Public Accounts. We were led to believe, perhaps inadvertently, that mediation was ongoing and it was clarified that there had been no mediation meetings for almost two solid years, since 20 December 2016. We know that some people who suffer from thalidomide have received absolutely no benefits; therefore, the argument by Chemie Grünenthal that benefits would be affected and the argument by the Government do not stand up. We know that thalidomide status is being challenged in a number of cases, which just beggars belief. We know that the 1975 agreement was never ruled on in court and it is a very serious issue. It seems that even the advice of the Attorney General at the time was ignored. We know that the agreement in 2012-13, following on from a report which had been commissioned, I think, by the former Minister Mary Harney, recommended the payment of a sum of €62,500. As I understand it, the report was carried out with absolutely no consultation with the families or those suffering from thalidomide.

We know that the State has not been innocent in all of this and that it will be for the courts to decide, but a wiser Government would make decisions in the common good and having learned from all of the debacles of the various health scandals. However, the Government seems to be failing singularly to learn from them. This is a golden opportunity to learn from people suffering from thalidomide because certainly they have an awful lot to teach me and the Dáil about surviving with dignity and going on to lead full lives. That their disability is not classified as a disability for the purposes of this legislation is difficult to accept. It is difficult to accept - this is the third time I have said it - or believe the Minister of State made the speech he has made.

Some 50 years on we have learned absolutely nothing. We are forcing people into court. We were told initially at the Committee of Public Accounts, again, perhaps inadvertently, that it was the German company Chemie Grünenthal that was raising the issue of the Statute of Limitations. It was clarified that it was not doing so on its own, that the Government was also making the same argument in this case. I have no idea why mediation has not continued, but it is important to state it has not. I would like to think we have learned, but we have not. I have absolutely no hesitation in supporting this limited legislation and would much prefer to see us discussing a scheme for those who have led the way with dignity and show us how things should be done.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank colleagues for their submissions and all of the valid points made, to which, of course, I listened. It should be reiterated that it is not within the remit of the Minister for Health to amend the Statute of Limitations. That is a matter for the Minister for Justice and Equality who would be advised by the Attorney General on any amendment that might be considered. The overall operation of the law as it affects the Statute of Limitations is complex and any change would have a wide impact in law.

As I outlined to the House earlier, the purpose of the Statute of Limitations is to allow all persons, including the State, the opportunity to order their affairs in order that after a reasonable period has passed, persons will potentially have no liability for events that occurred in the past. The Statute of Limitations recognises that a balance needs to be struck between allowing litigants to make their claims and protecting all defendants, including the State, from old claims. It is a very important point that the statute is properly not regarded as providing a technical defence, as reported in some media articles, but is, in fact, a central feature of a fair system of litigation.

While the Government genuinely has every sympathy for each person who has injuries attributable to thalidomide, it also must be cognisant of the constitutional rights of all parties in litigation. Operating the Statute of Limitations differently in different classes of litigation could offend the fundamental constitutional requirement that the State treat such classes equally in its handling of litigation.

There are a number of legal claims against the State and two other parties in respect of thalidomide. These claims were referred to the State Claims Agency which has delegated authority to manage litigation on behalf of the State. I emphasise that the Minister for Health has no role in these legal proceedings. The litigation is being case managed in the High Court.

There are different categories of thalidomide litigant. In 2012 the Department of Health received claims from solicitors acting on behalf of 22 of the 30 Irish recipients of the monthly *ex gratia* payments. Also in 2012 two of the 22 plaintiffs accepted the *ex gratia* payment offer of €62,500.

In 2013, following the introduction of a revised German law, the Contergan Foundation significantly increased the German allowances payable to thalidomide survivors worldwide, including Irish survivors. However, the German ministry confirmed that from 1 August 2013 onward, any financial payments made by other governments to thalidomide survivors will be offset against the new increased German payments.

Of the 22 Irish individuals who were in receipt of the monthly *ex gratia* payments from the Irish State and had initiated legal proceedings, six opted to take the individual sum of €62,500

previously offered prior to the 1 August 2013 deadline in full and final settlement of monetary compensation. As two of these 22 had already accepted an *ex gratia* offer of €62,500 in 2012, there are now 14 active litigation cases from this cohort. The remaining nine Irish thalidomide survivors in receipt of monthly *ex gratia* payments from the Irish State and who did not serve and-or issue legal proceedings, were offered and accepted *ex gratia* sums of €62,500.

Additional claims have been received from solicitors on behalf of 13 persons not in receipt of monthly *ex gratia* payments from the State. All of these claims have been referred to the State Claims Agency. Of these, ten have initiated personal injuries litigation. To the Department's knowledge and to my knowledge, only one of these persons has been found to have injuries attributable to thalidomide. This person did not accept the State's offer of supports. The House will appreciate that the Department cannot comment in detail on claims that are *sub judice*.

