



DÍOSPOIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OFIGIÚIL—*Neamhcheartaithé*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 18 Nollaig 2018

Tuesday, 18 December 2018

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

*Paidir.
Prayer.*

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: Everybody in this House wants to see the national children's hospital completed on time and within budget. As we know, the project has gone through many trials and tribulations. The Mater site did not get planning permission and then the site at St. James' Hospital site was identified by the then Minister for Health, Senator James Reilly. When that was announced the cost was estimated at around €485 million. In 2016, after planning permission had been sanctioned, the cost was estimated at about €650 million. We are now told that the projected cost is €1.4 billion. This is despite the fact that on 27 September, and the week before that in reply to a parliamentary question asked by Deputy Cowen, the Minister for Health, Deputy Harris, said it would be about €983 million. In the space of about six weeks it has apparently gone from less than €1 billion to €1.4 billion, which is extraordinary stuff.

The management of major capital projects is critically important. We have a Minister for Health, we have a Cabinet committee on health, and yet the recently projected cost of €1.4 billion seems to have caught everybody by surprise, including the Taoiseach. It has an impact on other projects within the health service and indeed across the public service in general. The Secretary General of the Department of Health has met the hospital group with a view to reining in costs. At an event in recent days, the Taoiseach himself said that the cost has gone beyond all expectations and beyond what anybody anticipated, and that it would mean other projects or services would be scratched or certainly delayed. We have recently seen a report from the Health Information and Quality Authority, HIQA, which comments very critically on clapped-out equipment in hospitals throughout the country. It refers to 12 year old equipment at the Mercy University Hospital in Cork. It mentions St. Michael's Hospital, Dún Laoghaire. Breast cancer equipment in Cork University Hospital, which is a centre of excellence, is out of date. The ballooning costs of the children's hospital and the nature of how this has come into the public domain suggests that many of these requirements of hospitals throughout the country will not now be met because of the impact of the soaring cost of the children's hospital and the lack of any controls put in place.

Why the absence of transparency on this? Deputy Cowen has been pursuing this for quite some time, as indeed have many journalists such as Mr. Paul Cullen. Will the Taoiseach confirm that the up-to-date projected cost, including IT and fit-out costs, is €1.4 billion? Is that the upper limit of the cost of the hospital? How did this overrun occur? Were there deficiencies at tender stage? Will the Taoiseach outline to the House what other projects will be delayed or cancelled as a result of the overrun on the children's hospital, and will he specify that in terms of Health and other Departments? Will the Government stop stonewalling on this and provide a detailed and transparent presentation on this entire issue because the public is entitled to know?

The Taoiseach: I think we all agree that the country's new children's hospital is a project that we all support. We all want to see it built, if not on time and maybe even not ahead of schedule-----

Deputy Mattie McGrath: It is still in the wrong place.

The Taoiseach: -----and open to the children of Ireland to receive the best quality paediatric healthcare in the world, which is what I believe they deserve. This project is the biggest single investment in healthcare in our history and it allows three rather old hospitals at Crumlin, Temple Street and Tallaght to be replaced by a new state-of-the-art hospital. It will be a hospital with all the best equipment: five MRI machines, ten theatres for children who need operations, outpatient departments, and single rooms for every child to reduce the risk of infection, give them the privacy they deserve, and ensure that their parents can stay with them at night if need be. This is going from antiquated infrastructure that is not up to standard to what will be, I believe, one of the best children's hospitals in the world when it opens.

We are getting there. Deputy Micheál Martin is right to say that this project has a long history. The fact that planning permission was not secured at the Mater caused cost and delays. We now have planning permission secured for the site beside St. James's.

The children's hospital itself comes into existence on 1 January 2019. The three hospitals will be merged under a single governance structure, which is getting right the hospitals' merger across the three sites before they come together in the one building.

Deputy Micheál Martin: We know all this.

The Taoiseach: The satellite centre at Connolly Hospital is almost finished. I visited it yesterday. It will be open to patients next summer. Tallaght is very well advanced. The enabling works, the site works and the phase A works are now close to completion at the St. James's site.

It has a dedicated board, a paediatric hospital development board, which was set up with the express purpose of making sure that this project was driven by expertise, people who knew how to do big projects. The board is made up of people who have experience in this area and has a CEO who is experienced in this area.

This morning, Cabinet met and discussed the issue of the escalating costs. We agreed to accept the new overall cost, which is €1.433 billion. That represents a €450 million increase on what we had projected in April 2017. Of that, €319 million is made up of increased constructions, €50 million is VAT and the remainder relates to staff planning, design teams, risk contingency and the management equipment service to make sure that the hospital is properly equipped.

There will be further investigations as to how these costs escalated by so much since April last year, and the National Paediatric Hospital Development Board will be available to brief members of the Committee of Public Accounts and of the Oireachtas joint committee to give them any information that they want about this project and about the reasons behind the escalating costs.

Deputy Micheál Martin: The Taoiseach's confirmation is incredible. On 27 September, with great gusto, the Minister stated, "We are making a massive €1 billion investment in children's health, which is right and proper". Today is 18 December. The cost of the hospital has increased by approximately €400 million in the space of weeks. Did anybody tell the Minister, Deputy Harris, on or around 30 September that the figure he gave to the House could be €400 million out? It is beyond comprehension. Who is reporting to the Minister, the Cabinet committee on health and the Minister for Public Expenditure and Reform, Deputy Donohoe, on this matter? The Minister, Deputy Harris, is quite stoic about this. I have to admire his poker face. However, there must have been some behind the scenes engagement on the increase. The Taoiseach stated that the matter would be investigated. Who is responsible for this and who is accountable to whom? Ultimately, the Minister is accountable to the committee and should appear before it, along with the hospital board. It is extraordinary that in the space of six weeks the estimated cost has gone from less than €1 billion to €1.433 billion.

An Leas-Cheann Comhairle: Deputy Martin has overshot the runway.

Deputy Micheál Martin: Was there confidence among the members of the Cabinet during its deliberations this morning that the figure of €1.433 billion is the upper limit? Does it include the costs of an information technology system and the fit-out of the hospital?

The Taoiseach: The board is responsible for the project and accountable to the Minister. Of course, the Minister and the Government are accountable to the Oireachtas. As I stated earlier, the board is happy to receive a delegation from or meet the Oireachtas Joint Committee on Health and the Committee of Public Accounts to give further information on the reason for the cost escalation. I repeat that this is the biggest ever single investment in the health of our children.

Deputy Mattie McGrath: Some €400 million is a lot of money.

The Taoiseach: It may turn out to be one of the most expensive children's hospitals in the world but it will also be one of the best. Its first elements, such as the satellite centre in Blanchardstown, will open to patients next year, while the centre in Tallaght will open the year after and the main campus will open in 2022. Work is very much under way. This project is real. The hospitals will be under a single governance structure as early as January 2019.

Deputy Micheál Martin: Is the Cabinet confident this figure is the upper limit?

The Taoiseach: The cost of €1.433 billion is-----

Deputy Mattie McGrath: A cost of €1.4 billion to start with.

The Taoiseach: -----the gross or agreed maximum price, which contains assumptions on tender price indexes and the cost of inflation which may cause the cost to increase. I will not pretend otherwise.

Deputy Micheál Martin: Has the Cabinet been so advised?

The Taoiseach: Yes.

Deputy Micheál Martin: The Cabinet has been advised that that is not the upper limit.

The Taoiseach: It may be the upper limit but it is based on certain contingencies.

Deputy Micheál Martin: The Taoiseach is indicating the final cost could be higher and the Cabinet has been advised of that.

The Taoiseach: It is possible.

Deputy Pearse Doherty: There is widespread public concern and anger at the manner in which a family was evicted from its home near Strokestown in County Roscommon last week. The video footage of the incident is shocking, to say the least. It shows a private security firm being given free rein to do as it pleased in evicting a family from its home. It is appalling that any family would be subjected to the type of treatment visited on this family last Tuesday. It was an ordeal of thuggery inflicted by a group of men acting on behalf of a financial institution while gardaí watched. That is of significant concern to right-thinking people. What happened in County Roscommon was a disgrace and it was unjustified. It brought to mind scenes from our past when families were evicted and thrown onto the side of the road.

The shocking reality is that those undertaking this type of act on behalf of banks and vulture funds are not authorised or regulated and are not covered by the Private Security Services Act. That was confirmed to my colleague, Deputy Ó Laoghaire, by the Private Security Authority. It is time for a policy shift away from satisfying the demands of banks and towards supporting families and communities. Pressure must be brought to bear on the financial institutions using these outfits to turf people out of their homes. They cannot simply shrug their shoulders and pass this off and neither can the Taoiseach. It is extraordinary that we expect door staff or shop security staff to be regulated and comply with the highest standards but that does not apply to these individuals. It is extraordinary that a person fitting a lock to a front door must be regulated but these henchmen and enforcers for the banks can ram down an elderly citizen's door and drag him from his home by the ears without regulation, authorisation or oversight. The lack of accountability is shocking. Those who are enforcing evictions and acting in a violent and abusive way need to be held to account. There is an urgent need for regulation in this area and it can be done quickly by amending the Private Security Services Act by adding a new category of security personnel to come within the remit of the Act and the scope of the Private Security Authority. This morning my colleague Deputy Ó Laoghaire published legislation to achieve this and it needs to be achieved now. We need to ensure we will not see a repeat of the incidents and nonsense we saw on Frederick Street in Dublin in September where people were wearing balaclavas, or the incidents in Roscommon last week and those that followed it. Will the Taoiseach support the legislation we have published today to ensure these bank enforcers can no longer operate without oversight, authority and regulation which have not applied heretofore?

The Taoiseach: We all need to be careful in this House not to say too much about individual cases without knowing the facts. If the Deputy read the newspapers today and followed the coverage of the story, he would realise the facts behind this individual case seem to be about much more than an elderly farm family being evicted from their farm. The case involves many years of debts and arrears, VAT fraud, tax evasion and many other things. Therefore, we should be careful not to assume that in any individual case there are no reasons behind it.

(Interruptions).

An Leas-Cheann Comhairle: The Taoiseach to continue, without interruption, please.

The Taoiseach: To answer the Deputy's question, as matters stand, under the Private Security Services Act 2004, anybody who engages in private security work is obliged to comply with the law and behave in a lawful manner. While doormen, those who fit alarms and provide security at events are required to be regulated by the Private Security Authority, those executing eviction orders are not. It is perhaps the case that when the law was enacted by the Oireachtas in 2004, that was overlooked. We accept that it may well be wise and a good idea to amend the law to cover the regulation of security agents by the Private Security Authority. The Minister for Justice and Equality, Deputy Flanagan, said as much yesterday and will do some work on that issue. If it is the right thing to do, as I believe it is, we will regulate those who are providing security services, or whatever the correct term for them is.

It is important to point out that the eviction order was executed following a High Court hearing. Nobody likes to see anyone being evicted in any circumstance. Nobody wants to see it happening, particularly in the run-up to Christmas. However, the High Court does not issue eviction orders lightly. In Ireland 116,000 mortgages have been restructured. Some 116,000 people have sought help and had their mortgages restructured, yet only 400 eviction orders have been executed in the last year. Some 100,000 mortgages were restructured and only 400 eviction orders were executed last year. The High Court has a very high barrier in allowing eviction orders to be issued. I refer to repossession orders in the first place and eviction orders thereafter. The court does not issue them lightly. It is important that we bear that in mind because we live in a society in which many who wish to buy a home struggle to obtain a mortgage. Many who have a home make mortgage repayments at higher rates than those in other countries. We need to bear in mind the facts beyond that. Some 100,000 people have had their mortgages restructured, while there were just 400 eviction orders. The High Court does not issue eviction orders lightly, nor are they executed lightly.

Deputy Paul Murphy: Did the Taoiseach watch the video of the eviction?

Deputy Pearse Doherty: The Taoiseach talks about the facts. Last week he responded that he had watched the video of me questioning some of the bankers. Perhaps he might confirm that he watched the video of the bank enforcers and how they behaved with the family in question. No family, regardless of circumstances, should be treated in this way. It is not the Revenue Commissioners that are evicting families. That banks' enforcers, these thugs - I call them thugs - can enter somebody's property, cut down locks, break down doors, take somebody out by their ears, kick somebody on the ground and push them out of their own home and property while gardai watch on is not acceptable. We have raised this issue with the Taoiseach countless times. It is not just bank enforcers who are unregulated. We have rent receivers who are unregulated. Why are they doing this and why are the public so outraged? I commend the public for standing up in solidarity with the family and people facing eviction and against thuggish behaviour we saw last Tuesday. Why are they doing this? It is because the Government has completely abandoned these communities. It has rolled out the red carpet for the vulture funds. It allows thousands of sales of restructured performing mortgages to take place to vulture funds outside the code of conduct of the Central Bank. Time and again it has allowed the banks to ride roughshod over ordinary people.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Pearse Doherty: Will the Taoiseach ensure this is the last time unauthorised and

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unregulated bank henchmen will enter property and behave in the despicable way we saw in Roscommon last Tuesday?

The Taoiseach: I agree with the Deputy that we need proper regulation in this area, as the Minister for Justice and Equality acknowledged yesterday. He has established an interdepartmental group to examine the issue, with a view to it reporting to him in January, which is only in a few weeks' time. As I said, I agree that we need regulation in this area. I also agree that nobody ever wants to see people evicted from their homes, particularly at Christmas time. Where evictions occur, they should only ever happen in rare cases after the court has heard both sides of the story and issued first a repossession order and thereafter an eviction order, as I understand happened in this case.

I am very concerned that the Deputy has had nothing to say about what happened afterwards, when 20 or 30 people arrived in a cattle truck and armed with baseball bats. They injured three or four other people, set cars alight and caused an animal to be shot dead. I find it very concerning that the Deputy has nothing to say about this. He has made two contributions and not condemned-----

Deputy Pearse Doherty: I did in my first contribution.

The Taoiseach: The Deputy did not condemn-----

Deputy Pearse Doherty: We have already made it clear that we do not condone violence-----

An Leas-Cheann Comhairle: The Taoiseach to continue, without interruption, please.

Deputy Pearse Doherty: -----but the Taoiseach continues to-----

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Pearse Doherty: The Taoiseach has not said one word about the thuggish behaviour.

An Leas-Cheann Comhairle: Will the the Deputy, please, restrain himself?

Deputy Pearse Doherty: That is the problem. The Taoiseach stands behind the banks and their enforcers. We have already said we do not condone violence.

Deputy Simon Harris: Does the Deputy condemn it?

An Leas-Cheann Comhairle: Deputy Pearse Doherty and I will not stand at the one time.

Deputy Pearse Doherty: The Taoiseach has refused to condemn the thuggish behaviour of the bank enforcers on Tuesday. That is the reality and the signal he sends to people.

An Leas-Cheann Comhairle: The Deputy might not like the answer, but-----

The Taoiseach: I condemn violence and thuggish behaviour by anyone under any circumstance. Let there be no doubt about that, but in two contributions - in fact, now in three contributions - Deputy Pearse Doherty has dismissed the fact that tax evasion is a serious offence.

Deputy Pearse Doherty: The Taoiseach is not listening.

The Taoiseach: The Deputy has criticised the Garda. He has criticised the High Court for

making the order, having heard the case.

Deputy John Brady: Stop the spin and start listening.

Deputy Pearse Doherty: The Taoiseach is not listening.

An Leas-Cheann Comhairle: The Taoiseach is in injury time.

The Taoiseach: Deputy Pearse Doherty has said nothing about the thugs who climbed on the back of a cattle truck - 20 of them - who broke into property, injured three people and killed a dog-----

Deputy Pearse Doherty: Were the bank enforcers thugs? The Taoiseach is happy to call one set of people thugs.

An Leas-Cheann Comhairle: I am moving on immediately to Deputy Brendan Howlin.

Deputy Pearse Doherty: Doublespeak from the Taoiseach.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Pearse Doherty: It is a disgrace that the Government is doing what landlords in the past were allowed to do.

An Leas-Cheann Comhairle: If this continues, I will have no choice but to-----

Deputy Pearse Doherty: It is disgraceful.

The Taoiseach: When it comes to Sinn Féin and the rule of law and public order and condemning violence, it does not take very long for your balaclava to slip.

Deputy Pearse Doherty: Absolutely disgraceful.

An Leas-Cheann Comhairle: I call Deputy Howlin.

Deputy Pearse Doherty: Absolutely disgraceful.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Pearse Doherty: When I spoke to the family today, they told me to tell the Taoiseach that they were in a very vulnerable position and at the end of their tether.

An Leas-Cheann Comhairle: If the intention is-----

Deputy Pearse Doherty: The Taoiseach will call people thugs, but he will not call out what happened to these Irish citizens. It is disgraceful.

An Leas-Cheann Comhairle: If necessary, I will have to exercise-----

Deputy Aengus Ó Snodaigh: Withdraw the remark.

Deputy Pearse Doherty: The Taoiseach should withdraw the remark.

An Leas-Cheann Comhairle: What was the remark?

Deputy Pearse Doherty: It was about my balaclava slipping. It was disgraceful. They are

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diversionary tactics because the Taoiseach refuses to condemn what happened to Irish citizens at Strokestown.

An Leas-Cheann Comhairle: I suggest they both read the “Blacks” when they are available and perhaps we might revisit the matter.

Deputy Aengus Ó Snodaigh: It was very clear. There is no need to read the “Blacks”.

An Leas-Cheann Comhairle: They can both read the “Blacks” and if we have to revisit the matter, we will. I call Deputy Howlin.

Deputy Brendan Howlin: The report of the Commission on the Future of Policing in Ireland is a strategy to transform policing in Ireland.

(Interruptions).

Deputy Brendan Howlin: I will wait until there is order.