The Government is committed to ensuring that the particular needs of survivors continue to be met in a person-centred manner. The Government and its predecessors have sought to reflect the great sympathy of the Irish people for survivors of thalidomide by making special supports available through direct financial assistance, enhanced social supports and personal health services.

Today, 30 Irish survivors of thalidomide are in receipt of monthly payments from the Irish State for life, in addition to a wide range of health services, personal social care supports and other supports as required, for example housing adaptations and customised aids and appliances. The range of services and financial supports provided to survivors, as outlined in more detail earlier this evening, are specifically provided to people whose injuries are attributable to thalidomide.

The Irish Thalidomide Medical Board was set up in 1973 as an independent board to undertake the examination of Irish children who claimed to have disabilities attributable to thalidomide, to assist their parents who may have a claim against the German compensation fund. It also assessed their degree of permanent incapacity and necessary treatment.

A report of the board states that 112 children were examined by the board and the board determined that 34 Irish children had thalidomide-related injuries. Irish children who were found to have thalidomide-related injuries were eligible for compensation from the German compensation fund in the form of a lump-sum payment and an allowance for life. Of the original 34 persons found to have injury attributable to thalidomide, one person was accepted by the UK Thalidomide Trust, and sadly three persons are now deceased.

In 2008 the Contergan Foundation was not accepting applications from persons seeking to establish if their injuries were thalidomide related. The Irish State paid for five persons to be assessed in the EX-Center, Stockholm, Sweden. Three of these people had previously been assessed by the Irish Thalidomide Medical Board and again were deemed not to have injuries related to thalidomide. Of the remaining two, one was found to have thalidomide-related injuries.

The Contergan Foundation has confirmed that since 2013 it is accepting applications from individuals for compensation for thalidomide-related injuries. It is open, therefore, to any person who feels their injuries are attributable to thalidomide to contact the Contergan Foundation directly. The House can be assured that any person whose application has been assessed and accepted by the Contergan Foundation will be eligible for the full range of supports, services

and payments currently provided to Irish survivors by this State.

The Government welcomes this opportunity to assure the House of its continuing commitment to survivors of thalidomide and to explain in detail the reasons for the decision of Government to oppose the amendments proposed in the Private Members' Statute of Limitations (Amendment) Bill 2018.

Deputy Jack Chambers: The remarks my colleagues made outline how shameful and inhumane the Minister of State's two speeches tonight have been. While he mentioned at the start he was not speaking personally, maybe he should speak personally. Maybe he should front up as the Minister of State with responsibility for disabilities, and leave a positive legacy on these people's lives. Maybe he should not have delivered that script because what we have seen from him was a continuity of the net defence, the brick wall, the reliance on the Statute of Limitations and a really shameful defence of the lack of action by the State.

He did not take into account what I said in my opening remarks about the quantification of damages by the failure of the State to remove the drug. While he mentioned that the State has an ongoing commitment to these survivors, what he outlined today is very worrying. It is an ongoing alliance between the State Claims Agency and a company with a very dark past. This is a multi-billion euro company that sought to cover up documented evidence. The State Claims Agency and the Minister for Health, mentioned in that court action, are rocking in and using the Statute of Limitations to block the people here from pursuing their court action.

While using the Statute of Limitations, the Minister of State has superseded that with the next defence - Deputy Caoimhghín Ó Caoláin can vouch for this as we have seen it at the Oireachtas Joint Committee on Justice and Equality - the old money message. What he is bringing to a conclusion is what we have specifically referenced in the Bill, which is that we are not prejudicing a potential court action. I reject the Minister of State's claim that the Bill would give rise to civil litigation that could not otherwise be prosecuted before the courts, resulting in the appropriation of public moneys. We have been very clear about giving someone a right of action. The Minister of State is going directly to the conclusion because he knows damn well beyond the brick wall, beyond this defence, the State is exposed. However, by allowing this defence to remain he is also allowing the brick wall to remain for that company, Grünenthal, a company that has failed to deliver for victims of thalidomide.

The Minister of State mentioned very little of the company in his two statements. By opposing this Bill, the State is providing a defence for a company with a very dark past that was linked to Nazi Germany from the outset. While I did not go into the detail of it, it is one of the war secrets yet to be fully detailed and discussed in public. I will read out the text of a letter Grünenthal sent doctors.

Dear Doctors,

In pregnancy and during birth the female organism is under great stress. Sleeplessness, unrest and tension are constant complaints. The prescription of a sedative and hypnotic that will hurt neither the mother nor child is therefore often necessary.

That was the cold spin that company sent Irish doctors. That was the spin that T.P. Whelehan allowed to continue to roll around the Irish State for years after the withdrawal of the drug internationally. That was the line that allowed the drug to remain within Irish hospitals over an extensive period. That is what the Minister of State is defending. That is the legacy that began

post the birth of many of these children who had grave difficulties.