An Leas-Cheann Comhairle: Please, Deputies. I call Deputy Howlin, who does not interrupt.

Deputy Brendan Howlin: I take it we will start the clock again.

An Leas-Cheann Comhairle: That is fine. We will start the clock again.

Deputy Brendan Howlin: The report of the Commission on the Future of Policing in Ireland is a strategy to transform policing in Ireland. The report rightly notes that many people have very good relations with An Garda Síochána. We want to preserve everything that is right with An Garda Síochána. There is, equally, a need for large-scale, once in a generation reform and change in how the force is structured and operates. It is important we get this right. At first glance, there are many things in the report with which everyone in this House, and certainly in the Labour Party, would agree.

I welcome the centrality of human rights, the role of policing in promoting human rights and enhancing capacity in areas such as security intelligence. I also welcome the clear focus on front-line community policing, for which I have long called. What is proposed here is a new district policing model where all personnel at district level should be considered to be community policing. Community policing is not just a label to be applied. It involves a different approach to policing and close engagement with communities and with citizens.

One of the features of the report is that it envisages drawing clearer, cleaner lines between the functions of An Garda Síochána and other public bodies. There is, however, one suggestion in the report that runs counter to the logic of independence and separation of function. I refer to the recommendation that the Garda Commissioner should again be in charge of appointing senior personnel in An Garda Síochána and that he or she should also be in charge of setting remuneration policy within the force. I believe fervently that this is wrong. One of the most important reforms already made to An Garda Síochána, in the ten years we have been trying to make reforms, has been creating an independent process for the appointment of senior police officers.

We recognised that the appointment of senior people had become far too incestuous. It led to perverse outcomes such as senior staff often being more loyal to the Garda Commissioner

than to the public. This created an unhealthy inner circle at the core of An Garda Síochána. It is a power this House removed and I believe passionately that it should stay removed. All of my experience, in and out of government, leads me to believe an independent appointment process for senior gardaí is the single most important reform that should be retained.

I understand a minority report within the review body came to the same view. Those members of the commission were against this measure. I ask the Taoiseach at least to discuss it openly with us all. I do not believe every single recommendation needs to be accepted. This is of such fundamental importance that I ask him to reject the notion of returning senior appointments to the Garda Commissioner.

The Taoiseach: I thank Deputy Howlin and acknowledge his long-standing interest in reform of An Garda Síochána. I also acknowledge the work he did in driving that forward in the previous Government. We had a chance at Cabinet this morning to discuss the recommendations of the Commission on the Future of Policing in Ireland. That was chaired, as Deputy Howlin knows, by Ms Kathleen O'Toole. We have agreed to accept the 157 recommendations, 136 in full and 21 in principle. There are some difficulties with those 21 recommendations. We are accepting them in principle but, for example, we do not agree that the Garda Commissioner could set pay because pay policy is centrally bargained. We could not have the Garda Commissioner setting pay and then not have school principals or hospital managers doing the same. We do have difficulty, therefore, with aspects of the report and there is some work to do.

It is a good report and a good opportunity to reform our police service to make it better than it has ever been. I believe now is a good opportunity because we have new leadership with the new Commissioner, we have a plan for reform from the O'Toole commission, and we have the resources in the form of an increasing budget for An Garda Síochána as well as increasing numbers of gardaí. We are in a good place to bring about Garda reform and improvements in our policing service, particularly community policing. Part of the structural reform put forward is about strengthening GSOC, turning it into an independent police ombudsman with more resources and authority to investigate complaints about gardaí. It involves putting elements of the Policing Authority and the Garda Inspectorate together into a new oversight body called the policing and community oversight safety commission, PSOC. This will ensure it is not a case of oversight being diluted but of creating a new oversight body.

Crucial to the recommendations is that the Garda Commissioner should be allowed to become a true CEO of his or her organisation. Some people feel that in recent years it has been hard for the Garda Commissioner, whoever it is, to run the Garda because of accountability to the Garda Inspectorate, the Policing Authority, GSOC and the Departments of Public Expenditure and Reform and Justice and Equality. It is hard to do one's job when one is accountable to five different bodies at different times. In any organisation, the chief executive officer is accountable to a board within the organisation. The O'Toole commission recommended we move to the type of structure where the Garda Commissioner can become a true CEO and run his or her own organisation but does not have a free hand to do whatever he or she likes. The commissioner will still be accountable to the Garda board and then to the structures above it.

This will require significant legislation and that specific change will require a debate in the Dáil. We will certainly be happy to hear the views of Opposition parties because that change can only be made with a majority vote in the Oireachtas and not just by a decision of the Government.

Deputy Brendan Howlin: I warmly welcome the bulk of recommendations and I welcomed the process when it was inaugurated. It really is a transforming moment for which we have waited a long time. There is one net issue, however. The report stated that the right mix of skills can be achieved by giving the Garda Commissioner the freedom to design his own team. It cannot be right for whoever is at the apex of the Garda Síochána to design and select the management team of An Garda Síochána. That is not how any Department works. The Secretary General of a Department does not pick all the senior civil servants. The CEO of an agency of the State, be it IDA Ireland, Enterprise Ireland or the Environmental Protection Agency, does not pick the key personnel to be appointed. It made a profound difference when we handed the function of appointing the most senior gardaí to an independent commission. To go back on that would undermine this really important raft of reforms. Eddie Molloy is somebody who I have relied upon for intuitive and knowledgeable advice for many years. His minority report is worth reading. Will the Taoiseach reflect long and hard on this one net issue?

The Taoiseach: As I understand it, none of this will actually change. The new framework will not be in place until 1 January 2021. That is quite some time away. It will require primary legislation, which will have to be scrutinised and considered by the Oireachtas Committee on Justice and Equality, the Dáil and the Seanad. This is an issue which we can tease out. We want to get this right.

My understanding of the commission's recommendations, having discussed the report with Kathleen O'Toole, is that the idea the majority of members are putting forward is that we-----

Deputy Brendan Howlin: I have spoken to Kathleen O'Toole too.

The Taoiseach: -----should have a CEO type model and the Garda Commissioner should be allowed to run the Garda in the same way as the CEO of any organisation is allowed to run it.

Deputy Richard Boyd Barrett: The Garda is not a business.

The Taoiseach: It is not a case of hand-picking appointments and promotions. There will be a Garda board in place. One will see many organisations in the public and private sector with a CEO and a board. The CEO does not get to hand-pick key staff. That has to go through a board and there has to be a proper recruitment procedure where people can apply for jobs.

Deputy Brendan Howlin: There also has to be external people.

The Taoiseach: One development we want to see, of which I know the Garda Commissioner, Drew Harris, is in favour, is more people coming in from the outside. We have a division in the Garda between sworn gardaí and Garda civilian staff. We want to put that together into a single organisation. We want to have in Garda top brass and senior management a mix of people, some who are sworn policemen and others who are experts coming in from other parts of the public service and outside.

Deputy Mattie McGrath: I do not condone violence from any source.

The Central Bank's residential mortgage arrears and repossession statistics for the second quarter of 2018 show that accounts in arrears for more than 700 days now constitute 42% of all accounts in arrears. At €2.5 billion, they represent 91% of outstanding arrears balances. Non-bank entities now hold 61,446 mortgage accounts for principal dwelling houses and buy-to-lets combined. Of this number, 47,820 relate to principal dwelling house mortgage accounts.

These numbers provide us with some important context for the sad events that unfolded in Roscommon last week. Video of the event shows two elderly brothers and their sister being violently dragged against their will from the only home they have had for 64 years by private security agents all the way from Craigavon in County Armagh. Much has been made of the physical violence surrounding the event but remarkably little has been heard about the financial and emotional violence heaped on the tens of thousands of families right across the State by both the banks and the so-called vulture funds. They have terrorised the old and infirm not with baseball bats but with bailiffs and sheriffs. The registrar and county sheriff system have too often been allowed to act with impunity, inflicting misery on ordinary people and families in mortgage distress. Private investment funds have launched their attacks through the letter box, with menacing and demanding letters and late-night phone calls. They have driven fathers to suicide and left children devastated by loss on many occasions. I am aware of many examples and I am sure the Taoiseach is too. These investment funds have imprisoned mothers who have tried to stand up to them in the courts despite having no legal representation.

Is this not a violent assault equal in gravity and distress with the events of last week? It is. Only last week I had to write to Start Mortgages after representations were made to me on behalf of an elderly couple in County Laois. Start Mortgages is pursuing the couple despite being notified through medical certs and otherwise that the husband is suffering from a terminal illness and is wheelchair-bound, and despite their attempts to engage constructively to repay the debt. There has been no meaningful engagement from Start Mortgages.

Every day of the year, families are being hounded or terrorised by debt collection practices in the State. These can only be described as vicious, cruel and inhumane. They are being supported by a hands-off approach that gives a de facto blessing and the guise of legality because gardaí stand idly by. I am not blaming those gardaí. Courts are handing out court orders with no indication of how these orders should be enforced. They must change or otherwise we are simply giving a blank cheque to these firms to act in any way that they see fit with the blessings of the court backing them. A third force is meanwhile coming in from Northern Ireland. I call on the Taoiseach to take action and do what Deputy John McGuinness's committee recommended, which is to give powers of compellability and allow committees to bring these people before them at least.

The Taoiseach: I acknowledge that the Deputy raised a sensitive matter in a very appropriate and reasonable manner. I recognise that he has put on the record his condemnation of violence from any source, as I do.

It is important to acknowledge that mortgage arrears are going down in Ireland. Five or six years ago there were hundreds of thousands of people out of work and unable to pay their mortgages, leaving those mortgages in arrears. As the economy has recovered and more people are back at work, and as incomes are rising again, mortgage arrears are decreasing. A corps of people nonetheless may never be able to repay what they owe, and those people need our help. We have put in place systems to help them, specifically the Abhaile scheme through which people can get legal and financial advice to help them restructure their debts. There are 116,000 mortgages in Ireland that have been restructured and 87% of those loans are performing or being repaid. There is help there and the 116,000 families in Ireland that have had their mortgages restructured are proof of that.

We can take the mortgage-to-rent scheme, where a party may give up a home but remain in it. A person who cannot pay a mortgage would surrender the property to the lender but he or

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she may stay in it and pay rent. There are now 424 families who have retained a home by being willing to give it up but to rent it thereafter. The 116,000 people who have had their mortgages restructured and the 424 families who have signed up for the mortgage-to-rent scheme are a much greater number than the number of eviction orders being executed. The number of such orders being executed is actually going down. It was 400 last year and the previous year while it was 900 the year before that. Courts hear both sides of the story and rarely issue a repossession or execution order unless there is good cause and other avenues have been exhausted. I would say to people that if they genuinely cannot pay back their debts, they should seek the assistance that is available. Many people have done that and have been able to either settle their debts to their satisfaction and stay in their homes or have their loans restructured.

Deputy Mattie McGrath: I am surprised by the Taoiseach's reply. While meaningful efforts are being made in many cases, there are many cases - we all know of them - involving business people, farmers and family home owners who are trying their best to deal with the banks but the banks will not entertain them and drag out the process forever. We must send a clear message to the people who carry out these violent evictions with cruelty and impunity. They are a third force and should not be in this State. We are a sovereign state and have An Garda Síochána and the Army, who serve us well. Nobody condones violence from any source and I certainly do not condone it, but the fact remains that people are being driven to the brink day in and day out by the menacing behaviour and lack of engagement from the banks. They see a different person in the bank every time they visit it. What happened in Roscommon was people were responding to enormous desperation and the perception that all the powers of the State and the courts are doing nothing to shield them from the brutal regime of evictions. The Taoiseach said that the courts do not issue repossession and eviction orders lightly. I hope so but laypersons cannot represent themselves in court. They are intimidated, bullied and treated very badly. Above all, we do not want a third force from Northern Ireland or even from here. I raised this issue with the Government in 2015 when it happened in Carlow and I have raised it umpteen times with the Taoiseach. Will the Government change the legislation to ensure that these people are sent back to where they belong and back to their former paramilitary past if that is what they want?

An Leas-Cheann Comhairle: I ask the Deputy to conclude his remarks.

Deputy Mattie McGrath: Let the people of Ireland deal with this honestly and repay as best they can. The issue of evictions is very emotive.

An Leas-Cheann Comhairle: The Deputy cannot continue to ignore the Chair.

Deputy Mattie McGrath: I want the Taoiseach to take action.

An Leas-Cheann Comhairle: The Deputy cannot continue to ignore the Chair.

Deputy Mattie McGrath: I have spoken much less than other speakers.

An Leas-Cheann Comhairle: I will decide that.

Deputy Mattie McGrath: I accept we are a minute and a half over-----

An Leas-Cheann Comhairle: I will decide that, not the Deputy.

Deputy Mattie McGrath: I am way under the time.

An Leas-Cheann Comhairle: I have been more than fair.

Deputy Mattie McGrath: I can see the clock. The Taoiseach has to act.

An Leas-Cheann Comhairle: The Deputy must have respect for the Chair.

Deputy Mattie McGrath: Look at the clock. What about other parties? They can be two minutes over time.

An Leas-Cheann Comhairle: I will deal with other parties.

Deputy Mattie McGrath: You do not do that.

An Leas-Cheann Comhairle: Is the Deputy making an allegation?

Deputy Mattie McGrath: You did not do it today.

An Leas-Cheann Comhairle: I ask the Deputy to withdraw the allegation that I am giving-----

Deputy Mattie McGrath: We discuss this every day in the Business Committee.

An Leas-Cheann Comhairle: I ask the Deputy to take his seat and to withdraw the remark concerning favouritism.

Deputy Mattie McGrath: Unless the clock is wrong-----

An Leas-Cheann Comhairle: I ask him to withdraw it.

Deputy Mattie McGrath: I did not say the word “favouritism”.

An Leas-Cheann Comhairle: I am giving a synopsis of what the Deputy said. If he feels I am doing that, I suggest he deals with it in the appropriate way.

Deputy Mattie McGrath: Can we go back to-----

An Leas-Cheann Comhairle: I will deal with it in my way and the Deputy can deal with it in his way.

The Taoiseach: I agree, in light of the events we have seen in recent weeks, that we need to extend regulation to these private security firms. It is already the case that a doorman or somebody fitting an alarm needs to be registered and is regulated. I agree that we need to extend regulation to these private security firms to make sure they act in accordance with the law. There are options for people who genuinely cannot pay their debts and the money they owe. The Abhaile service offers free legal and financial advice and there are court mentors available who will go into the courts with people and assist them. The proof of that can be seen in the 116,000 individuals and their families in this State who have had their mortgages restructured. Almost 90% of those are able to pay their bills. That is the right way to go and that is what I would encourage people to do.

An tOrd Gnó - Order of Business

Deputy Mattie McGrath: Today's business shall be No. 16, motion re report of the Subcommittee on Dáil Reform on the memorandum of understanding between the Government and Dáil Éireann on Private Members' Bills, including Standing Order changes; No. 10, Appropriation Bill 2018 - All Stages; No. 11, Houses of the Oireachtas Commission (Amendment) Bill 2018 - All Stages; No. 34, Health Insurance (Amendment) Bill 2018 [Seanad] - Order for Report, Report and Final Stages; No. 35, Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad] - Order for Report, Report and Final Stages; No. 36, European Investment Fund Agreement Bill 2018 [Seanad] - Order for Report, Report and Final Stages; No. 37, Data Sharing and Governance Bill 2018 [Seanad] - Order for Report, Report and Final Stages; No. 1, Employment (Miscellaneous Provisions) Bill 2017 - Amendments from the Seanad. Private Members' business shall be Second Stage of No. 58, Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2018, selected by Fianna Fáil.

Wednesday's business shall be: No. 16a, motion re presentation and circulation of Revised Estimates 2019, referral to committee; No. 16b, motion re sittings and business for joint sitting on 21 January 2019; No. 38, statements post-European Council meeting of 13 and 14 December, pursuant to Standing Order 111; No. 35, Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad] - Order for Report Stage and Report and Final Stages; No. 36, European Investment Fund Agreement Bill 2018 [Seanad] - Order for Report Stage and Report and Final Stages; No. 1, Employment (Miscellaneous Provisions) Bill 2017 - amendments from the Seanad; and No. 37, Data Sharing and Governance Bill 2018 [Seanad] - Order for Report Stage and Report and Final Stages.

Private Members' business shall be No. 211, motion re promoting cycling, selected by Fianna Fáil.

I refer to the report of the Business Committee, dated 13 December. In relation to today's business, it is proposed that the Dáil shall sit later than 10 p.m. and adjourn at the conclusion of Private Members' business. Private Members' business under Standing Order 143F for I4C will not be taken and in its place the Private Members' business which had not been taken on 4 December shall be taken at the conclusion of Government business, or at 9.30 p.m., whichever is the earlier, and the rota shall continue unchanged. The proceedings on Second Stage of No. 58 shall conclude within two hours. No. 16 shall be taken without debate and any division demanded thereon shall be taken immediately. The proceedings on Second Stage of No. 10 shall, if not previously concluded, be brought to a conclusion after 85 minutes and any division demanded at the conclusion of Second Stage shall be taken immediately. The speeches of a Minister or a Minister of State and the main spokespersons for parties or groups, or a member nominated in their stead, shall not exceed ten minutes each, with a five-minute response from the Minister or the Minister of State. All Members may share time. The proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 15 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. The proceedings on Second Stage of No. 11 shall, if not previously concluded, be brought to a conclusion after 40 minutes and any division demanded at the conclusion of Second Stage shall be taken immediately. Speeches on Second Stage shall be confined to a single round for a Minister or a Minister of State and the main spokespersons for parties or groups, or a member nominated in their stead, which shall not exceed five minutes each and all Members may share time. Committee

and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 20 minutes by the Chair putting the questions necessary to bring them to a conclusion, forthwith and successively, without debate.