9 o'clock

The Government failed to take account of the advice of the Attorney General at the time which resulted in damages not being quantified in the 1970s. The Minister of State said this is a matter for the Minister for Justice and Equality rather than the Minister for Health. This is no more than Cabinet deflection and spin. Has the Minister of State heard of the constitutional principle of collective Cabinet responsibility? That principle was ignored in his address to the House this evening.

I welcome the support of Deputies Ó Caoláin, O'Reilly and Connolly, all of whom spoke of the difficulties faced by victims over many years. It is the case that previous Governments and Ministers failed victims and I am not afraid to say that. The Bill gives the House an opportunity to give victims support and a chance to pursue their claims in court. The Minister of State said that because of the importance of serving the public good, the principal Act grants extensions of time to limited cohorts who are described in the Act as being "under a disability". Does he not see the physical consequences for people who suffered as a result of thalidomide? To have a Minister of State with responsibility for disability putting the words "under a disability" in quotation marks in his speech is quite insensitive. Perhaps he did not write the speech but to even put that on paper and to question their entitlement, as people who have definite difficulties and disabilities as a result of what happened to them *in utero* 50 years ago, is shameful and a poor reflection on the Departments of Justice and Equality and Health.

The Minister of State also said that it would run against the principle of protecting the common good to grant extensions of time to a cohort which does not meet the criteria for being granted such an extension. Again, the Minister of State is questioning whether this should be granted on the basis of the disability criteria. This reinforces the apparent alliance between the State Claims Agency and Chemie Grünenthal before the High Court under case management. The Minister of State went on to say that extensions of the limitation period apply to those with disabilities who need to be greatly impaired in their ability to take proceedings. Is he aware that some of the people who took the *ex gratia* payment are now dead? Does he realise that? Some of the people who, on the night of the long knives in 2013, were forced to accept that payment have since died. They were put under enormous pressure at that time which is why some of them accepted that payment. For many of those involved, time is of the essence and resolving the ongoing case management is extremely important.

The language in the Minister of State's speech is terribly inhumane and it shows that the State has learned nothing in the past 50 years. Examples of what could occur were referenced but what we have here is the permanent government of today trying to defend permanent governments of the past. This does not only rock the political system, but also the departmental system. It rocks the Whitehall model we have in place here, which is based on mounting a defence, regardless of the consequences. The Minister of State is supporting that approach when he could help these people. I am confident that we will get this Bill passed and dispute the Government's contention in that regard. An independent assessment will be made as to whether it requires a money message. When the Government has to rely on the money message defence, it shows its inhumanity in dealing with people.

Despite all of the spin about the HSE, the effect of the non-provision of services, including aids and appliances, has resulted in the exacerbation of difficulties and the deterioration of

the physical health of many victims. The Minister of State gave beautiful spin about all of the supports and wraparound services that these people enjoy. Has he spoken to any of the victims of thalidomide? Have they told him that they have the perfect system of supports, as outlined in his speech? The opposite is actually the case. Any independent assessment of the State's delivery of healthcare packages from the 1970s will find it lacking to a shameful degree, which continues to this day. That is why court actions are ongoing.

The State now has an opportunity to do the right thing by this cohort of its most vulnerable citizens. To date, the Government has procrastinated, stood on ceremony and relied upon technicalities. The Minister of State has promoted falsehoods and spin in his speech today. The Government should not be trying to allow a company such as Chemie Grünenthal to gain unfair advantage *vis-à-vis* thalidomide survivors. For this reason, it should reverse its decision, support this Bill and allow it to go through the Oireachtas so that the limited number of people involved can finally have their say and justice can prevail.

Question put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 13 December 2018.

Health and Social Care Professionals (Amendment) Bill 2018 [Seanad]: Second Stage

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

I am pleased to address the House on the Second Stage of the Health and Social Care Professionals (Amendment) Bill 2018. The Bill was initiated in the Seanad on 27 September 2018 and completed its passage through that House, without amendment, on 7 November 2018. It is a short, technical Bill with only five sections. It provides for the amendment of certain provisions of the Health and Social Care Professionals Act 2005, which relate to the recognition of non-Irish professional qualifications.

Before explaining the Bill in more detail, I will provide the House with some background to the Health and Social Care Professionals Act 2005, which this legislation seeks to amend and a brief update on its implementation to date. The Act currently provides for the statutory regulation of 17 designated health and social care professions. Regulation under the Act is primarily by way of the statutory protection of professional titles by confining their use solely to persons granted registration. The structure of the system of statutory regulation comprises registration boards, a committee structure to deal with disciplinary matters and a Health and Social Care Professionals Council, HSCPC, with overall responsibility for the regulatory system. These bodies are collectively known as CORU and are responsible for protecting the public by regulating health and social care professionals in Ireland. CORU is also charged with the promotion of high standards of professional conduct and professional education, training and competence among the registrants.

The Act provides for a transitional period of two years during which existing practitioners may register on the basis of specified qualifications. Following this period, only registrants of a registration board, who are subject to the Act's regulatory regime, or those who applied during the transitional period and whose applications are still being determined or are under appeal

are entitled to use the relevant protected title or titles. From a public protection viewpoint, a crucial milestone in the regulation of the Act's designated professions was the commencement in recent years of Part 6 which introduced the Act's fitness to practise regime. The regime is similar to that applicable to medical practitioners, nurses and midwives.

To date, registration boards have been established in respect of 13 professions. The registers for nine of these professions are open and their respective professional titles are now fully protected under law following the close of the two-year transition period attaching to each register. The registration boards for the professions of medical scientist, podiatrist, psychologist and social care worker, while established, have not yet opened their registers but are working hard to do so.

I will also take this opportunity to update the House on the regulation of counsellors and psychotherapists. The Minister signed the regulations in April this year designating for the purpose of regulation the new professions of counsellor and psychotherapist and establishing the Counsellors and Psychotherapist Registration Board following the approval of the regulations by both Houses. This was followed with an advertising campaign by the Public Appointments Service, PAS, to recruit 13 members for appointment to the registration board. This process concluded in late September 2018 and the Minister intends to make the board appointments in the coming weeks. Once appointed, the registration board will give consideration to a number of outstanding issues and will advise the council and the Department accordingly. These include titles to be protected and the minimum qualifications to be required of existing practitioners applying for registration in the transition period and for future graduates. I am aware of other professions seeking designation under the Act. Professions such as creative arts therapists, play therapists, athletic rehabilitation therapists, chiropractors and audiologists, to name but a few, have made a case for regulation for some time. The immediate priority, however, is to bring to conclusion the regulatory process for the 17 professions already designated.

When all the registration boards have been established and their work programmes are well under way, the Department will turn its attention to the question of how best to treat the unregulated professions. As a first step, a risk assessment of public protection of the principal health and social care professions seeking designation will be undertaken in 2019. It will inform decisions to be taken concerning options for their possible future regulation.

In addition, the recently adopted EU directive on a proportionality test before the adoption of new regulation of professions must be taken into consideration. The directive establishes rules for member states to conduct proportionality assessments before the introduction of new, or the amendment of existing, professional regulations to ensure the proper functioning of the Internal Market while guaranteeing transparency and a high level of consumer protection and public health.

Its intention is that before member states introduce regulations on professions, they will harmonise the ways in which proportionality tests are carried out and the criteria to be applied in accordance with European Court of Justice rulings. It does not, however, affect a member state's competence to decide whether and how to regulate a profession within the limits of non-discrimination and proportionality. The directive must be transposed by July 2020.

I propose to provide some background to the amendments contained within the Bill. The Bill will amend the Health and Social Care Professionals Act 2005 to provide that all non-Irish professional qualifications which have been recognised by the Minister and by bodies acting on

behalf of the State prior to the introduction of statutory registration for a health and social care profession will continue to be recognised for the purposes of registration under the Act. This will allow holders of such qualifications to be statutorily registered and practise their professions.

As Deputies are aware, the Health and Social Care Professionals Act 2005 provides for the introduction of a system of statutory regulation for 17 health and social care professionals. When statutory regulation is introduced for a profession, a practitioner cannot practise in his or her professional capacity without being registered with the relevant registration board established under the Act, one of the requirements for which is that the applicant must hold an approved qualification. Section 38 provides that persons hold such a qualification if they hold an Irish qualification which has been approved by the relevant registration board, if they hold a European Economic Area, EEA, qualification which has been recognised under Directive 2005/36/EC on the recognition of professional qualifications, if they have been practising the profession for not less than five years and hold certain Irish historical qualifications, or if they hold a professional qualification which the registration board decides attests to a standard of proficiency which corresponds to the approved relevant Irish qualification.

As it stands, however, section 38 does not encompass EEA persons who have previously had their non-Irish qualifications recognised under a directive which has been subsequently repealed, non-EEA persons or persons with non-EEA qualifications whose qualifications have been recognised on an administrative basis using processes that mirror those of Directive 2005/36/EC or its predecessors. A serious difficulty has arisen for these persons when they apply for registration. While their qualifications may have been recognised in Ireland in the past, the legislation as currently framed does not allow for their registration. This gap in the legislation must be resolved to allow such persons register and practise their professions. The Bill addresses this gap by providing in section 38 that the qualification of an applicant who has evidence that such qualification has been recognised by the Minister or by a body acting on behalf of the State prior to the introduction of statutory registration for the relevant profession will be considered to be an approved qualification under the Act. This means that there will be no requirement for reassessment of the qualification.