In relation to Wednesday's business, it is proposed that the Dáil shall sit later than 10.15 p.m. and adjourn not later than 11.30 p.m., or at the conclusion of Government business, whichever is the earlier. Nos. 16a and 16b shall be taken without debate and any division demanded thereon shall be taken immediately. No. 38 shall commence immediately after Taoiseach's Questions and be followed by the suspension of sitting under Standing Order 25(1) for one hour. Statements shall be brought to a conclusion after two hours and 30 minutes, if not previously concluded. The speeches of the Minister and Minister of State and main spokespersons for the parties or groups, or a Member nominated in their stead, shall not exceed 15 minutes each. A Minister or Minister of State shall take the questions for a period not exceeding 20 minutes, with a ten-minute response from a Minister or Minister of State. All Members may share time. The Dáil, on its rising, shall adjourn until 2 p.m. on Tuesday, 15 January 2019.

An Leas-Cheann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with Tuesday's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: I remind Members that these are questions on promised legislation and not statements.

Deputy Micheál Martin: On the health aspect of the programme for Government, will the Taoiseach indicate when the health service plan will be published, if it has gone to Cabinet and if it has been approved by Cabinet? Will he indicate whether the Government or Minister is prepared to make a statement to the House and a presentation to the Oireachtas Joint Committee on Health, on home care packages, equipment needs of hospitals, mental health and the broader issue of retention and recruitment of healthcare staff, particularly consultants and nursing staff, which are in crisis in our health service?

An Leas-Cheann Comhairle: That is an appropriate question.

The Taoiseach: I am afraid we did not get to the health service plan today because there were a lot of items on the Cabinet agenda but Cabinet will resume this afternoon. I anticipate that we will get to it then and publish it this week.

Deputy Pearse Doherty: Yesterday, 95% of the members of the Psychiatric Nurses Association of Ireland, PNA, voted in favour of industrial action up to and including strike action in protest at the continuing recruitment and retention crisis in our health service. This morning, the Irish Nurses and Midwives Organisation, INMO, voted by a similar margin and its executive is to meet in early January to set in train a number of 24-hour stoppages. The threat of industrial action at any time is regrettable but there is no doubt that this is the outworking of the Taoiseach's policy and that of Minister for Health in tackling or not tackling the retention and recruitment crisis in our hospitals. This has happened despite nurses, midwives and their trade

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unions putting forward sensible proposals time and again and despite the House passing a Sinn Féin motion calling for a number of measures on recruitment and retention based on realistic pay proposals, which was about setting out a roadmap and working with unions to achieve full pay equality. Will the Taoiseach ensure the Government engages with the unions, nurses and midwives to ensure they get a fair deal and do not have to take strike action, for which they have now been given authority?

Minister for Finance (Deputy Paschal Donohoe): Earlier in the year, the Public Service Pay Commission published a set of proposals on this issue. The Government has already given a commitment that we will fund and implement these proposals for next year. A meeting of the oversight committee of the public service stability agreement is taking place tomorrow. As the Deputy will be aware, the way in which we engage with trade unions on issues such as this is through that body. We meet all unions together. It is not just a case of dealing with the issues in the health service raised by the Deputy because the knock-on consequences of that for all of our public services would cause huge challenges next year.

Deputy Brendan Howlin: The Taoiseach said yesterday that there were plans to pass 45 emergency Bills next year in the event of a hard Brexit coming to pass. I have raised this matter with him a number of times and he indicated we would be briefed on it. In the new year, there will be 29 scheduled sitting days between the time the House comes back and 29 March. Is it envisaged that we would pass 45 Bills, sight unseen at this stage, in 29 sitting days? Will the Taoiseach provide comprehensive briefing for the parties in opposition and for his backbenchers in advance of the recess so that we can have the Christmas period to examine and scrutinise measures that might be necessary next year? I heard the British Secretary of State for Health and Social Care say yesterday that he had become the biggest purchaser of fridges in the world as they stockpile medicines. That is how absurd things have become. We need to know specifically what we must do here to be ready for it and not be inundated by legislation we have not had time to reflect upon when we come back after the recess.

The Taoiseach: The first answer to the Deputy's question is "Yes". The Tánaiste will be providing a briefing at the stakeholders' forum on Thursday. If he has not been invited to that, he certainly will be.

Deputy Brendan Howlin: Can I just say that I raised this last week-----

The Taoiseach: The answer to the Deputy's second question is that it is not 45 items of primary legislation. There are 45 items - some regulation, some statutory instrument and some primary legislation-----

Deputy Brendan Howlin: All of which would have to be scrutinised here.

The Taoiseach: -----but it does not require 45 items of primary legislation or anything remotely close to that.

Deputy Brendan Howlin: On a point of order, this is not good enough. These are the same answers I got from the Taoiseach when he said he would give a briefing to the stakeholders' forum. The stakeholders' forum is not Parliament. These are parliamentary issues.

An Leas-Cheann Comhairle: If the Taoiseach wishes to clarify-----

Deputy Brendan Howlin: I have asked specifically for a briefing on the legislation, wheth-

er it is one Bill or 45 Bills-----

An Leas-Cheann Comhairle: We have got the Deputy's point.

Deputy Brendan Howlin: ----so that we are prepared when we come back after the Christmas recess.

An Leas-Cheann Comhairle: Does the Taoiseach wish to clarify?

The Taoiseach: It will be a comprehensive briefing because I imagine the Deputy will want to hear not just about the legislative aspects-----

Deputy Brendan Howlin: Can we have one in Parliament too?

The Taoiseach: -----of it but also the non-legislative aspects of it. The European Commission is not producing its legislative proposals until tomorrow so ours could only follow on from then because anything we do in domestic law has to fall under and be consistent with European law. We cannot do it before then.

Deputy Joan Collins: Did the Minister for Health, Deputy Harris, get approval from Cabinet today for the first phase of construction of the National Maternity Hospital at St. Vincent's Hospital? The first phase is the car park and the pharmacy. Is the Taoiseach concerned that the National Maternity Hospital plans are in breach of the European Commission's energy performance of buildings directive updated in 2010? Under that directive, all new buildings owned and occupied by public authorities must be nearly zero energy buildings from 2019. Duncan Stewart was at the press conference this morning and he has warned that unless the design is revised before build, there would be serious consequences down the line with this EC directive and that it could cost the State millions of euro.

The Taoiseach: The answer to the Deputy's question is "No". However, I understand that the Minister, Deputy Harris, wants to give the Cabinet a verbal update on the progress of that project at the afternoon Cabinet meeting.

Deputy Mick Barry: The *Irish Examiner* informs us this morning that one third of Threshold's clientele in Munster are currently facing notices to quit, which points towards a wave of evictions of renters in the early new year, no doubt encouraged by the Government's decision to give 100% tax breaks to landlords who renovate and who will be carrying out "renovictions" in some cases. The Roscommon eviction is the talk of the country.

An Leas-Cheann Comhairle: A question, please.

Deputy Mick Barry: I believe that mass, peaceful, people-power protest can stop evictions in towns and cities, beginning with people taking a stand and refusing to quit.

On legislation, last Thursday, the Anti-Evictions Bill was passed by 45 votes to 39 on Second Stage in this House. Will the Taoiseach assure the House that Fine Gael will not attempt to put this Bill into cold storage on Committee Stage and will he join me in saying that Bill should be fast tracked so as to ban evictions into homelessness?

An Leas-Cheann Comhairle: Deputy Eugene Murphy has a similar question.

Deputy Eugene Murphy: I had indicated to the Leas-Cheann Comhairle at an early stage that I wanted to raise this issue, and I knew he would call me. With all due respect to the Tao-

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iseach and everybody else in the House, I live three miles from the family. I grew up virtually beside them. I went to school with them, so I know those people better than anybody. People are very upset, first, with the way the eviction was carried out and, second, with the violence that took place.

An Leas-Cheann Comhairle: A question, please.

Deputy Eugene Murphy: It is important that I clarify this. This happened on my home turf and involved my friends-----

An Leas-Cheann Comhairle: There is no provision for that.

Deputy Eugene Murphy: -----and I am sure everybody will understand if I take a few extra seconds to deal with it.

An Leas-Cheann Comhairle: A question, please.

Deputy Eugene Murphy: The reality is that, as legislators, we have to move on this issue. I do not believe there is one person in this House who does not want to see those people back in their home for Christmas, irrespective of our different views, but I have one question for the Taoiseach. Does he agree it is time we all worked together on legislation to stop, once and for all, heavy gangs evicting people? That will be a major step in the right direction. In 2018, we should be well able to do that and stop what is a horrible situation for many people.

3 o'clock

Deputy John McGuinness: I reinforce what Deputy Eugene Murphy said and ask the Taoiseach whether he will take the initiative and look at the various tranches of legislation at one Stage or another before the House to ensure evictions such as we witnessed in recent days will not happen again. Will he answer another question in the context of the programme for Government? It states the Government will introduce legislation to protect small and medium-sized businesses and those in difficulty with their mortgages against vulture funds, but nothing has happened in that regard.

An Leas-Cheann Comhairle: This is Deputy Mattie McGrath's opportunity. He will not get a second one.

Deputy Mattie McGrath: No. I am sorry, but I am coming in on a different issue.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I will respond to Deputy Barry's question about protection for renters. I thank those involved in Threshold for the excellent work they do, which is why the Government, through the taxpayer, funds the work it does. We have a rent Bill that will bring about far stronger protections for renters. It is the Government's priority legislation when it comes to renters. It is a matter for the Business Committee and the Oireachtas joint committee to decide what will happen to the Anti-Evictions Bill passed last week, but I am keen to emphasise that there is consensus in the House on the Government's Bill providing stronger protections for renters. Much work has been done on the Bill in consultation with the Residential Tenancies Board. It is the Government's priority to pursue the legislation as quickly as it can.

An Leas-Cheann Comhairle: Does the Taoiseach wish to address the other questions briefly?

The Taoiseach: I will respond, first, to the questions from Deputies Eugene Murphy and McGuinness.

I agree with the sentiments expressed by Deputy Eugene Murphy. It is entirely appropriate that we now extend regulation to private security firms. We regulate doormen at night clubs and those who fit alarms in houses. It is entirely appropriate that we also regulate private security firms. The Minister for Justice and Equality is working on the issue and will come back with proposals in January. At the same time, we need to bear in mind that we have to stand over personal responsibility and people's responsibility to pay back the money they owe. There are people who need credit. There are many people who want to set up a business or buy a home for the first time. If others do not pay back their debts, there will be no credit for those who are trying to set up a business or buy a home for the first time.

Deputy John McGuinness: I am not suggesting that.

The Taoiseach: If other people do not pay back their debts and there is no mechanism in place to enforce it, we all face higher interest rates, including everyone who has a business or mortgage. We need to be realistic and honest. If people borrow money, they have to pay it back. If they do not, they are denying others access to credit and driving up interest rates for everyone, which is socially wrong.

An Leas-Cheann Comhairle: The Rural Independent Group is next.

Deputy John McGuinness: The Taoiseach answered a question that he was not asked.

An Leas-Cheann Comhairle: No; I am sorry, but there is no provision for this.

Deputy John McGuinness: The Taoiseach was asked a different question which he should answer. Is he going to honour the commitment made in government that the Government will introduce legislation to protect those who are in difficulty with mortgages and the SME sector against vulture funds? What he has addressed is completely different. He wants to distract people from the real issue.

An Leas-Cheann Comhairle: The Taoiseach may answer an appropriate question about the programme for Government.

Deputy Paschal Donohoe: I will take that question. The Government has brought forward a range of measures to give as much protection as possible to citizens who are facing great difficulty, whether mortgage holders or those who run or own small businesses. As the Deputy will be aware, recently I initiated through the Central Bank a review of the code of conduct on mortgage arrears. It shows that the measures we have in place are adhered to by the vast majority of banks and non-banks within the country. The review also covers the personal insolvency arrangements we have in place. When citizens make use of them, the overwhelming majority stay in their homes.

Deputy Eugene Murphy: There is no protection from the heavy gangs.

Deputy Mattie McGrath: The Road Traffic (Amendment) Bill of the Minister for Transport, Tourism and Sport, Deputy Ross, was discussed during a heated debate in the summer. The Minister introduced a paltry sum of €360,000 odd for the rural link bus service which in some areas has worked, limited though the service may be. The rural link company in County Tipperary has been very successful. On its one route it runs three or four day services, with

two evening services. However, the company will run out of money on 31 December. It has received no indication that there will be funding provided in 2019. This comes within the programme for Government. Will the Government support citizens living in rural areas and give them some modicum of support through rural transport services? No funding has been earmarked for next year. Companies and providers do not know where they stand.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): As the Deputy may know, the scheme announced during the summer was a pilot scheme. That scheme will come to an end on 31 December. The success or otherwise of such schemes will be assessed. In 2019 we will be reviewing the position, with a view to continuing the scheme in the future. The pilot was to assess how the model might work in rural communities.

Deputy Róisín Shortall: We have heard about the ballooning costs of the children's hospital due to the failure to nail down details in advance. It now seems that the Government is embarking on another major project, the National Maternity Hospital, in the absence of clarification on key issues such as ownership, governance, ethos and environmental standards. In advance of discussion of this matter at Cabinet this afternoon, will the Taoiseach give an undertaking that no contract will be signed and no work will start on this site until there is absolute clarity about each of those issues, and that the details on each issue will be published in advance?

The Taoiseach: As the Minister for Health will give Cabinet a verbal briefing on the matter this afternoon, I do not have the information to hand. I may be wrong but I understand that while this project has planning permission it has not yet gone to tender. It would have to go to tender before we could have an indication of its cost. We have to know that first.

Deputy Mary Butler: Page 41 of the programme for Government refers to jobs and job targets. Yesterday, the workers of the Waterford-based company Allsop were informed that it would close at the end of January 2019 with a loss of 18 jobs. The company has been manufacturing for the last 40 years and makes monitor stands and phone and tablet accessories. The company decided to close due to the loss of its most significant contract. For the families in Waterford this Christmas who do not know whether they will have a job in the new year, will the Government and relevant Departments prioritise helping and supporting these workers, some of whom have over 30 years service, through State supports, upskilling and securing new jobs?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank the Deputy for raising this matter. When any notification such as this is made to the Department, we immediately send somebody out to the organisation and hold information evenings for all those who are unfortunately losing their jobs to ensure that they know their exact entitlements and to get them on their social welfare payment immediately, but also to look at their skills, work with the Intreo offices and local jobs organisations and liaise with JobPath people to see what positions are available locally to try to get people back to work as quickly as possible. I will include the Deputy in correspondence on the matter this week.

Deputy John Brady: The CSO survey on income and living conditions 2017 was published yesterday. It shows that 109,000 people with jobs, the very people who get up early in the morning and go to work, are living in poverty. They are the working poor and the numbers are alarmingly on the increase. There are over 4,000 more people in employment at risk of poverty than 12 months ago. The Taoiseach has often said that the best route out of poverty is to find

a job but that is not true. Having a job does not guarantee a route out of poverty. We need the introduction of a living wage for working people to ensure that those in work are not living in poverty. When will the Taoiseach commit to introducing a living wage?

The Taoiseach: The CSO figures published yesterday are interesting reading for anyone interested in this area. It had two statistically significant findings, namely, that consistent poverty had fallen and that the deprivation rate had fallen. The deprivation rate has fallen from 30% five years ago to 18.8%, so the percentage almost halved in five years. Consistent poverty has fallen from 9% in 2013 to 6.7%, which is another very significant fall in poverty in the past four years. This is principally because more people are at work and unemployment has fallen by so much.

An Leas-Cheann Comhairle: I call Deputy Niamh Smyth.

Deputy John Brady: What about the living wage?

The Taoiseach: There are 2.3 million people at work and according to CSO figures, 1.4% are suffering from consistent poverty. Some 24,000 children were lifted out of poverty last year. While there are too many people in poverty in Ireland, there is no doubt that for four years it has been going in the right direction. There are more people at work, incomes are rising, fewer people, including children, are in poverty and in-work poverty has fallen to 1.4%. If one looks at this internationally-----

An Leas-Cheann Comhairle: The time is up, Taoiseach. I am trying to accommodate as many people as I can. I call Deputy Niamh Smyth.

Deputy Niamh Smyth: The programme for Government includes a commitment to make provision for carers. Less than a month ago, I raised in the House the crisis unfolding in Cavan-Monaghan where respite care services for parents are at breaking point. Respite care is an invaluable facility that should be available for parents of children who have an intellectual disability. Such is the frustration in Cavan-Monaghan that parents have started an action group and have called a public meeting in Cootehill tonight, near the Holy Family school attended by many of these children. Last week, when a question on this matter was put to the Minister of State at the Department of Health, Deputy Jim Daly, he told the Dáil the crisis had been fixed, there was nothing to see and we should move on. However, the truth is that 100 families in Cavan-Monaghan have no respite care for their children. Will the Taoiseach give a commitment to have the causes of the crisis in Cavan-Monaghan investigated? Will he also ensure that carers and respite hours are provided for these exasperated parents?

The Taoiseach: I am afraid I am unable to give an answer specific to Cavan-Monaghan. The matter would be best raised either as a parliamentary question to the Minister of State at the Department of Education and Skills, Deputy Finian McGrath, or by means of a Topical Issue matter, rather than-----

Deputy Niamh Smyth: It was meant to be addressed a month ago. That is why I have to raise it in the House today.

The Taoiseach: -----during questions on promised legislation. However, I know how important respite care is to families throughout the country. We have allocated funding for an additional respite house in every community care region this year and there will be additional funding next year.

Deputy Niamh Smyth: There is a crisis in Cavan-Monaghan.