The Bill has five sections. Section 1 provides that the “Principal Act” referred to throughout is the Health and Social Care Professionals Act 2005, while section 2 amends the definition of “qualification” in that Act. Section 3 amends the registration provisions of the Act to address the gap that exists in the legislation by providing that a member of a relevant designated profession who holds a relevant professional qualification that has been recognised by a relevant person is considered to hold an “approved qualification”. Section 4 provides for the insertion of a Schedule to the Bill which sets out the list of relevant designated professions and corresponding relevant persons. Finally, section 5 provides for the Short Title of the Bill.

In conclusion, this matter is a priority as without these amendments each registration board at CORU is required to undertake a detailed assessment of the professional qualifications of certain health and social care professionals whose qualifications have previously been recognised by the State. Such persons must submit an application to CORU and await a decision, which can take a number of months as their formal training and post-qualification experience must be compared on a case-by-case basis against the current Irish reference standard. This puts a consequential administrative burden on applicants and CORU. For these reasons I am keen that the Bill proceeds through the various Stages of this House and is enacted as quickly as possible. I commend the Bill to the House.

Deputy Stephen S. Donnelly: The Bill amends the Health and Social Care Professionals Act 2005 to provide that any non-Irish health professional qualification that was recognised in the State prior to the introduction of the statutory registration at the Health and Social Care Professionals Council, CORU, will not have to be re-recognised for the purposes of registration under the Act. It pertains to a wide range of health and social care professions. The 15 professions recognised under the Act are clinical biochemists, counsellors and psychotherapists, dietitians, dispensing opticians, medical scientists, occupational therapists, optometrists, orthopists, physiotherapists, podiatrists, psychologists, radiographers, radiation therapists, social workers and speech and language therapists. It is a valuable and important group of people for our medical and social care systems.

The Bill provides a new route for non-Irish qualifications to be recognised and for the practitioners to be allowed, therefore, to use their professional titles. If the foreign qualifications were recognised by the Minister or bodies acting on behalf of the State prior to the creation of the new statutory registration regime, they will still be recognised without reassessment being required by CORU. As such, those practitioners will be allowed use their professional titles.

The Health and Social Care Professionals Act 2005 was important legislation because it provided for quality control, registration and protection for the public in the context of this wide range of services. Until that point, only doctors, dentists, nurses, opticians and pharmacists were subject to the statutory registration. That was greatly expanded in 2005 and supported by the establishment of CORU, which also promotes standards of professional conduct, education, training, competence and more and, therefore, is an important body doing important work.

Fianna Fáil considers the amendment to the Act to be sensible and we will support the Bill in its passage. While the Bill is largely technical in nature, as the Minister of State noted, new routes to professional recognition once deemed safe and appropriate are to be welcomed because we are running out of, or are desperately short of, many of the professionals referenced in the Bill.

The Bill covers radiographers. A colleague of mine was contacted in his constituency in Kildare by general practitioners, GPs, who said they no longer had direct access to DEXA scanning. It is an important bone-density scan for which GPs are able to make direct referral in many, although not all, hospitals. We submitted a parliamentary question on the issue and I received a letter in return from the HSE through Naas General Hospital. The letter acknowledged receipt of my letter and said the DEXA service to GPs is suspended due to a national shortage of radiographers. It went on to say the hospital is making every effort to fill the current vacancies. Hospitals and radiographers, as well as the consultants, doctors and nurses who work with those radiographers, will say the same thing, namely, that they cannot hire the staff.

One of the things we need to do is open the diagnostic suites more because there is a massive backlog of people waiting for diagnostics. We have the machines, and in some other countries the diagnostic suites are open 24-7, or from 6 a.m. until 12 midnight six days a week. Typically, we do not do that, and our hospitals are open from approximately 8 a.m. to 5 p.m., Monday to Friday, although it varies somewhat. When one talks to the hospital managers and asks them why they are not doing more diagnostics, they do not say they do not have the machines or that they cannot bring patients into the hospital. When one talks to patients who say they have been waiting months for what could be very important scans, and when one asks if they would mind presenting at the hospital on a Saturday or Sunday, or at 7 a.m. or 9 p.m., they will reply of course they would not mind as they need the scan. All the hospitals, nurses and doctors will

tell one they cannot hire the radiographers, which is a serious matter.

On children with special needs, the reference to occupational therapists and speech and language therapists is worth reflecting on. I looked at the waiting lists in preparation for this session. Although men and women are also waiting for speech and language therapy, a significant number of those waiting are children. There are many adults as well with an acquired brain injury, stroke and all sorts of conditions. Many of the people awaiting speech and language therapy in the Minister of State's constituency and mine are children. The number of patients, men women and children, in the country waiting for initial assessment from a speech and language therapist is 14,501. In the Kildare-Wicklow area there are more than 800.

Occupational therapy and occupational therapists, OTs, are used for the rehabilitation of a wide range of chronic conditions and all sorts of other conditions. Many of the people who use them have spinal injuries. Many children, including children with special needs, are waiting for occupational therapy. I took a look at these figures as well. The total number of people in Ireland right now waiting for an initial assessment from an occupational therapist is 32,102. In the Kildare-Wicklow area again, it is in excess of 2,800 people.

On the issue of physiotherapists, there is a chronic shortage of rehabilitation facilities. The National Rehabilitation Hospital does its very best. It is a phenomenal place with phenomenal people but they are screaming out for more beds and proper step-down facilities. I was very involved with one case involving a very unfortunate event that happened where a fit, healthy young man working out in a gym on the west coast had an accident in the gym. When he woke up on the floor of the gym, his spine was fractured and he was quadriplegic. Unless medicine evolves very quickly, that is the prognosis. He received fantastic care in the National Rehabilitation Hospital. From memory, he was discharged in September of last year with other people with serious injuries very much in need of his bed. In fairness, the HSE, after taking a long time to get going, finally did row in behind us and we managed to get Andrew O'Malley his bed around May. He was sitting in the National Rehabilitation Hospital, taking up a bed that somebody else needed, and was unable to go to a step-down facility.

When one talks to those in charge of disability services, those in the National Rehabilitation Hospital, or those running the step-down facilities, they will say that they do not have enough physiotherapists. This Bill is relevant because it is a small step in making it easier for qualified physiotherapists, occupational therapists, speech and language therapists and a wide range of very important people in our system by removing one barrier to them being able to do their job. The chronic shortage of these professionals, be they speech and language therapists, occupational therapists, radiographers or physiotherapists - the list goes on and on - is causing untold pain and suffering. In many cases it is depriving people, especially children with special needs where there has to be as much early intervention as possible and it is taking three and a half years for them even to begin treatment, of leading the best future life that they can live. It is not exactly what the Bill is about, but it is about these professionals in our country. We need to do a hell of a lot more to keep them, reward them, and understand how to make their jobs better and more rewarding and make sure that they have the staffing ratios, pay and conditions, professional learning environments and training they need so that we can keep the fantastic professionals we train and so that we can become a place of choice of employment for these professionals from all over the world.

Deputy Louise O'Reilly: Sinn Féin will be supporting this Bill. It is technical in nature and it is not the most glamorous legislation but it is very important nonetheless, providing as it

does the amendment of certain provisions of the Health and Social Care Professionals Act 2005 relating to the recognition of non-Irish professional qualifications.

There have been many Bills seeking to amend the Health and Social Care Professionals Act 2005 over recent months, and important changes have been made to that legislation regarding physical therapists and physiotherapists. The Minister of State outlined for us here the work done to date on bringing in counsellors and psychotherapists. This is an issue that I have discussed with Minister, Deputy Harris, on a number of occasions and one that has been well rehearsed in the media. It has relevance to the legislation we were discussing last week in that until there is regulation of what are commonly known as rogue crisis pregnancy agencies, we will still have people purporting to call themselves counsellors, experts and every other thing and telling women who access terminations that abortion can lead to cancer. That needs to be addressed.

I welcome the work that has been done to date, as outlined by the Minister of State. I assure him of the support of Sinn Féin in anything that he does to bring some regulation into this area. In a couple of weeks, the hope rather than the expectation is that the heat will go out of the issue of discussing abortion. We have been discussing it for a long time. This is one of the loopholes that need to be closed. There are other things relating to sex education in schools and so on. This is a very important one. I very much welcome the work done to date and commit my party to working with the Minister of State to ensure that regulation is brought in.

The core legislation that we are amending is important. The Act provides for the statutory regulation of 17 designated health and social care professions by way of statutory protection of professional titles, confining their use solely to the persons granted that registration. The structure of the system of statutory regulation comprises registration boards, a committee structure dealing with disciplinary matters, and a health and social care professionals council with overall responsibility for the regulatory system. These bodies, collectively known as CORU, are responsible for protecting the public by regulating health and social care professionals in this State. CORU is also charged with the promotion of high standards of professional conduct, and education, training and competence among the registrants.

The Bill is short and technical and provides for all non-Irish professional qualifications which have been recognised by the Minister and by bodies acting on behalf of the State prior to the introduction of the statutory regulation of health and social care professionals to continue to be recognised for the purposes of registration under this Act. This will allow holders of this qualification to be registered statutorily and to practise their professions. The existing legislation does not allow for the registration of non-EU persons or persons with non-EEA qualifications whose qualifications have previously been recognised here. There is a gap to that extent in the current legislation and the Bill rectifies that. It is important that we tie up these loose ends because the social care professionals who are affected need security so that they can register and patients also need security in this regard.