Deputy Fiona O'Loughlin: The programme for Government refers to the Department of Education and Skills providing “world-class education”, something with which I could not agree more. I draw the Taoiseach’s attention to the situation in Newbridge where young boys and girls in sixth class will have no secondary school place next September. There is a waiting list in every one of our three secondary schools. In 2015, the Newbridge area was put on a Department list of areas in need of a new school. Last May, the then Minister for Education and Skills said that a decision and an announcement were imminent. This was then postponed until October and again until November. On 29 November, when I raised this issue as a Topical Issue matter, I was basically told to check the Department’s website. I have also raised it in parliamentary questions. The parents, children and community of Newbridge are suffering. When will an announcement be made and when will work start on a new secondary school for the area?

The Taoiseach: I am afraid the Minister for Education and Skills is not here, but I will certainly advise him that the issue was raised and ask him to provide a written response to the Deputy.

Deputy Lisa Chambers: It is my understanding that the Tánaiste will publish a framework document on contingency planning on Thursday, the day after the Dáil rises. We will have a stakeholder meeting on Thursday at 12 noon, but not in the Dáil. I agree with Deputy Howlin that we should be briefed in the House. This morning, Deputy Billy Kelleher and I wrote to the Business Committee to request that the Tánaiste come to the House at the earliest opportunity, either on 15 January or soon thereafter, to outline the Government’s contingency planning for all Brexit scenarios, including a no-deal Brexit. Will the Taoiseach confirm that he will ensure a briefing is given and there will be time for questions and answers in the Dáil Chamber on 15 January or very soon thereafter?

The Taoiseach: I am afraid we are a bit stretched at the moment. The Tánaiste is representing me in Vienna so I have not had the chance to speak to him today. However, he intends to give the briefing on Thursday. We cannot do it any sooner because we need the European Commission briefings, which will be available to us tomorrow. The request Deputy Chambers makes is entirely reasonable and I am sure the Tánaiste, the Minister of State, Deputy McEntee, or I will be available during the first week after the Dáil returns to give a further briefing to Oireachtas Members. It should be borne in mind that the last meeting of the European Commission’s seminars on this matter will take place on 19 January and anything we do must be consistent with what is done at European level.

Deputy Michael Collins: In the programme for Government, under the heading, Road Investment, the Government promised to increase the budget for local and regional roads “by approximately 50% in the years ahead as the national finances are repaired”. Almost three years after the programme for Government was commenced, the condition of many of our local and regional roads is appalling. I witnessed 11 vehicles with punctures or damage to rims caused by potholes yesterday morning in or close to Cahalane’s filling station in Bandon. This was prior to a meeting with the local area engineer in Bandon, at which I raised this shocking situation and he acknowledged the complete lack of funds for local roads. People who get up early in the morning cannot get to work due to the scandalous condition of the roads in Bandon and its surrounds. In wet weather I am reminded of a war zone. Will the Taoiseach step in and provide proper emergency funding for roads in west Cork?

Deputy Maurice Quinlivan: The Deputy is discussing potholes.

Deputy Brendan Griffin: Funding for local and regional roads will be announced early in the new year, which is earlier than usual. All going well, there will be an announcement in the first fortnight of 2019.

Deputy Imelda Munster: Does the Taoiseach ever take a walk around this city and see people living in tents outside the Garden of Remembrance or sleeping in tents outside shopping centres or just around the corner from the House, on Nassau Street, where one practically has to step over human beings huddled in sleeping bags? How does he think their Christmas will be? Does he think they will have a happy Christmas? They will have a miserable, cold and lonely Christmas and they will be filled with nothing but utter despair. Fr. Peter McVerry has said again that the Government's Rebuilding Ireland policy is an utter failure, with child homelessness at its highest rate ever. Everybody knows this and we also know that local authorities need to be funded to build council houses. We have told the Taoiseach that over and over again. I ask him not to give his usual spiel or have his Minister regurgitate inaccurate figures again. We are talking about human beings, families and children. Will the Taoiseach and the Government accept that their Rebuilding Ireland policy has been an utter and absolutely dismal failure?

Deputy Eoghan Murphy: I thank the Deputy for her questions. I have been out with outreach teams and I have been to family hubs. I know that Christmas can be a very special time for many people but for others it can obviously be incredibly difficult. Those most vulnerable this Christmas will be families who are homeless and in hotels or family hubs and the people who are sleeping rough on our streets. That is why we have made our commitments under Rebuilding Ireland. This year, an additional 200 permanent beds will become available to help people to move from rough sleeping into our emergency accommodation services and then into sustainable accommodation. In addition, 130 temporary beds will be put in place should there be more demand than expected due to a severe weather event or some other development. Next year, we will spend more money on housing in a single year than any previous Government has ever spent. This will deliver 10,000 new homes into the stock of social housing to help the people who are most vulnerable. That is what Rebuilding Ireland is about - real homes for real families who need our help.

Deputy Imelda Munster: They are on the streets.

An Leas-Cheann Comhairle: I will accommodate other Deputies on the basis that they are brief. I want Deputy Louise O'Reilly to set an example.

Deputy Louise O'Reilly: I will do my very best by talking quickly. The ink was not even dry on the Health Regulation (Termination of Pregnancy) Bill 2018 when we saw a letter from the chief medical officer, CMO, making clear that the three-day period the Government included in the legislation was not recommended by the committee and will, in fact, be four days. This is in direct contradiction to what the Minister for Health told me on the record when he said three days would mean three days. We now find out that women will have to wait until the third day has elapsed, which makes the waiting period four days, as Ms Ellen Coyne reported today in *The Irish Times*. I have been contacted by members of campaign groups who feel extremely let down. We did not want the three-day waiting period to be included in the Bill but agreed that it was necessary. It was a political construct, not a medical necessity. Now it emerges that the period will be four days, which will represent a significant barrier to access. Who is right on this, the Minister or the chief medical officer?

The Taoiseach: I am afraid I am at a loss. I have not seen the letter from the CMO, but my understanding was that the period was three days, which could be less than 72 hours. It is not necessarily three full days.

Deputy Louise O'Reilly: That was my understanding too. I will provide the Taoiseach with a copy of this, because it is very worrying.

The Taoiseach: I will check it out. I thank the Deputy.

Deputy Paul Murphy: There are reports in the media today about a draft report on sex education issued by the Joint Committee on Education and Skills. The news reports sound positive as it seems the report will recommend dragging sex education in this country out of the dark ages, making it fully inclusive of LGBTQ+ relationships and experiences, and covering issues of sexual health, etc. They also indicate that the report recommends making a change in the legislation to stop religious ethos acting as a barrier to prevent even a very progressive, factual, objective curriculum from being delivered. The House has already passed Second Stage of similar legislation. I refer to the Provision of Objective Sex Education Bill 2018, which the Taoiseach bizarrely described as sinister the last time I asked him about it. The question is, now that the committee will recommend such legislation, will the Government give a money message to allow that legislation to progress to Committee Stage and enable us to have progressive sex education?

The Taoiseach: When the report is received, the Minister for Education and Skills will give it full consideration. I am very much in favour of ensuring that we have a modern, appropriate and secular sex education curriculum in schools. I am not convinced that the right approach is to legislate for a particular curriculum. There are many aspects of the curriculum that we do not legislate for. The national curriculum advisory council sets the curriculum and is able to update it dynamically.

Deputy Paul Murphy: I have no problem with the Taoiseach taking it out on Committee Stage.

The Taoiseach: I would have concerns about Parliament legislating for what children are taught in school.

Deputy Paul Murphy: Let us deal with that on Committee Stage.

An Leas-Cheann Comhairle: As it is Christmas time, I will not deprive the last few Members. I call Deputy Crowe.

Deputy Seán Crowe: On speech and language supports, the current waiting time for the Dublin South-West school age team is 42 months. There are 80 waiting to go on the list and there are 297 on the list itself. I raised this six months ago and was told then the waiting time was 36 months. It is now 42 months. I am at a loss as to how to move this forward. I have contacted the Minister. I have talked to the Minister of State with responsibility for disability. There is something wrong. There is something broken in the area in this regard if the waiting time for speech and language therapy is 42 months. I am at a loss. Is there any way the Taoiseach can intervene?

The Taoiseach: There are a number of actions under way to respond to this. First, there is the provision of speech and language therapy through the school system for the first time which

we hope will make a big difference. We believe it may turn out to be a better system and a better way to provide speech and language therapy doing it through the education system as well as through the health service.

There is increased funding in the HSE service plan of €2.5 million, which will provide for 100 new therapy posts. It is hoped that will make a difference for Deputy Crowe's constituents and for mine. We are aware from bitter experience that adding additional staff does not necessarily mean any improvement in waiting times and we will need to make sure that the referral systems are appropriate as well.

Deputy Eamon Ryan: It is another shameful day for Fine Gael when it comes to the environment. The Taoiseach's party has blocked with procedural glue the Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018 in the same way that it blocked the Waste Reduction Bill 2017, which my party presented. With regard to that latter Bill, the Minister, Deputy Bruton, promised that the Government would present alternative proposals to ban the single use of plastic, to get away from single-use plastic coffee cups and possibly to introduce a deposit refund scheme. It was promised within weeks. Have we seen any advancement of that or is Fine Gael continuing to do absolutely nothing when it comes to protecting the planet and the environment?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): There will be legislation to introduce the ban on single-use plastics. It will come in under an EU directive which is being finalised. There is strong support for that. That same legislation will increase the targets that we must meet in respect of recycling. The Government is determined to respond to those new commitments which we are signing up to.

An Leas-Cheann Comhairle: Deputy Burton is fortunate it is Christmas time.

Deputy Joan Burton: I thank the Leas-Cheann Comhairle. Can it be true that the Government is proposing to publish a report, either before or after the Dáil closes, that the €500,000 cap on bankers' pay is about to be amended and lifted by the Government? We know from the crash that lavish pay is no guarantee of success in running banks. We saw last week the Permanent TSB sell off 6,000 performing mortgages that have been restructured. Could it be true that we will offer these top bankers more than €500,000 in pay and bonuses? What has the Taoiseach to say to people in the country terrified of their mortgages being sold off to vulture funds?

Deputy Paschal Donohoe: All that is true about what the Deputy said about banking pay and remuneration is that I have requested that an independent review of this issue be carried out. The main reason I have done that is I want the Irish taxpayers' money back. We invested billions upon billions of euro in the Irish banking system. Deputy Burton was a great critic of it at the time and she was correct to be a critic. I want to see the money returned to the Irish taxpayer over time. I am aware that we now have a vast array of companies located here in Ireland that pay significantly more than Irish banks pay to their staff. All that is true is that a review is under way. I have not yet received that report and do not anticipate doing so until early in the new year.

18 December 2018

Report of the Sub-Committee on Dáil Reform: Motion

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

That, in respect of the Report of the sub-Committee on Dáil Reform entitled ‘Report of the sub-Committee on Dáil Reform – Memorandum of Understanding between the Government and Dáil Éireann on Private Members’ Bills’, dated 5th December, 2018, Dáil Éireann takes note of the Report and adopts, with effect from 15th January, 2019:–

(a) the Memorandum of Understanding with the Government on Private Members’ Bills, as set out in Appendix 1 to the Report; and

(b) the amendments and the additions to the Standing Orders of Dáil Éireann relative to Public Business, as set out in Appendix 4 to the Report, provided that the change to Standing Order 141 shall apply only until further notice in the 32nd Dáil.

Question put and agreed to.

Teachtaireacht ón Seanad - Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Health (Regulation of Termination of Pregnancy) Bill 2018 without amendment.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Martin Ferris - the proposed closure of the salmon draft fishery on the River Feale in Kerry; (2) Deputy Michael Moynihan - the status of urgent safety works to the junction of the N72 and R579 at Ballyma quirke, County Cork; (3) Deputy Dessie Ellis - the funding deficit for drugs and alcohol task forces and the pay structures of staff; (4) Deputy Willie O’Dea - the reinstatement of two staff at University of Limerick; (5) Deputy Fergus O’Dowd - Garda resources in Drogheda; (6) Deputy James Browne - the need for the Minister for Health to acknowledge that the Christmas period can have a detrimental effect on a person’s mental health and to ensure adequate services are in place in hospitals to address any mental health crisis which may arise over the Christmas period; (7) Deputy Pearse Doherty - to ask the Minister for Culture, Heritage and the Gaeltacht if the appropriate consultation with all relevant staff and personnel of the National Parks and Wildlife Service, NPWS, was undertaken prior to the formal introduction of the most recent revision to the policy and procedures on firearms and ammunition in the NPWS standard operating procedures; (8) Deputies Brendan Smith and Declan Breathnach - the allocation of special funding for the cross-Border region; (9) Deputy Clare Daly - the urgent need for the Minister for Health to clarify understanding of the operation of a three-day waiting period for women who will seek abortion services in light of advice from the Chief Medical Officer; (10) Deputy Pat Buckley - the decision by Psychiatric Nurses

Association members to support industrial action; (11) Deputy Michael McGrath - the impact of the failure of Qudos Insurance; (12) Deputies Mattie McGrath and Stephen S. Donnelly - the escalating construction costs of the national children's hospital; (13) Deputy Joan Collins - the need for an update on the report brought to the Cabinet this morning on the national maternity hospital; (14) Deputy Kevin O'Keeffe - that an agreed framework be put in place between Cork County Council and Irish Water to advance the immediate construction of residential units in the north Cork communities of Mitchelstown and Glanworth; (15) Deputy Mick Wallace - the recent appointment of Mr. Christopher McGarry to the board of An Bord Pleanála; (16) Deputy Brian Stanley - the funding needed for a new building for Kolbe Special School, Portlaoise, County Laois; (17) Deputies Eugene Murphy, David Cullinane, Kathleen Funchion and Martin Kenny - the repossession order by KBC Bank on a property in Strokestown, County Roscommon, the eviction of farmers from their house and lands in County Roscommon and related matters; (18) Deputy Richard Boyd Barrett - the survey on income and living conditions for 2017; (19) Deputy Fiona O'Loughlin - the funding required for a second bridge in Newbridge, County Kildare; and (20) Deputy Bernard J. Durkan - the discontinuation of the Ballyna group water scheme, Ballyna, County Kildare.

The matters raised by Deputies Ferris, Michael Moynihan, Brendan Smith and Breathnach, and O'Dowd have been selected for discussion.

Ceisteanna - Questions

Protected Disclosures

1. Deputy Michael Moynihan asked the Taoiseach if there is a whistleblowing policy in his Department. [49442/18]

The Taoiseach: The Protected Disclosures Act 2014 provides a robust statutory framework which aims to provide protections to whistleblowers who raise concerns regarding potential wrongdoing in their workplace. These protections apply to workers in all sectors of the economy, both public and private. They protect whistleblowers from being penalised by their employer for reporting wrongdoing in the workplace or suffering any detriment for doing so. The Act requires every public body to establish and maintain procedures for dealing with protected disclosures and provide written information relating to these procedures to their employees.

In line with the Act, my Department has a policy on protected disclosures which sets out the procedure by which an employee can make a disclosure, what will happen when a disclosure is made, and what my Department will do to protect a discloser. My Department is committed to fostering an appropriate environment for dealing with concerns and assisting staff in speaking up regarding potential wrongdoing in the workplace and providing the necessary assistance for staff who raise genuine concerns. To date, no disclosures have been received from employees or former employees of my Department under the Protected Disclosures Act 2014.

Deputy Micheál Martin: If one looked at the recent RTÉ documentary produced by Ms Katie Hannon about the trauma that former Sergeant Maurice McCabe, perhaps our most high-

profile whistleblower, went through, one would have been struck by a number of comments that he made. In particular, Mr. McCabe stated that if he had known what he and his family had to go through, he would not have made the original complaint in the first instance. That is something that must be worrying to all of us in that there is still a sense that if a person complains or makes a protected disclosure, he or she will pay for it in many ways.

Since then, all of us have been subject to many complaints or notifications of protected disclosures in different sectors of the public service. Standing back from it, what comes to mind is a sense that there should be a culture within each Department and State organisation that would, ultimately, if it was optimal, avoid the necessity for protected disclosures.

My worry is that protected disclosures are becoming more frequent. That, in itself, is an indictment of existing practices in terms of human resource development and mediation within State organisations and Departments, shows a failure to head off prospective difficulties, and in many ways reinforces the original negative behaviour to such an extent that it ends up on a protected disclosure. That impacts on the productivity, well-being, efficiency and effectiveness of an organisation. Culture change within Departments is key. I ask the Government to reflect on why we are inundated with so many serious and profound complaints and why so many are made as protected disclosures. Very often, there is an absence of mechanisms within Departments for coping with protected disclosures. For example, very serious allegations about the health, safety and well-being of Air Corps members have been made during the years. The complaints have been snarled in legalities, but the obfuscation and stonewalling in dealing with the original complaints demonstrates a lack of transparency and humanity.

Deputy Pearse Doherty: The culture within Departments is an issue. I recently received a protected disclosure from a staff member in the National Parks and Wildlife Service, NPWS, who had previously made very serious allegations to management about ammunition and firearms in the service. An audit was carried out in that regard, but the results thereof have not been published. It is very concerning that a new standard operating procedure was put in place without any consultation with staff, as would normally be the case. It is alleged that the operating procedure is being used to take disciplinary proceedings against the individual who has made repeated claims about management, specific individuals and the policies of the NPWS which go so far as to suggest firearms and ammunition may have been missing or stolen. It is a very serious issue. It is very concerning that although procedures to deal with protected disclosures are in place, there still appears to be a culture such that the individual making a disclosure is the target of intimidation and harassment. There is a similar culture within banks. Senior members of certain financial institutions have made it clear that persons who bring forward protected disclosures will carry the burden. We need more than procedures and the current legislation. We need a dramatic shift in culture in terms of how such individuals are dealt with and protected.