The regulatory bodies that we have in the health area comprise CORU, the Nursing and Midwifery Board of Ireland, NMBI, and the Medical Council. For various reasons, I am aware of the functions of all of those boards, as no doubt is the Minister of State. For a brief period I represented some of the workers in An Bord Altranais. I know the work that goes on among them in terms of research, regulation, and educational support and provision. Among the health professionals who pay a fee every year to be registered, however, there are those who often feel aggrieved. If the Minister of State checks social media tonight, he will see a particular

group feature. That is not the reason I raised the issue as it was in my head to raise it anyway. Such people feel there is a very heavy emphasis on regulation, fitness to practise inquiries and the punitive aspects rather than on support. We could talk all day about these matters and I know the Minister of State will profoundly disagree with me, but I believe the Government and previous Governments have made sure that the health service is a very unattractive place for health and social care professionals to work in. That is not helped by the atmosphere that can be created by paying every month or paying every year into an organisation for which one sees no real benefit. I do not say there is not a benefit because I know that there is. I know that the men and women who work for those boards work hard and they do a lot of good work, but very often that is not seen by the professionals who are subject to the board. What people see on the news is the hearings. We could discuss all day whether the hearings should be in public or private, but they are in public. People see their colleagues on the news being brought before their professional body and it is tough on them. I remember every single case I ever took to An Bord Altranais because of the significant toll they took on the individuals concerned. Many colleagues of those individuals were asked to give evidence and the business is conducted with the authority of a court and it is a very formal environment for people who work hard to have to face. Errors can happen because of a shortage of staff. It is not the fault of the people who turn up to work. They are the ones that are there, and it is the fault of the HSE and the Government that the health service is not an attractive place to work. Where there is short staffing and errors occur, people are constantly worried and then they get to pay for the privilege of having a body to regulate them.

Regulation is extremely important and I back it, but in discussing the regulatory bodies it would be remiss of me not to say that notwithstanding the good work they do, they are not viewed as an ally or an asset by many healthcare professionals. They are viewed as a sort of big brother because the good work they do is rarely seen but the public trials and fitness-to-practise hearings are always visible, and the reputation and public perception of the bodies is based on that.

Some years ago, An Bord Altranais put up the fees for the registration of nurses and there was a campaign by the trade union to have the decision reversed. In every workplace I went to people asked me why they were paying An Bord Altranais. They said their workplace was short-staffed and if there was an error, they would have to go to the board they pay for to account for things that are not necessarily their fault. People make complaints when errors happen, which they do for a variety of reasons, but nurse after nurse and midwife after midwife have come to me to ask why they are paying for that. They said they are working hard to earn their money, to pay money to those people who are going to regulate them, and they could find themselves accounting for something that genuinely might not be their fault and could be due to a systems error, short-staffing or any one of a number of reasons.

Sinn Féin will support the legislation. We are actively looking forward to the legislation regulating counsellors and psychotherapists but I urge the Minister of State, Deputy Jim Daly, to do more to promote the good work that is done by the regulatory bodies or even to have a discussion with them to bring home to them the reality of how they are viewed in their own communities because that is not always evident. There should not be an adversarial relationship between the healthcare professional and his or her regulatory body because there is an element of support and education available and that is very often not seen by many of the people who are regulated.

Deputy Michael Collins: I am pleased to have an opportunity to speak on the Bill this

evening. It will provide for the recognition of non-Irish professional qualifications which have been recognised by the Minister and State bodies prior to the introduction of statutory registration for health and social care professionals. They will continue to be recognised for the purpose of registration under the Act. In layman's terms, the Bill will allow holders of non-Irish professional qualifications to be registered and to be able to practise their professions here in Ireland. The existing legislation does not allow for the registration of non-EU persons or persons with non-EEA qualifications whose qualifications had previously been recognised in Ireland. Currently, we have a shortage of healthcare professionals and the Bill could help relieve the problem. I have repeatedly called on the Government to act to reduce the long waiting lists that exist, but it is not listening.

Deputy Danny Healy-Rae and I have taken 18 buses to Belfast and the 19th is travelling next week to allow people to avail of a 15 minute cataract procedure. Otherwise, they would be expected to wait for up to four years for such treatment on the public waiting list. I had a constituent in his 90s who was expected to wait four years for a cataract procedure. He was slowly getting more blind each year and I dread to think would have happened if he was still waiting on the Government to provide a cataract procedure for him.