Deputy Brendan Howlin: The protected disclosures legislation was ground-breaking. It was modelled on best international practice at the time and very much in line with the open government initiative to which Ireland had signed up while the Labour Party was in government. The idea behind it was that it would allow disclosures to be made to the level of manager closest to the issue which had arisen. In other words, one would not have to go to the very top of an organisation. As it turns out, people feel inhibited and that they must either go to the very top of the organisation or, in many instances, a Member of the Oireachtas which is provided for in the Act, instead of having the cultural space within the public service to have matters addressed quickly in the workplace by one's immediate supervisor such that those making a disclosure feel confident that the disclosure and their confidentiality will be respected and the issue will

be addressed seriously. We have not yet made that cultural shift and it will probably take some time for it to bed in.

I do not particularly consider the fact that there have not been disclosures in the Department of the Taoiseach, for example, as an indication that there are no matters worthy of disclosure. We need to ensure people are secure in making a disclosure. I am struck by the point made by Deputy Micheál Martin that the most significant whistleblower in our lifetimes stated he would not have embarked on the pursuit of the truth in the way he did had he known what the consequences would be for him and his family, which is shocking. It is incumbent on us to change the system such that a concern about a procedure, wrongdoing or any other matter could be brought to one's immediate supervisor without fear of being exposed, intimidated or in any way adversely affected and with confidence that the matter would be fully ventilated, checked out and addressed. I hope there will be an ongoing review of this matter because it is an important part of the suite of reforms to deliver openness in how public business is conducted.

Deputy Joan Burton: In the context of the remarks made by Deputies Howlin and Micheál Martin and the new arrangements the Government has been making for Garda oversight, it seems that the head of an Garda Síochána was very often the recipient of disclosures, which put the whistleblower in an almost impossible position. That was certainly the position in the case to which reference was made. Has the Taoiseach given consideration to whether one of or both the new oversight body and the Garda Síochána Ombudsman Commission, GSOC, the two bodies that will oversee the Garda, will be the appropriate location for the making of protected disclosures? In an area such as the security services where people must work very closely together the making of a complaint may be communicated to others in the organisation, with very difficult consequences for the would-be whistleblower. We must consider how we can engender a structure which is effective and fair and allows an organisation to deal with protected disclosures in the most appropriate manner such that they are heard and given proper consideration.

An Leas-Cheann Comhairle: The Deputies have asked several questions. The Taoiseach will have approximately five minutes to respond.

The Taoiseach: The Protected Disclosures Act was and is very reforming and innovative legislation. I think former Deputy Pat Rabbitte, the new chairman of Tusla, originally brought forward the legislation, although it may have been another Deputy. I remember supporting it from the Opposition benches as Deputy Howlin, as Minister, and other members of the previous Government brought it through the Houses. It was a good step forward in reforming our legislation, protecting whistleblowers and ensuring serious allegations were properly investigated. It was and is part of a suite of legislation to improve ethics in business and public office. The Regulation of Lobbying Act which is held up internationally as an example of the proper regulation of lobbying is another part of that suite of legislation. Lobbying is regulated far more properly in Ireland than in other countries. We also have legislation which delimits corporate donations and ensures transparency in that regard. Ireland is very different from the many democracies in which there is no protection for whistleblowers, lobbying is unregistered and very opaque and people can receive significant public or private donations. Some of the steps taken in Ireland in that regard in recent years set a very good example internationally, but we are far from perfect. No country is perfect. We must always get the balance right to ensure whistleblowers are protected, allegations are properly investigated and innocent and decent people and organisations are protected from being falsely accused. The latter has happened, as evidenced by the Charleton tribunal which had a module on Maurice McCabe and another on allegations

made by Keith Harrison. One can see how different those cases were. I do not want to go into that in too much detail but it does demonstrate to us the extent to which we need to support whistleblowers, listen to them, protect them and investigate their claims. We also need to be cautious and sensible enough to know all claims and allegations are not true and that when false allegations and claims are made by people and are propagated in this House and picked up by the media, they can do enormous harm to the falsely accused. We need to get the balance right. We are still learning as a society how to get it right.

There is EU legislation coming down the line. As Deputies will be aware, a European directive on whistleblowing will help to inform our legislation. Problems do arise. Having had a little experience dealing with some protected disclosures, I realise a problem can arise in particular when the protected disclosure is not the only track that the whistleblower is following. I refer to when there is a connected employment dispute or, as is sometimes the case, a connected court case where those concerned are suing for financial damages. It can get very messy where there is a case unfolding, potentially in the courts, or a case with solicitors for financial damages, with a protected disclosure being sent to a public body and with aspects of it being raised in this Chamber and the media. That can create a real mess in dealing with the matter. I wonder whether it would be better if protected disclosures were dealt with in their own right rather than ending up connected to other disputes. That is where it can get extremely difficult indeed. One could have people claiming legal privileges and so on because protected disclosures are also connected to a claim going through the courts. That is where it can get very difficult to manage.

Deputies Howlin and Martin were correct in their remarks on the cultural shift. We do not want the Protected Disclosures Act to become the way people make complaints. It should be something that is used in reserve cases. People should feel they can speak up, make complaints and call out wrongdoing when they see it. They should have confidence that their supervisors and managers will take their complaints seriously and investigate their allegations and that, if not, the individuals above them will deal with them properly.

The statutory review was published in July following public consultation. There were 25 submissions from a variety of public bodies, interest groups and members of the public. The review considered international developments, including comparative analysis of legislation in other countries, and it details some of the early results of the implementation of the Act. Across 212 public sector bodies, 370 protected disclosures were received by the end of 2016. The review shows the Act is viewed as setting a positive example internationally, and it has led broadly to positive outcomes. It highlights some implementation issues that are being considered by the Department of Public Expenditure and Reform, including providing absolute confidentiality to disclosers while balancing fair procedures for other individuals concerned, relating the Act to the GDPR legislation and other employment policies, as I alluded to, and also disclosures that are made through multiple channels. There is also a difficulty associated with how one can investigate anonymous disclosures when there is nobody to interview.

With regard to amendments, the matter is being dealt with by the Minister for Public Expenditure and Reform. Any further amendments to the Acts will be considered in the context of the discussion taking place at EU level on the EU directive on whistleblowers. As I indicated, we will most likely leave the Act as it is but when the European directive is finalised we will use its transposition as an opportunity to amend our own Act.

Dáil Éireann
Departmental Communications

2. Deputy Michael Moynihan asked the Taoiseach the social media costs in his Department. [50454/18]

3. Deputy Joan Burton asked the Taoiseach if he has updated his Department's policy with respect to social media. [50554/18]

4. Deputy Mary Lou McDonald asked the Taoiseach if he will report on his Department's social media policy. [51726/18]

The Taoiseach: I propose to take Questions Nos. 2 to 4, inclusive, together.

It is important to communicate across a variety of platforms, including social media, to ensure transparency and clarity for all citizens. The Government Information Service is now required to provide a 24/7 service to media organisations, on all topics of public interest, and with short response times. It is also required to generate its own online content, including written, audio and video material, as well as live broadcasts on occasion.

Digital advertising includes advertising on search engines, to ensure the public is directed to the sites that deliver the services or information they are looking for; and sponsored posts on social media, including Facebook, Instagram, Twitter and YouTube, to ensure strong dissemination of Government information.

The expenditure on digital advertising in 2018 is estimated at approximately €450,000. This expenditure relates to major cross-Government public information campaigns that the Department funded centrally during 2018. Examples include Healthy Ireland, Global Ireland, Project Ireland 2040 and the campaign on self-employed benefits aimed at ensuring self-employed people are aware of the new and existing benefits available to them. The majority of this expense was incurred prior to July 2018, before the strategic communications unit was wound down.

Public information campaigns in the latter months of this year have been funded largely by the relevant line Department, as opposed to being funded centrally from my Department. As a result, expenditure for 2019 on social media is anticipated to be a fraction of what it was this year.

The current published social media policy for my Department requires updating to align with recent organisational changes. This is due in early 2019. The social media activity in my Department is governed by strict operating principles, however. The social media channels for my Department are Twitter, Facebook, Instagram and YouTube. The central objective for these channels is to report objectively the work of the Government and, over time, to provide a valuable archive of information.

The following are the main operating principles governing the use of these social media channels: that the content consists of news stories and press releases; speeches and statements from the Taoiseach and Government Ministers; photos and videos from Government events and my engagements; live tweeting of Government events; and other content as deemed appropriate. The use of social media platforms is not intended as a means of contacting me or my office directly, or of submitting press queries. These activities are handled by other means. Following or retweeting another account does not imply an endorsement of any kind. All staff in my Department who update social media channels are bound by the Civil Service Code of

Standards and Behaviour.

Deputy Micheál Martin: I thank the Taoiseach for his reply. It is fair to say that, since he became Taoiseach, expenditure on video production and social media generally has risen dramatically. It is close to €500,000, as reported in *thejournal.ie* and as the Taoiseach has confirmed. The largest item of expenditure relates to Project Ireland 2040, on which approximately €146,000 was spent when it was launched earlier in the year. There was a lot of controversy over it in terms of a political context as a background to the entire launch. There was €21,000 spent on the campaign for Ireland to host the Rugby World Cup. That was interesting again. The videos are of high production quality. All the videos tend to cut to images of the Taoiseach. In the case of the Rugby World Cup, the head of the Irish Rugby Football Union is shown, which is fair enough. According to *thejournal.ie*, also shown are “Frances Fitzgerald and Shane Ross in slow motion alongside scenes of the landscape of Ireland, Croke Park, Lansdowne Road and iconic rugby moments in our history.” There are clear implications here in some respects in terms of the political positioning and promotion of Ministers, with music in the background.

We accept that social media are well established as a communications platform for official information. Unfortunately, however, they are also a means of spreading disinformation, in addition to being a means by which Governments can engage in publicly funded propaganda. The abuse of public funding in social media during recent election and referendum campaigns in Hungary, for example, is especially striking. That is why we have to be vigilant here. In the past, quite strict rules were developed about political content in official broadcast and print advertising. Rules concerning transparency in costs and outlets were respected until last year when documents released under freedom of information legislation showed at least one Minister personally decided on advertising allocations to individual newspapers. One could see the Minister’s intervention in deciding on which newspapers and how much they got. In another case an official personally reporting to the Taoiseach held direct discussions with newspapers, including on how much money they would receive.

The Taoiseach has said repeatedly he has no problem with millions being spent on advertising that features him and Ministers to an excessive degree but this is at least partly back under control with the closure of the personal marketing unit, the strategic communications unit, that he advocated. The key issue in regard to social media concerns what rules are in place to ensure promoted activity paid for by the taxpayer and the public adheres to reasonable guidelines. An enormous difference between this activity and traditional advertising is that much of the population will not be exposed to it, and even if social media are used the advertising is seen only by those in a targeted group. Who decides what keywords are bought, what platforms are used, which groups are targeted and what the messages are? For example, our campaign for the UN Security Council is targeted at a limited number of people in governments in other countries. One would think that is what we are doing generally and what diplomats do, yet for some reason money was spent promoting it to people here with a very expensive video production. Never before in our successful Security Council campaigns — we have had some successes in this regard — was money spent on advertising in Ireland. The domestic audience is not really in a position to influence the campaign. Is there a process whereby a senior person reviews promoted messages? What are the guidelines to ensure this publicly funded platform does not become dominated by the promotion of the Taoiseach or other political figures? All of the videos and online material show politicians left, right and centre.

Deputy Joan Burton: It is recognised, and the Taoiseach acknowledged it himself on television, that he is very keen on social media. Some have interpreted this as his being obsessed

with spin and social media rather than real content. The sum of €500,000 is quite a lot to spend on videos. We know of some of the videos. The cost of the Project Ireland 2040 video is indicated as being €146,000. This is very hard to understand, given the difficulty the Government is having in meeting serious targets before 2040. The children's hospital is a shambles involving bad budgeting. The housing situation is causing enormous distress to people throughout the country. How much does the Taoiseach spend advertising on YouTube? He advertises a lot. As a patron of the cinema I see the Government messages that are obviously designed to appeal to young people. I am not sure that is absolutely correct as it is a very political way of getting across a political party message rather than a Government message, presumably to younger people as they attend the cinema.

How many staff members in the Taoiseach's Department work on social media platforms for him as Taoiseach? Do social media comprise the primary current means of communication for the Taoiseach? The number of official photographs the Taoiseach has is well down on the number that previous incumbents of his office had. What plans does the social media section in the Department have to deal with the potential of Irish elections being contaminated in the future by foreign entities, in respect of which we have seen considerable evidence in America *vis-à-vis* Russia? There were some attempts to do it in the repeal campaign.

In the context of the forthcoming election at some stage in the years to come, will we take real action to ensure our election process is not contaminated in the way the American election process has been by the misuse of social media?

Deputy Pearse Doherty: I thank the Taoiseach for his response. I want to ask about a separate angle. There is a message on the Department's website stating it will soon move to an online portal for Government services. When will this be completed? When will other Departments move to that portal? On a separate matter, a number of weeks ago the Taoiseach said the Minister, Deputy Bruton, was seeking legal advice from the Attorney General on the Digital Safety Commissioner Bill brought forward by my colleague, an Teachta Ó Laoghaire. Has that advice been received from the Attorney General? Will the Taoiseach give us a sense of what is included in the advice? As the Taoiseach is aware, the Bill has broad support, including from the ISPCC, the Children's Ombudsman and CyberSafeIreland among many other groups.

The Taoiseach: My view is that video is a very good means by which to communicate. I notice Members of the House are using video and screenshots from the Chamber more and more on Facebook, YouTube and other social networks to get messages out to their constituents as to what they are actually doing to represent them in the House. It is a good thing they are doing this because it is a good means by which to communicate. It is visual and audio and very accessible to people.

As Deputy Burton acknowledged, less is spent on other areas in which money was spent in the past, such as official photography and make up. If we are using video it may as well be high quality but they certainly are not all high quality. The personal ones I do are probably low quality but perhaps they get the message across almost as well. The figure of €450,000 is not for video production. It is the whole cost and includes production, advertising and VAT. It is the cost in its entirety. I do not make any decision on which news outlets or networks get contracts nor do I wish to. The UN Security Council campaign is not being operated by my Department. It is being operated by the Department of Foreign Affairs and Trade, so any questions on the detail of that particular campaign would have to be addressed to the Department.

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Deputy Micheál Martin: The general point I am making is valid.

The Taoiseach: It is good that the public should know a little bit about what the Government's foreign policy is and how their money is being spent-----

Deputy Micheál Martin: That is not what the video does.

The Taoiseach: -----whether it is through our involvement in the United Nations, peace-keeping efforts or international development. I guarantee the House it is much more important to me that we concern ourselves with the substance of that. There is a €110 million increase in the budget for international development next year, which is more than many people called for. It is a significant increase. Getting back on the trajectory to 0.7% of GNI is the most important aspect for me. That we are actually doing this is the substance of it. It is entirely appropriate that the public should know this because it is their money. Whether they agree or disagree, they have a right to know how their money is being spent.

Deputy Micheál Martin: That was not the purpose of the video. It was the promotion of your good self.

The Taoiseach: At least those who do agree with it as a policy are aware of it and they can form a view on it. It is not something that should be just buried away in a budget lying somewhere. We should tell the public how their money is being spent and what work the Government is doing on their behalf. If they choose to be supportive of it that is their choice. If they choose to be against what we are doing that is their choice too. This is why we are a democracy.

I fully appreciate that we have to separate Government communications from party political communications and that we need to make sure Civil Service staff do Civil Service work and political staff do political work. This is why all along I have kept *merrionstreet.ie* and the Merrion Street account separate from what I do in terms of my own accounts, which have no Civil Service involvement and do not involve the use of any public money.

Northern Ireland

5. **Deputy Micheál Martin** asked the Taoiseach if he will report on his recent meeting with the grand secretary of the Orange Lodge; and the issues that were discussed. [50475/18]

6. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent meeting with the Orange Order. [50555/18]

7. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent meeting with the Orange Order. [52099/18]

The Taoiseach: I propose to take Questions Nos. 5 to 7, inclusive, together.

I was pleased to welcome the grand secretary of the Orange Order, Reverend Mervyn Gibson, and a delegation of Orange Order members from south of the Border to Government Buildings on 26 November. The Minister of State with responsibility for European Affairs, Deputy Helen McEntee, also attended the meeting.

We discussed issues affecting Orange Order members in Ireland, including Protestant schools, particularly in the Border area, and education in general, infrastructure and the cul-

tural needs of Protestant communities in Border counties. We also discussed tourism projects, including further development of the Battle of the Boyne site and the possibility of developing a Williamite trail from Antrim to Aughrim to encourage more people to visit these places. Further topics included Orange halls and sporting and community facilities in the Border region.

The meeting also touched on Brexit, the withdrawal agreement and the political declaration agreed at the European Council meeting in Brussels on 25 November.

Deputy Micheál Martin: I thank the Taoiseach for his reply. I welcome the meeting. He is aware a process of systematically reaching out to the Orange Order has been in place for more than 20 years, including during periods when Orange Order marches were a dramatic source of tension in many more areas than they are today, thankfully.

4 o'clock

It is important to continue that contact with the Orange Order, and with unionism and loyalism, in the various forthcoming historical commemorations. I did that when I was Minister for Foreign Affairs. We need to ensure it is a shared history that can be objectively recalled, with a view to enlightening and informing people. The recent *Atlas of the Irish Revolution*, published by Cork University Press at University College Cork, UCC, is a very good illustration of how this can be done with different perspectives from different backgrounds and traditions. I recommend the book to the House and the public generally, North and South, as a way of reaching some understanding of how different traditions approach history and milestones in the development and evolution of their respective political and cultural traditions.

The work of former President McAleese was groundbreaking. We should acknowledge that no subsequent gesture could even come close to the impact of her decision to host a 12 July event in Áras an Uachtaráin. We have to keep progressing such ongoing interactions. These meetings, however, are not at the core of what has been the gradual crumbling of relations between the Government and loyalism and political unionism. Even the Taoiseach has now accepted that having Arlene Foster's number in his mobile phone is nothing compared to having a constructive relationship. While a solid majority in Northern Ireland is against Brexit and in favour of the deal reached by Prime Minister May last month, the majority of unionists appear to believe the situation is being used to undermine constitutional guarantees to them. This view is reinforced by the attempt of one party, Sinn Féin, to directly and immediately use Brexit to undermine constitutional guarantees.

Does the Taoiseach agree that the continued absence of the democratic institutions set up under the Good Friday Agreement is a major threat to stability and progress in Northern Ireland? That is something which should be a concern to all of us on this island. It is now four months since it was signalled to the media that a new initiative was under way to get the Executive and Assembly working. What happened to that initiative? Is it the case that the Government and all of the parties will await the ultimate resolution of Brexit before embarking on any new initiatives? The original reason for the collapse of the Executive and Assembly was the renewable heat initiative. We now know the Democratic Unionist Party and Sinn Féin were both involved in delaying its closure and so on. Given the imperative of Brexit, surely there is a need to get the Assembly and Executive back up and running?

Deputy Pearse Doherty: I welcome the initiative and the return visit with the Orange Order at Government Buildings in November. I hope there will be further engagement. Is another

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series of meetings planned? I note from the official press release that the issue of Brexit was discussed. The meeting took place at a time of particular movement in respect of the withdrawal agreement. I also note that the Orange Order remains neutral on the issue of Brexit. Will the Taoiseach enlighten us as to whether the Orange Order offered an opinion on the deal that was on the table at that time and whether he had an opportunity to argue its merits? Was there any acknowledgement of it?

I listened to Deputy Micheál Martin who continues to snipe from the sidelines on this. After the Christmas break, perhaps he will consider whether his party will contest elections in the North. It seems he cannot make up his mind and actually play a constructive role. He continues to put misinformation on the record of this House in respect of the renewable heat initiative. There are serious allegations of corruption coming from the Democratic Unionist Party. Then again, with regard to corruption in Fianna Fáil, both those parties and corruption are quite linked. It is not surprising that the Deputy continues to dismiss the core areas that surrounded it.

Deputy Micheál Martin: Maybe somebody will enlighten us on the Northern Bank robbery and where all of the money went. It is still a great mystery.

Deputy Pearse Doherty: His silence was deafening when former Ministers for Finance and Taoisigh had no bank accounts and had money stashed-----

Deputy Micheál Martin: No.

Deputy Pearse Doherty: -----under their beds and we had votes of confidence and all of the rest of it. I can rehearse all day the corruption in the planning authorities-----

Deputy Micheál Martin: Is the Deputy including his own party?

Deputy Pearse Doherty: -----and everything else that went on in Fianna Fáil. We can talk about the Mahon tribunal and all of that if Deputy Micheál Martin wishes.

The reality is that Sinn Féin has played a constructive role in respect of Brexit. We have made it very clear that it is not an orange or a green issue. We have said, in the absence of a deal, that we are committed to making sure the withdrawal agreement goes through and we will use whatever influence we can to convince our European partners and those in the North to support the agreement. In the context of a no-deal Brexit, however, there is a demand in the North, as we have seen from recent opinion polls, for the constitutional question to be put. We have here a united Ireland party, the so-called republican party, which will not breathe a word on the issue of Irish unity. That is despite Prime Minister Theresa May having talked about her union only surviving with consent and a Tory MP challenging the Democratic Unionist Party in the House of Commons by telling it that the people of the North are looking towards Irish unity. We dare not breathe a word of that in the House, however.

I hope Deputy Martin will take the Christmas period to reflect on playing a positive role and doing what the former deputy leader of his party argued for, namely, contesting elections in the North. I ask him and his party to put some skin in the game, stand in the North and put the credentials of the Fianna Fáil Party out there by letting the people of the North decide, instead of sniping from the sidelines in a dismissive and non-constructive way.

Deputy Joan Burton: I commend the Taoiseach on his contacts with the Orange Order and on his proposal to continue them, all of which are positive. The more dialogue we have on this

island, the more we can bring people from different backgrounds, North and South, together in a democratic framework. I welcome that.

During the commemorations in the years ahead, we will remember and recall some very difficult periods in our history when, to be honest, there were atrocities on both sides. During my time in Government and as Tánaiste, a committee of historians worked diligently on the preparations for the commemorations held during that period. The commemoration of the centenary of 1916 was extremely well done and people gained an understanding of what was involved. We look forward to commemorating, recalling and remembering the War of Independence, the Civil War and other events. As I said, some terrible things happened on both sides. I have a question on what happened in certain parts of the country, including west Cork where there was a strong feeling that Protestants were ultimately forced out of the area. Has the Taoiseach asked the committee of historians to consider how those events will be recalled and analysed in order that we can learn from them? Other similar cases recalled to some extent those terrible events in west Cork. A former Member of the Seanad, Eoghan Harris, has written and spoken on this issue at many venues, particularly in the west Cork area. Has the Taoiseach or his Government given any consideration as to how we will remember that? We have to deal with the historical memories of both communities in order that we can bring people together. That is particularly important in respect of young people studying history and becoming familiar with our troubled past. Has the Orange Order indicated any interest in being part of any commemorative and recall process?

The Taoiseach: I concur with Deputy Micheál Martin's remarks about *Atlas of the Irish Revolution*. It is an excellent publication and the kind of book one would like to spend a lot of time with if one could find the time. Perhaps I will spend some time reading it over the Christmas recess. I also concur with him on what he said about the work of former President McAleese and her husband Martin. I very much agree that the absence of an Executive and Assembly is a serious problem. There is a major deficiency at this time both in providing good government for the people of Northern Ireland and giving it a voice in the Brexit talks. The other institutions, the British-Irish Council and the British–Irish Intergovernmental Conference, are working well.

On the future initiative to put the Northern Ireland institutions into place, it really has to be done when the time is right. The Tánaiste and Minister for Foreign Affairs and Trade and I are of the view that the best time will be after the withdrawal agreement is ratified at Westminster, assuming that it will be. We are also conscious that the local elections are coming up in Northern Ireland in May and the difficulties which may arise from them. We are also aware that the Ardoyle inquiry is ongoing. It is a case of trying to find the right time when the Irish and British Governments can both feel the two major parties are in the space where they might be able to compromise and come to an agreement. The uncertainty surrounding Brexit is a major difficulty, but it is not the only one. The renewable heat incentive, RHI, scheme and the loss of trust between the two parties are other factors, as well as the local elections in May.

It was my second engagement with the Orange Order. I visited the order in Schomberg House several months ago. The second engagement was at Government Buildings and we plan a third but no date has been set for it. In principle, however, I have agreed to visit an Orange Lodge in one of the Border counties to meet some people there. We did discuss the backstop, which is not supported by the Orange Order which has taken the constitutional view that it could potentially treat Northern Ireland differently from Great Britain. Therefore, it is an arrangement it does not like. We had a constructive, honest, good, mature, fact-based and

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thoughtful exchange on the issue which I found useful and which helped me to understand why the order had a difficulty with it. Perhaps I helped to give it some understanding of why it was necessary. It is one of the matters on which we agreed politely to disagree.

We did discuss commemorations but not the ones to which Deputy Burton referred. The Orange Order was particularly complimentary that the Government had done much work on commemorations related to the First World War. The delegation visited the sculpture "The Haunting Soldier" at St. Stephen's Green on the day it was being dismantled before it met me. It expressed a genuine recognition and appreciation of the fact that most of us south of the Border were willing to acknowledge that part of our history and recognise the sacrifice of those who had died in the First World War. That has helped at a time of strained relations. The delegation suggested we might consider having a First World War memorial somewhere in central Dublin. Obviously, there is the one at Islandbridge, but there was a suggestion that there be something more central on Merrion Square or at St. Stephen's Green. I agreed to give the suggestion consideration.

On commemorations generally, obviously 2019 will mark the 100th anniversary of the first meeting of the First Dáil and the Democratic Programme. The events are being led very much by the Oireachtas under the leadership of the Ceann Comhairle and others. Deputies are aware that an event will be held in the Mansion House in January which will be followed by the State reception there. It will be an opportunity for us to recall the events of the First Dáil. I had an opportunity to read the transcript of the first meeting of the First Dáil which made for interesting reading. While it was mostly in Irish and in a form that was somewhat different from what we use today, I was able to follow a lot of it. What I found most interesting was that the first meeting only lasted for about two hours. There was an event for the Dublin Fusiliers which had the Mansion House booked for that morning and there was a ceili that evening. The meeting of the Dáil was sandwiched between the two. Of course, the majority of Members were not present for one reason or other, with some being in prison, while others were not able to make it. It was interesting to read the transcript. From history, one would think it was different from what it was.

The expert advisory group under Dr. Maurice Manning still exists and advises the Government.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

National Broadband Plan Implementation

46. Deputy Timmy Dooley asked the Minister for Communications, Climate Action and Environment the timeline for completion of the tendering process for the national broadband plan. [53418/18]

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): This is my first time to answer parliamentary questions in my new brief. I look forward to working with Deputies Dooley, Stanley and others from different parties.

The national broadband plan is ambitious. Its objective is to ensure access to a future-proofed, high-speed broadband service, with a minimum download speed of 30 Mbps available to every premises in Ireland. The plan involves a mix of commercial investment and a State-led intervention. It has acted as a catalyst in encouraging a significant level of investment in high-speed broadband infrastructure by commercial operators, with the result that the number of premises with access to a high-speed broadband service has increased from 700,000 in 2012 to 1.7 million today.

The procurement process for the State-led intervention has been framed in such a way as to ensure a once-off intervention in an area that covers 96% of the landmass of Ireland. While the intervention area is predominantly focused on premises in rural areas, it also includes a significant number of premises in urban areas where commercial operators have no plans to invest. The procurement process to award a contract for the State intervention network is at the final stage. The final assessment of the bid received on 18 September must conclude with regard to whether the solution proposed by the bidder meets the requirements of the plan in terms of the robustness of the technology, value for money, the allocation of risk and appropriate governance mechanisms to ensure this significant intervention by the State will satisfy the Government's policy to ensure high-speed broadband is available to every premises in the country. My priority is to bring the procurement process to a fair and impartial conclusion as quickly as possible. My Department is concluding its assessment of the final tender submission received from the bidder on 18 September. I will bring a recommendation to the Government in the coming weeks.

Deputy Timmy Dooley: While it is the Minister's first opportunity to answer parliamentary questions in his new role, we have had plenty of engagement on this matter in other fora and in the House since his appointment. As he well knows, the national broadband plan has been talked about and promised since 2012. Previous Ministers have failed to give a strict timeline for it reaching certain milestones. The last commitment we received from the Government was when negotiations on the programme for Government were brought to a conclusion. When Independent Members and Fine Gael signed up to it, they spoke about an indicative date for the signing of the contract in June 2017. We know that did not happen. I am anxious that to some extent the Minister set in stone deadlines for the reaching of key milestones. At least then there would be some date on which others could be held to account. I know that previous Ministers were slow to do this because of the potential political fallout, but there has been significant political fallout from the project. It would be helpful to all sides, most particularly the Minister and the Government, if clear timelines and deadlines were set for the reaching of milestones in meeting the project plan. That would ensure all actors in the field would have something to work towards.

Deputy Richard Bruton: I see at what the Deputy is driving. We are at an advanced stage of the evaluation which will be presented to me by all of the expert groups which have been engaged. I do not intend to delay in any unreasonable way in reaching a decision on what should be recommended to the Government. As I said, it will happen in the coming weeks. The real issue of meeting milestones will come after a decision is taken and we are in a position to do so. Any agreement entered into will include milestones and be designed to protect the State in ensuring they are met to a reasonable extent. It would be premature to start specifying milestones when we have not even decided whether the tender is acceptable to the Government.

Deputy Timmy Dooley: Is it still the Minister's intention to reach a point where the remaining bidder would at some point be made the preferred bidder, and from there we could

proceed towards the signing of a contract between the State and that bidder? Before we even get to the starting point, does the Minister have some indicative timeline? Could we assume that within January a preferred bidder will be appointed, and that at some stage between January and April a contract could be signed? At what point do we think it fair to expect that a contract would be hoped to be agreed with the preferred bidder?

Deputy Richard Bruton: The work is ongoing in designing a contract and I hope there would not be a very unreasonable delay if a decision is taken to move to a contract. In recent times the State has worked through the details of this application and we want to ensure that if the bid is successful, the governance standards will be highly exacting. The reason for the delay since 18 September, if one likes, is that we are ensuring the level of oversight that the Deputy is reasonably expecting to be there. I cannot give timelines until we have a decision and it would be unreasonable for me to do that. I assure the Deputy that the ongoing work is to ensure that insofar as we can, we anticipate and have the sort of oversight that anyone in the House would expect in light of what would be a very significant investment by the State.

Post Office Closures

48. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the process to review decisions to close rural post offices undertaken by An Post; the number of reviews and successful reviews, respectively, which have been completed to date; and if he will make a statement on the matter. [53419/18]

Deputy Timmy Dooley: This is to ask the Minister for Communications, Climate Action and Environment the process to review decisions to close rural post offices undertaken by An Post; the number of reviews and successful reviews, respectively, which have been completed to date; and if he will make a statement on the matter.

Deputy Richard Bruton: Was there not a question to be answered before this one?

An Ceann Comhairle: There was but the Deputy is not here to ask it.

Deputy Timmy Dooley: That threw me as well.

Deputy Richard Bruton: An Post is a commercial State body with its own board. Decisions relating to the post office network are an operational matter for An Post. In the face of serious declines in the volume of mail and post office business, An Post faced growing losses and has had to undertake a major restructuring of its business to continue to be able to provide valuable services.

With post offices, An Post has agreed an exit arrangement where postmasters choose to retire. It has established a protocol which sets out how the company would facilitate the continued provision of post office services where this occurs. Its aim is to make as many post offices as possible viable. It takes account minimum service levels as well as a range of other issues. I understand that An Post has also set up an appeals mechanism. In the case of 45 of 51 appeals the independent reviewer upheld the decision of An Post. In five cases An Post reconsidered the decision and re-advertised the contract, while in one case the postmaster withdrew the resignation.

A key element of An Post's strategy is to develop new business lines. This includes parcel

delivery, financial services that include personal loans, and more recently it has considered options relating to mortgages. It has also committed to extending its opening times. The Government is supporting An Post in the delivery of its €150 million transformation programme, and the Government provided a €30 million loan to An Post to support the renewal of the post office network and the continued fulfilment of the five day per week delivery service. Government funding has also been allocated to a new so-called Digital Assist scheme being piloted in ten post offices, where post offices are kitted out to help citizens engage with Government services online. We are also looking at options to deliver Government services to those citizens who do not want to use or are unable to use services online. The findings of this work may be of use to An Post in the longer term.

An Post continues to experience very significant declines in mail volumes and its traditional retail business, yet it has managed to strengthen its financial performance significantly and maintain a network of 960 post offices and 1,600 post points.

Deputy Timmy Dooley: I am familiar with quite a number of community groups around the country, including in my constituency, where people came together in the aftermath of the proposal to close a significant number of post offices. Of course there were some for whom the business and the level of transactions had gone so low that some communities accepted it was not possible to retain them. In many cases there was strong community representation and support to retain the services. The concern I have is there does not seem to have been an independent appraisal of the documentation or the proposals made. Very clearly some communities have demonstrated that their numbers and the criteria set out by An Post in the first instance were clearly met. The contracts should have been re-advertised and the demand and desire was there. Unfortunately, this so-called independent committee did not find in favour of the communities. There is a question over how a review group can be independent when it was effectively appointed by An Post in the first place. It would have been appropriate for the Department to have put in place an independent mechanism rather than rely on An Post.

Deputy Richard Bruton: An Post is independent in its operation so it is appropriate that the independent operator would appoint an appeals group. It set out the criteria used and, as I indicated in the initial reply, from 51 cases there were six cases with a reversal in the decision. There have been examples where a case has been made and a decision was reconsidered. In a significant number of cases, some of the services have been allocated to other retailers in the area. There are 22 places where a post point was introduced or upgraded to ensure some post office services were maintained in an area. An Post has been trying to respond as flexibly as it can.

The backdrop to this remains the difficulty from the decline in volumes this year of both retail and mail businesses, which are very significant at close to 8%. The company is facing a difficult environment in maintaining a service, and that is why diversification is so important for the continued success of its network.

Deputy Timmy Dooley: I thank the Minister and I know there are many other matters in his brief on which he has had to concentrate in his short time in office. When he gets the opportunity to review some of the discussion and debate, particularly the proposals made by Fianna Fáil, he may recognise that there are people and communities who see the post office service as being essential, and the distance they are now expected to travel to these other offices is way too far for the vulnerable people whom the post offices serve. I accept and recognise that An Post must consider viability. It is incumbent on the State to provide a level of support through a

public service obligation, if necessary, to support the provision of post office services in certain communities. It is in that vein I would have thought the Government should have taken a more proactive role in trying to decipher those offices that were absolutely necessary from those that were nice to have. When the Minister reads into the brief in a more complete way, he will come to the realisation that vast tracts of dispersed rural population require a service, although not commercially viable, that should be given the support of the State. There are plenty of other services in the State that are not financially viable but which are important facets of the community. They therefore deserve the protection and support of the taxpayer.

Deputy Richard Bruton: No Government, whether involving Fianna Fáil or any other party, has chosen to operate the post office network as a State-subsidised scheme. It has always been part of An Post's commercial business. There is no doubt that if one moves down that road, there would be a question of identifying the service and putting it to public tender. To be realistic, we must ensure that a network we sustain services a need. That there has been such a sharp decline in the activity made it inevitable that the size of the network would decline.