On many occasions in this Chamber I suggested that Bantry General Hospital or Mallow General Hospital could be utilised for cataract procedures as that would go a long way to reducing waiting lists. In Belfast the hospitals operate a weekend model where procedures such as cataracts, hips, knees and every other imaginable operation can take place on Saturdays and Sundays. Why can we not have a similar system here? Why do most hospitals shut down in Ireland at 5 p.m. on a Friday evening and real healthcare only resumes on Monday morning? We cannot continue to do that if we are to tackle waiting lists and help people who are suffering while waiting for procedures to be carried out. It is a joke. We know that many operating theatres, especially in rural hospitals, are not operating at full capacity. Some of them only operate two to three days a week. I have been told that it is due to staffing levels. No wonder our waiting lists are at an extremely critical point in this country.

I met the management of Bantry General Hospital as recently as last month to put forward the suggestion that the hospital could provide cataract procedures. I keep hearing the argument that the hospital does not have enough staff or facilities for such procedures in rural hospitals. Therefore, the sooner this Bill is amended, the sooner appropriately qualified healthcare professionals can register with the registration board and practise their professions. It is important that happens across the health sector.

I do not shy away from the fact that this is an important Bill. It is vital that we have proper regulations and that there is proper accountability. That goes without saying. We also need to address the fact that we have an influx of returning emigrants. I welcome them home, but I want to address the issues they face. For them to continue in their profession they must establish that while they were abroad they gained a certain degree of professional experience. Currently, there is undue delay in dealing with them. A board meeting must be held to establish their level of experience among other things. It is an inefficient system to have a board meeting. We should consider a board having a designated officer who would operate in accordance with the established criteria of the board. Such an officer would be a professional who would understand the board's objectives and criteria, and who could adjudicate on individual applicants, thus speeding up the process for returning emigrants who want to work in the medical profession. We must examine such matters as we need to encourage nurses, health and social care professionals to return to Ireland. How are we encouraging such healthcare professionals to

return home when they are left in limbo on returning home? We know there are health professionals who have returned home who have been left waiting months for their registration. That is unacceptable. Those people on returning home cannot immediately work in their profession because of the delay in processing their registration and they have to resort to taking up part-time, unskilled work. That is an appalling way to treat our healthcare professionals.

Returning emigrants from Australia, the US and England not only have to face the difficulty of applying for their professional registration, they also have the difficulty of sorting out their banking, insurance cover and driving licence. All those are major issues for our emigrants returning home. Why are we making it so hard to welcome people home and get them back into their old employment to do what they have been trained for down through the years? We should welcome them with open arms.

I will be a little parochial, but this is an important and valid point. Presumably the same situation is found in other places. There are two consultant posts in Bantry General Hospital which have not been filled because the hospital cannot get consultants. Why is that? I firmly believe proper incentives are not being given to attract consultants to take up those positions in the hospital. The Minister of State knows the importance of Bantry General Hospital to over 84,000 people in west Cork and much of Kerry. The Minister for Health was there recently, making announcements. He can be making announcements until the cows come home but if the consultants are not there to carry out the work, there is no point making any announcement. In the case of Bantry General Hospital, we have to put in the foundation before we start talking about all the other things that need to be done there. In my view, the foundation is the consultants. The HSE has failed to provide incentives that would bring consultants to the hospital. It has left it in a situation where the two consultants that are required have not been attracted and the posts have had to be advertised again. Are there incentives this time to attract consultants? If not, we are back to square one. As the Minister of State knows, management is doing an excellent job in Bantry General Hospital but we need the HSE to wake up.

We have a five-day hospital when we should have a seven-day hospital. Many people are suffering. I know of a young mother in west Cork who urgently needed an MRI scan at the weekend because she was suffering serious pain but she could not get it. That is outrageous and very unfair, and issues like this have to be tackled. We seem not to understand the system that is needed. It is sad that I have to go to the North of Ireland to see how the system works. If the Minister of State walks into Kingsbridge hospital in Belfast, he will see how it works, and he is welcome to come with me sometime. It is flat out there on Saturdays and Sundays. People are cared for, no matter what their situation or their ailments, seven days a week, non-stop. That is the system we need to build. We have a second class healthcare system at the moment and it will stay second class until we tackle those issues. I will support the Bill.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputies for their constructive contributions to the Second Stage debate and their support for the Bill overall. As I indicated earlier, the purpose of this technical Bill is to amend the Health and Social Care Professionals Act 2005 to provide that any non-Irish health and social care professional qualification which has previously been recognised in the State will not have to be recognised again for the purposes of registration under the Act. Holders of such qualifications can then be statutorily registered and practise their professions. I commend the Bill to the House.

Question put and agreed to.

Health and Social Care Professionals (Amendment) Bill 2018 [Seanad]: Referral to Select Committee

Minister of State at the Department of Health (Deputy Jim Daly): 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.

The Dáil adjourned at 9.45 p.m. until 10.30 a.m. on Wednesday, 12 December 2018.