An Post has specified minimum distances and so on in different areas to try to ensure there is cover. The Deputy's question concerns communication networks of the future, and it is very much about where we put our scarce euro. Do we ensure there are networks to future-proof rural areas from some of these challenges? We are trying to strike a balance and maintain an effective An Post network while also looking to future communications demands in rural areas. The questions relate to two sides of a coin. Insofar as it is reasonable, we can look at maintaining the existing network while planning for the future.

Climate Change Policy

49. **Deputy Sean Sherlock** asked the Minister for Communications, Climate Action and Environment the engagement he had at the COP24 summit; and if funding programmes for decarbonisation here were identified. [53417/18]

50. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment if he will report on the United Nations climate summit in Katowice. [53443/18]

Deputy Sean Sherlock: The Minister attended the meeting in Katowice. It would be very useful for the House to understand his level of engagement with our multilateral partners and through the prism of the European Union. Arising from the new rule book that has been agreed with regard to putting the 2015 Paris Agreement into real action, will the Minister give me a sense of his vision in terms of the type of funding instruments the Government will use to move us to a rapid decarbonisation phase?

Deputy Richard Bruton: I propose to take Questions Nos. 49 and 50 together.

I think Deputy Sherlock has extended the question he originally asked considerably, but that is fair and proper. This year's United Nations climate conference, COP24, took place in Katowice in Poland over the past two weeks. I participated in the opening of the conference and also attended the high-level segment last week where I delivered Ireland's national statement and had a series of engagements, including with the authors of the Intergovernmental Panel on Climate Change, IPCC, special report, EU ministerial colleagues, ministers from other nations, the Green Climate Fund and Adaptation Fund, which we support, and non-governmental or-

ganisations working for climate action, so it was a very informative session.

The message from the UN climate conference was stark. The window of opportunity to contain the level of climate disruption is closing very rapidly. The consequences of failure are catastrophic. We saw this at first hand with regard to some Pacific islands, which face an existential threat as to whether their communities can survive. The other positive thing is that the technologies are largely available to meet the challenge. The challenge involves how we can collectively motivate our communities and organise the resources to make the changes. The other positive thing is that, by and large, there are positive economic and social outcomes in terms of health, the economy and the environment associated with meeting these targets. The challenge to governments was very stark.

The agreement was significant. Europe was pushing for more ambition but the rule book is nonetheless significant because, for the first time, countries like China and Germany will be measured against the same standard. All countries will make their contribution commitment from which they can never withdraw. A country can only improve its commitment. There will be an effort to improve it next year.

The conference was a qualified success. The funding mechanisms that were discussed were not for Ireland. They were funding mechanisms whereby better-off countries like Ireland contribute to change. At the conference, I announced an additional €4.5 million for the Adaptation Fund, the Green Climate Fund and the nationally determined contributions, NDC, scheme. We increased our funding. It is part of better-off states helping in terms of the adjustments relating to countries like the Pacific islands and Senegal, which face very serious challenges.

Additional information not given on the floor of the House

This conference was a significant milestone in international climate policy. Since the adoption of the Paris Agreement in 2015, the focus of international negotiations has been on the design of the structures and implementing rules which will enable the Paris Agreement to come into operation. Parties to the Paris Agreement committed in 2015 to concluding work on these implementing rules by the end of this year. This work has reached a successful conclusion. The agreed rules put in place the structures for tracking global emissions, providing capacity building and financial support and facilitating action to adapt to the impacts of climate change.

COP24 also saw the conclusion of a year-long process of reflection on the imperative of scaling up global efforts to address climate change, facilitated by the current and previous COP presidencies, Poland and Fiji. Informed by the IPCC special report on the impacts of global warming of 1.5°C, the outcome of this Talanoa Dialogue will facilitate a re-examination by parties of their existing commitments and consideration of whether to submit more ambitious commitments by 2020.

In my national statement to the conference, I underlined the importance of global multilateral engagement in driving momentum towards more ambitious climate policies. I informed the conference of my intention to develop an all-of-Government plan to help make Ireland a leader in responding to climate change.

At the conference, I announced additional climate funding for 2018 totalling €4.5 million for a range of organisations supporting developing countries to implement their climate policies, including the Green Climate Fund, the Adaptation Fund, and the UN Convention to Combat Desertification. I was also able to announce additional funding for the IPCC to support its very

important work in informing the international community with the best available scientific advice on climate change.

Alongside the formal negotiations, COP meetings also provide a valuable opportunity for countries, regions and the private sector to showcase climate related initiatives. My officials and I participated in a number of meetings and side events relating to emission reduction initiatives that will help inform the further development of Ireland's domestic climate policies, including side events on the design of urban infrastructure, on energy transition and on e-vehicle infrastructure.

Deputy Sean Sherlock: The Minister addressed the Oireachtas Committee on Climate Action on 5 December and made very specific references to the €500 million climate action fund. He has already said that there are seven major climate change projects that will share €77 million in Government funding. He also made reference to the sovereign green bond. If we are talking about how the decisions we will make by 2020 will determine whether global heating can be kept at 1.5° centigrade above pre-industrial levels, that expenditure will be vital in terms of programmes that will be put to good use on our own little island. I would like to hear the Minister tell us what sense of urgency exists across the Government with regard to deploying that funding in very specific areas like decarbonisation of buildings, transport networks and smart grids. I would like to get a sense from him that there is an urgency across Government with regard to its own response. If we are signing up to this rule book as per the 2015 Paris Agreement and if we are serious about hitting the pre-industrial targets in terms of mitigating against a 1.5° centigrade increase in temperature by 2020, what measures is the Government taking?

Deputy Timmy Dooley: I am concerned that Ireland did not join the 27 countries that formed the High Ambition Coalition. During the summit, this group committed to scaling up commitments in line with the Paris Agreement targets. The Minister might provide some detail as to why we did not do this or why it was not possible for us to do this. However, Ireland did join the eight other countries to work together to establish a carbon floor price. This is welcome and necessary. The year 2020 is crunch time. It is well established that we will not meet our 2020 targets. I do not propose that we go back over the arguments, which have already been well argued over a number of months. Does the Minister believe there are further opportunities to develop this grouping and encourage mutual improvements?

Deputy Richard Bruton: I believe this is the biggest challenge we face as a community. It will take a sense of urgency not just here in the House but in every home, business, school and public service in respect of thinking about the challenges and how they can contribute. While the climate action fund is very important, it is much more about priming the pump. The Deputies will see that we chose demonstration projects like the electric vehicle network, the gas initiative and LED lighting. These are demonstration projects. The public service and the State cannot do all the heavy lifting in terms of funding the change we need to make. That is something we need to admit. With €30 billion on climate action and sustainable transport, the national development plan will reduce the target by 22 million tonnes. It is about a third of the journey we must make.

Clearly, it is very hard to sign up to more ambitious targets, when we are 95% off the target we set for 2020. What we need to do is face up honestly to the policy instruments we need to put in place to get to where we committed instead of making the hollow gesture of saying it will be even more when we have not got our house in order. I am not opposed to setting more ambi-

tious targets and I hope we will be able to set more ambitious targets for the future, but I need to get delivery of initiatives. I had a meeting yesterday with all the assistant secretaries from all of the Departments involved to start to tease out what we can do. There are obstacles. This is going to be a challenge politically and in terms of coming up with policy ideas.

Deputy Sean Sherlock: I welcome the Minister's commitment, about which there is no question. In asking the question, I was trying to find out what the sense in Government is. I understand that the Minister has met the various line Departments but it is about a whole-of-Government approach led directly by the Taoiseach that recognises the urgency of the challenge and ensures that the net behavioural change that needs to happen so that we can hit these targets is implemented. I would not like to see this become too process-driven. I would like for it to be recognised across all line Departments that the silos within Government should be broken down and that this is probably one of the biggest challenges we will face as a country for the foreseeable future. I would like to see a massive response in terms of the initiatives that citizens can avail of in terms of better transport networks and decarbonising buildings such as public buildings and schools. I would like to get timelines from the Minister as to when he can start rolling out that funding for bespoke projects.

Deputy Timmy Dooley: The draft EU long-term strategy on greenhouse gas emissions, which was published on 28 November, also proposes a climate neutral vision by 2050. A number of key decisions are scheduled for early next year, such as the future of the carbon tax, the report of the Oireachtas Committee on Climate Action, and the Government's cross-departmental plan, which the Minister spoke about and indicated he is moving on through, for example, meeting the assistant secretaries. Does the Minister believe that Ireland will be well placed to meet our 2030 targets earlier rather than later in the decade? As he is aware, the longer our emissions are allowed to grow in the first half of the decade, the greater the measures we will have to take in the second half. If we all agree that measures need to be taken, it is easier to progress them sooner rather than later.

Deputy Richard Bruton: There is no doubt that the sooner we start making changes, the quicker the impact will be and the less adjustment we will have to make. However, doing something like getting our renewables from the current 30% on the power system up to, say, 60% requires a number of sequential measures to be put in place. We need to strengthen the grid and start to hold the auctions. We need to see the technologies such as offshore wind being developed to a point where they are economic. We cannot just press the button and have them all fall into place. By necessity, some of these measures are sequenced. I indicated to the committee that we are looking across a number of policy areas, such as market failure and the lack of a carbon price, as well as regulation. We are looking at every conceivable area and policy initiative across the sector, from buildings, industry, agriculture, transport and houses to the public service itself. Some public service bodies are exemplary in the way they have improved energy efficiency, while others have done virtually nothing. That is not acceptable. We need to set new standards at every level and the Deputy is correct that we need to hold people to account on strict timelines. We will not do everything in one year. This will be a rolling programme.

Alternative Energy Projects

47. Deputy Brian Stanley asked the Minister for Communications, Climate Action and Environment the new technologies that can be ready for incorporation into the electricity system

to address directly the use of fossil fuels in view of the report from the Climate Change Performance Index which placed Ireland last in terms of action on climate change in the European Union. [53131/18]

Deputy Brian Stanley: My question is in the same vein as the previous one as it relates to the new technologies that are ready to be incorporated into the electricity system. The Climate Change Performance Index ranks Ireland as the worst country in Europe and one of the worst countries in the world when it comes to climate change. That is an indictment of this Government and previous Governments. We are completely reliant on one source of renewable energy for renewable power, namely, onshore wind. Will the Minister of State specify what new technologies can be ready for incorporation into Ireland's electricity supply system?

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): The national mitigation plan published in July 2017 was an important first step. It signposted the direction in which Ireland must travel, while openly recognising that it was not a roadmap for delivery. The national development plan has provided a significant part of the roadmap. Specifically in relation to the decarbonisation of electricity, the plan envisages investments to support up to 4,500 MW of renewable energy; enhanced interconnection of the grid to facilitate more renewables; the conversion of Moneypoint by 2025; and the roll-out of smart energy technology.

As the Deputy will be aware, renewable energies now provide, on average, 30% of supply and the system can accommodate up to 65% penetration by renewables at any one time. Further work is under way to enable the power system to manage 75% of renewables in real time by 2020. This is material to the efficacy of managing variable renewable sources. It is our aim over the coming years to increase renewable electricity to 55% of average supply. To achieve this figure, EirGrid is exploring future interconnection, pioneering engineering and economic approaches as well as the introduction of new technologies such as batteries, solar and demand side management to managing more than 90% of renewables in real time by 2030.

It is our intention to develop opportunities for a range of technologies to compete at auction under the renewable energy support scheme with the first auction in 2019. We also intend to develop the scope for microgeneration to supply the grid.

In the coming years, onshore wind, solar, offshore wind and biomass, as well as large-scale grid connected battery energy storage and interconnection, are expected to displace fossil fuels in our power system and drive Ireland's transition to a low carbon electricity system. In addition, the EU emissions trading system, whose rules have now been reformed for the 2021-30 period, will send a strengthened price signal to the electricity generation sector that will promote investment in decarbonising technology and fuel switching to lower carbon alternatives.

Deputy Brian Stanley: I thank the Minister of State for his reply. Global warming has been catastrophic in 2018 and it is registering with people that we are not in a good place. For the past seven or eight years, I have been highlighting this issue with the Minister and his predecessors, including Mr. Phil Hogan and Mr. Pat Rabbitte. We do not have many practical measures in place at this stage. The Minister of State referred to measures the Government will put in place. We welcome those and their introduction needs to be accelerated. He also outlined some of the new technologies. The programme for Government made specific commitments in this area which need to be fast-tracked. The cost to the State of not taking this action will be between €100 million and €600 million in the next two or three years.

The Minister of State mentioned converting Moneypoint power station. To what exactly will the Moneypoint plant be converted? Given that our supply of natural gas is running out, does the Government intend converting it to biomass and, if so, from where will the biomass come?

Deputy Seán Canney: Investment is being made, including €30 billion provided in the national development plan. We have significant potential in this area, including offshore wind. However, this technology is costly to develop, especially on the west coast where there are deep seas and wind factors. Although prices are dropping in Europe, it is likely that subsidies will be required if there is to be significant development of offshore wind.

EirGrid predicts that onshore wind generation will continue to grow across all scenarios in Ireland as the cost of the wind industry decreases over time, with potential for an increase in onshore wind capacity of 5,000 MW by 2030. In addition, solar photovoltaic, PV, generation has become a more economically viable form of electricity generation. It is likely that we will see large-scale solar PV connecting to the system at an increasing rate during the mid-2020s without the need for a subsidy due to the decreasing capital costs.

Large-scale grid connected battery usage energy storage will likely connect across the renewables such as solar and wind to help reduce curtailment levels. Household battery energy storage will likely connect to the domestic solar PV to provide additional self-consumption for consumers. All of these initiatives are taking place and will continue. They are the first steps.

Deputy Brian Stanley: The Minister of State did not answer my question on what Moneypoint power station will be converted to and where, if it is biomass, the material will come from. Natural gas supplies will last for a further ten years at best, based on current information.

The Minister of State mentioned developing solar generation in the mid-2020s. That needs to be fast-tracked because the mid-2020s is not soon enough. We should have done this yesterday and, failing that, we need to start doing it tomorrow. Solar is a potential energy source that we are not tapping into, while biogas is another. It is recognised across Europe that Ireland has considerable potential for biogas because of its large agricultural sector.

We need to be cautious with biomass because if we import the bulk of the material from outside the State, the carbon miles involved in transporting it will mean we will not reduce our greenhouse gas emissions. We need to develop these new industries. Hydropower, for example, is not being considered and we are not making any progress in developing it. We need more concrete action.

This year has been catastrophic in terms of climate change. In the past eight years, I have raised with every Minister a gaping hole in their policies, namely, the failure to use one of the arms of the State, local authorities, to address climate change. The role of local authorities has been repeatedly scaled down, as anybody who has served on a council will recognise. We need to give the 31 local authorities a serious role in tackling climate change and a responsibility for climate action. I appeal to the new Minister and the Minister of State to listen to what I am saying. We should give local authorities a greater role in this area.

Deputy Seán Canney: The ESB is looking at potential energy sources for Moneypoint and working on this issue.

The Deputy is right about the local authorities. Each one has a climate action officer and

regional climate action offices are in place. A number of weeks ago, we launched a climate adaptation plan for local authorities to integrate climate action into their local area plans and planning processes. At the meeting held in Athlone at the launch of the document, one suggestion was that the installation of electric charging points be made a condition of planning in the case of service stations. We are looking at how to design the country to be able to act on climate change in future. Local authorities have a vested interest but they also have the potential to become great drivers in localities.

Ceisteanna Eile - Other Questions

North-South Interconnector

51. Deputy Brendan Smith asked the Minister for Communications, Climate Action and Environment his views on the need to provide the North-South interconnector as proposed by EirGrid; and if he will make a statement on the matter. [53166/18]

58. Deputy Brendan Smith asked the Minister for Communications, Climate Action and Environment his views on the 2018 electricity generation report published by EirGrid and a company (details supplied) on the proposed North-South interconnector; and if he will make a statement on the matter. [53165/18]

Deputy Brendan Smith: I wish the Minister for Communications, Climate Action and Environment, Deputy Bruton, and the Minister of State at the Departments of Rural and Community Development and Communications, Climate Action and Environment, Deputy Canney well in their new roles.

As the Minister is aware, we have been told relentlessly since 2006 that the lights would go out in Northern Ireland unless the North-South interconnector was built as a matter of urgency. The 2018 electricity generation report recently published by EirGrid and the System Operator for Northern Ireland, SONI, shows a remarkable turnaround from a situation with a significant power deficit to that of a significant power surplus in Northern Ireland for the next ten years, even accounting for a very high level of forecasted demand, which is a demand that is unlikely ever to be reached. It is time that the Minister and the Department questioned the necessity for this North-South interconnector project going any further in the planning stage.

Deputy Richard Bruton: I propose to take Questions Nos. 51 and 58 together.

I am surprised that the Deputy is suggesting that we would isolate our grid in that way. One of the constraints on introducing renewables into our grid is the lack of interconnection. The single electricity market for the island of Ireland has brought many economic and social benefits, both North and South. It depends on the degree of interconnection. Currently, just 300 MW of electricity supply across the existing North-South interconnector is permitted to ensure that electricity is securely provided to customers. The new North-South interconnector will facilitate substantial increases in capacity transfers, thereby facilitating a more effective single electricity market.

Interconnection helps to ensure that only the most efficient and low-carbon generation is brought into the grid. The interconnector also substantially increases the capacity to connect up to an estimated 900 MW of renewables to our grid. Currently, 30% of our electricity comes from renewables, but as part of our strategy to meet our climate commitments, we need to almost double that proportion as Deputy Canney outlined.

The North-South interconnector has been subject to economic analysis and the benefit-to-cost ratio is very positive. The interconnector is expected to bring savings in the single electricity market of €20 million per annum from its inception, rising to between €40 million and €60 million per annum by 2030. Much of these savings result from reductions in network constraints that will accrue from its delivery.

While the project has received planning consent in Ireland and Northern Ireland, these decisions are subject to ongoing legal challenges in both jurisdictions. The development of the interconnector, including associated procurement activities, are operational matters for EirGrid and ESB Networks.

The generation capacity statement 2018 covers both Northern Ireland and Ireland, and is produced jointly between SONI and EirGrid. This is in line with their regulatory requirements to publish forecast information about the power system, including an assessment of the balance between supply and demand. The generation capacity statement is updated annually to ensure an adequate capacity is available in the market on an all-island basis and to plan accordingly.

I am advised that the increase in generation capacity as shown in the generation capacity statement published by the transmission system operator does not impact on the need for the interconnector. It is also important to note that the increase in Northern Ireland generation capacity shown is likely to be temporary in nature. The main increase is from the assumed continued availability of the coal-fired Kilroot generating units and two of the older and less efficient Ballylumford units. The long-term continued operation of these generators is not sustainable in the context of decarbonisation of the industry. In fact, since the generation capacity statement was published, the Utility Regulator for Northern Ireland granted derogation requests on 9 November to AES for the two Ballylumford units, totalling 250 MW, from the requirement to give three years' notice of closure.

Deputy Brendan Smith: I thank the Minister for his reply. I never suggested that we should not have an all-Ireland electricity market - far from it - and I have always advocated that we develop an all-Ireland economy. I am saying that we have been fed a diet of suggestions that the lights will go out in Northern Ireland in 2019 if the North-South interconnector is not built. The most recent report shows that there will be a surplus of electricity, even under present structures, as opposed to the deficit that we were told would result for a long time. I have many quotes from EirGrid and SONI, their counterparts and other affiliated bodies, stating that the lights would go out if the North-South interconnector was not built.

I am sure that the Minister is fully aware of the grave concern in communities in Monaghan, Cavan and his home county of Meath about the actions of EirGrid and the bullying manner in which this project has been proposed all along. We had the farce of an oral hearing with An Bord Pleanála where all of us in this House, regardless of political parties, and local public representatives made detailed oral presentations at those hearings but we might as well have been talking to ourselves at home because the report did not even have the courtesy to refer to the concerns outlined by Ministers, Senators, Deputies and councillors from Cavan, Monaghan

and Meath.

I am sure that the Minister is fully aware that the communities in Meath, Cavan and Monaghan do not accept the proposal as it stands to have these transmission cables overground should that project ever proceed.

Deputy Richard Bruton: I am conscious that we were just talking about the challenges of climate change and how we will respond to it. One of the responses is undoubtedly to have better interconnection in our grid. There is not only this North-South interconnector which would allow 900 MW of renewable energy to come onto our grid, but also the project for an interconnector between Ireland and France. We need interconnection if we are to have an electricity market that is capable of decarbonisation. It is an absolute challenge for us as a nation to deal with this.

I accept that any change is challenging. I have not been involved in the planning process but I know from others that people had strong feelings. The planning process has been set up to be independent of the political system. That was done for very good reason and I am around long enough to know why it was done. We have to respect the independence of our planning system.

As I explained in the reply, the reason there is capacity to meet demand at the moment and the lights will not be going out is the extended life of coal-burning stations, two of which are now slotted for closure. Of course there will be contingencies to keep the lights on, but in terms of planning for the grid for the long term, interconnection is essential.

Deputy Brendan Smith: I thank the Minister. I would not question the need for an independent planning system. We are all fully aware of the need for that and the way it works. When members of Government, Members of the Oireachtas and public representatives from local authorities go to the bother of making detailed presentations at oral hearings, it would be expected that the inspector's report would at least refer to them or take some cognisance of the views of elected people. Those bodies may be removed from the political system but they cannot just disregard public representatives either.

There is an issue that may not be in the Minister's brief that I want to bring to his attention. The Minister referred to An Bord Pleanála giving approval in December 2016 and that approval carried nine conditions. The local communities in Meath, Cavan and Monaghan have stated all along that EirGrid could not proceed without breaching those conditions laid down by an Bord Pleanála, but EirGrid has passed the ball onto ESB Networks to meet all local authorities to force them to bend and sign off on the conditions. All local authorities and planning executives met ESB Networks on 6 September and our position and the position of local community groups which have been very active on this issue over a number of years is that ESB Networks has no right to meet local authorities at this stage on this project. It is an EirGrid project and not an ESB Networks project. I would like it if the Minister would have that matter investigated in his Department.

Deputy Richard Bruton: If there is to be an independent planning process, the representations of Ministers or Deputies cannot be treated in a better fashion than anyone else. The point of having an independent process is that it is not open to influence by political-----

Deputy Brendan Smith: But we booked an oral public hearing.

Deputy Richard Bruton: That is the point of it being independent. It is that Ministers will

not be pressurising it or that the planning authority will not provide special access for one group of people as opposed to the other, because that undermines the independence of the process. We know what the planning process is like. It does not always produce the outcome that is wanted and I acknowledge that, but it is fair and public representatives are not treated better than individuals who are representing themselves, and that is as it should be. The quality of the planning is the argument that they have to deal with.

Deputy Brendan Smith: There were qualitative arguments from public representatives as well.

Deputy Richard Bruton: I am not aware of the details of the planning conditions and I will get back to the Deputy on that, but generally speaking, in planning conditions it is not unusual that they would require something to be done to the satisfaction of a local authority.

5 o'clock

In virtually every planning permission granted, the roads must be completed to the standard of the local authority or whatever. I will check the provision to which the Deputy refers.

The other point we need to bear in mind is that two independent reports showed that the underground proposal, which is what many people are advocating, would be three times as expensive. They showed also that our system of compensation is fair and reasonable and better than that in many other countries. We are trying to be fair to people but the planning system is independent of Government.

Deputy Brendan Smith: EirGrid has not tried to be fair to local communities.

Electricity Generation

52. Deputy Aindrias Moynihan asked the Minister for Communications, Climate Action and Environment if consideration will be given to a grant scheme for microgeneration of electricity to allow communities and individuals to develop small scale local power plants; and if he will make a statement on the matter. [53173/18]

57. Deputy Pat Deering asked the Minister for Communications, Climate Action and Environment the steps he is taking to increase the amount of electricity being generated from renewable sources; and the further steps he is taking to develop microgeneration. [53193/18]

92. Deputy Timmy Dooley asked the Minister for Communications, Climate Action and Environment the position regarding the development of facilities to support the sale of electricity back to the grid; and if he will make a statement on the matter. [53179/18]

Deputy Aindrias Moynihan: First, I congratulate the Minister, Deputy Bruton, and the Minister of State on their appointments.

The recent Intergovernmental Panel on Climate Change, IPCC, report brought into sharp focus the scale of the task ahead in terms of climate change and the need to intensify our efforts over the next 12 years. There is a willingness on the part of the public in that regard where they want to take the various steps needed. One of those steps is micro-generation. Different pilot schemes have run over the years and I am conscious the Minister of State has one in play now,

but how quickly will he scale up that pilot scheme to ensure a full, open scheme is available in which the maximum number of communities and the public can take part? People genuinely want to engage and do what they can in respect of climate change.

(Deputy Seán Canney): I propose to take Questions Nos. 52, 57 and 92 together.

I strongly support a route to market for citizens and communities to generate their own renewable energy and to receive a fair price for doing so. Indeed, Ireland has been involved in developing the EU's Clean Energy Package which entitles renewable self-consumers to receive remuneration for excess electricity exported to the grid.

Significant work has already been carried out in this area by my Department and the Sustainable Energy Authority of Ireland, SEAI, working with industry stakeholders, including the Micro Renewable Energy Federation. However, more work needs to be done before we can introduce a legal framework to fully implement this approach.

One challenge is to design a remuneration regime for microgeneration as per the new directive, which reflects the market value of that electricity fed into the grid and also to work out how it would impact on network charges and on the public service obligation, paid by other users for exported electricity taking the benefits of self-consumption into account.

In July 2018, a new pilot scheme to support microgeneration was introduced, initially targeting domestic self-consumption through a grant scheme for solar PV installation and battery storage. Over 3,000 applicants have expressed an interest to date and approximately 200 rebate claims are in process for payment by the SEAI, which is administering the scheme on behalf of the Department.

A review next year of the pilot scheme will inform potential future phases of support for microgeneration.

The Department currently also offers supports to communities and small and medium enterprises, SMEs, to install solar PV and other energy efficiency measures through the SEAI-led sustainable energy communities and Better Energy communities schemes.

Deputy Aindrias Moynihan: To go back to my original question, how quickly will the Minister scale up that pilot scheme? Various pilot schemes were run in 2008. The ESB ran one previously also. The Minister of State has had one running for several months and he is talking about doing a review next year. The IPCC set out that we have 12 years to take action on climate change. The strongest message it sent was urgency. A greater level of urgency is needed to deal with this challenge and the Minister of State is talking about having that review conducted some time next year. How quickly can he get it done? I do not want one of those 12 years to be lost doing a pilot scheme. How quickly will the new scheme be up and running? He has already seen different aspects of the older schemes so we need to know how quickly he will do that. Also, what kind of targets will the Minister of State set in respect of it? Will there be opportunities for communities to take part and will that participation be widespread?

Deputy Pat Deering: Likewise, I ask the Minister of State about the amount of electricity that can be generated from renewable sources. We have seen some areas move towards solar farms, for example, but it is a very slow process. The farmer might get permission but he or she might have to wait a number of years to get connected to the grid. There is no incentive in that regard. We saw in recent times where there may be development of wind turbines, which I

believe have a huge part to play, but there is a huge disincentive in that regard. There has been an increase in commercial rates, for example. I am aware that the rate for one of those turbines has increased from €40,000 to €120,000. That is a major disincentive to the entire process. What can we do in that regard? As mentioned earlier, the clock is ticking very fast. To move fast in this regard, we need incentivisation for all sectors, in particular the renewable sectors. What plans are in place to deal with these in the short term?

Deputy Seán Canney: Microgeneration is a very small part of the overall plan. It is important for communities and that we do that in a way that will work. It is expensive and we need to make sure that whatever scheme we bring in will be cost effective. That is the reason the pilot has been done. It will be renewed this year and will be brought forward. We are looking at other schemes. As I said earlier, the big schemes such as offshore and on-shore energy, wind farms and solar are where we might get the bigger hits in terms of creating more sustainable energy.

Referring to Deputy Deering, we know the problem is the delays in getting the processes and the consent to do the work. I would point out a number of aspects in that regard. The action plans for local authorities have been published, which will help them speed up the process by which planning permissions can be granted.

Also, the action plan on climate change is being prepared by the Minister, Deputy Bruton. That is a cross-departmental plan which will be brought forward in the spring. We need to make sure that we examine the deficiencies in our system so that we can create the environment that will allow people get on with these worthy projects. That is what the action plan is all about.

Deputy Aindrias Moynihan: I thank the Minister of State. He is right that microgeneration is just one of the many components needed. We want to give the maximum number of individual households and community groups the opportunity to play their part but they need to have that opportunity as soon as possible. How soon will the Minister of State have that scheme open and up and running for them? The pilot has been running for several months. As I pointed out, the clock is ticking. I do not want to see one of the 12 years spent on a pilot scheme. When will that new scheme be available to ensure the widest number of people can have an opportunity to participate in it? We need to go from talking the talk not just to walking the walk but running. The Minister of State is starting from a position where he is well behind. We need this scheme to be up and running as quickly as possible to allow the maximum number of individual households and community groups, and not just commercial interests, take part in it.

Deputy Pat Deering: I welcome the progress made on the action plan for local authorities and on the planning process also. However, the major blockage seems to be the connection to the grid, particularly from a solar farm viewpoint. The planning process could have been completed. The owner of the solar farm, for example, could be waiting a number of years before he or she will see payback in that regard. That is a huge disincentive. We want to get more of those facilities available, which will have a huge part to play in take-up of the scheme. That has to be addressed.

The planning process around wind turbines needs to be addressed also. We have been waiting on the regulations around those for a number of years. Again, that is a drawback in that regard. The clock is ticking and we need to see progress sooner rather than later.

Deputy Seán Canney: To respond to Deputy Moynihan first, 3,000 applicants have ex-

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pressed an interest in the microgeneration pilot scheme currently in play but only 200 have looked for a rebate. We are not just walking; we are running.

Deputy Aindrias Moynihan: Two hundred are running out of many thousands.

Deputy Seán Canney: The other thing I want to say is that communities and small businesses are also being supported through schemes led by the Sustainable Energy Authority of Ireland like the sustainable energy communities scheme and the better energy community scheme. They are for smaller communities like the communities Deputy Moynihan is talking about and the communities I know as well. Communities can apply for these schemes and they operate in rural areas. It is important that communities apply and know these schemes are running for them to apply to through the SEAI.

I agree with Deputy Deering's comment that we have much work to do in co-ordinating the entire effort so that we squeeze down the time it takes to get all the processes right. That will help to get all these people connected to the grid, and we are working on that.

National Broadband Plan Implementation

53. **Deputy James Browne** asked the Minister for Communications, Climate Action and Environment to outline the position regarding the roll-out of the national broadband plan in County Wexford; and if he will make a statement on the matter. [52786/18]

Deputy James Browne: Will the Minister for Communications, Climate Action and Environment outline the position regarding the roll-out of the national broadband plan in County Wexford?

Deputy Seán Canney: The national broadband plan aims to ensure that every home, school and business in Ireland, regardless of how remote or rural, has access to high-speed broadband. This is being achieved through a combination of commercial investment throughout Ireland and State intervention in those mostly rural areas where commercial operators acting alone are unlikely to invest.

Since December 2015 the number of premises with access to high-speed broadband in Wexford has increased by over 17,000, a 44% increase. In total, the number of premises in Wexford with access to high-speed broadband is over 58,000, some 71% of the total premises in Wexford. Another 2,300 will be served by Eir's planned rural deployment. The remaining 22,000 homes, schools and businesses in Wexford will be connected under the Government's national broadband plan.

In April 2017 the Department published an updated high-speed broadband map, which is available at www.broadband.gov.ie. The map shows the areas targeted by commercial operators to provide high-speed broadband services and the areas that will be included in the State intervention area under the national broadband plan. The map is colour coded and searchable by address or Eircode.

The procurement process to appoint a bidder for the State intervention network is now at the final stage. The priority is to bring the procurement process to a fair and impartial conclusion as quickly as possible. The Department will now conclude its assessment of the final tender submission received from the bidders on 18 September 2018 and a recommendation will be

brought to Government in the coming weeks.

Deputy James Browne: I asked the question because of the deep frustration felt by the people in County Wexford in not being able to access fibre broadband in the rural areas. Fibre broadband is crucial to bridging the digital divide between rural and urban Ireland. This affects individuals in their houses, people trying to access information for children who are doing their homework, those applying for medical cards and people trying to set up a business. It affects farming communities who need broadband to develop efficiency in their farms as well as health and safety procedures. Many farmers these days are working alone on farms. They have no one to help them. Having access to broadband allows them to put in place health and safety facilities on their farms.

This is a matter of deep frustration for the people in Wexford and throughout the country. The programme for Government proposes that every house and business is to have broadband by 2020. Can the Minister of State confirm that this is still the plan?

Deputy Seán Canney: As a Deputy from a rural part of the country, I understand the frustrations. Everyone accepts that broadband is essential, just like water, electricity and sewerage. Broadband is now essential in every home.

The Government commitment is to provide broadband to every house. The tender process is coming to a conclusion. The final evaluation is taking place. It will be concluded in the coming weeks. The Minister for Communications, Climate Action and Environment, Deputy Bruton, will bring a report to Cabinet once it is completed.

It is my hope that we will reach the targets that we have set out. What we have to do is work towards that. Progress is being made and has been made, but not for everyone and that is the problem. The Deputy will be aware of that. I have set out the figures for Wexford, including the number of houses with access. The percentages have gone up but still we have many people who do not have it. We are trying to fill in these gaps.

Deputy James Browne: The percentages have gone up because of the commercial operators. What I am concerned about is the rural areas where the commercial operators have said they are not going to. The contract or tender was supposed to be signed in summer 2017. That has been set way behind. Does the Minister of State still believe that every house and business in rural Ireland will be connected to broadband by 2020? Is it still on schedule? Does the Minister of State believe it is on schedule or not? The question is very simple.

Deputy Seán Canney: Let us be exact about it. The final tender bid came in September this year. It is probably one of the largest tenders that we will have in the State for a long time. We want to ensure the evaluation process is correct, value for money is secured and it is a fair contract for everyone. That is the first step. Timing will be part of the tender and roll-out. I am not going to say to Deputy Browne exactly when it will be done until the tender evaluation process is complete and a report is brought to Government, but we will be working towards that and I imagine everyone in the House hopes that will happen.

Energy Efficiency

54. **Deputy Sean Sherlock** asked the Minister for Communications, Climate Action and Environment to outline the engagement he has had with the Department of Education and Skills

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on the decarbonisation of school buildings. [53138/18]

Deputy Sean Sherlock: The Joint Committee on Climate Action is sitting currently in response to the Citizens' Assembly report. Committee members visited Tipperary recently. I note the Chairman of the committee is present and the Vice Chairman was present up to a moment ago. We had the good fortune to visit Youghalarra national school. That school has converted to heat exchange technology. Effectively, the school has been decarbonised. It is a wonderful project. The school has decarbonised its heating provision and has moved away from oil and gas into using the grid for heat exchange.

One challenge put to committee members in the course of our interactions was that schools are finding it hard to use or deploy this technology. Has the Minister for Communications, Climate Action and Environment had any interaction with the Minister for Education and Skills? In other words, has the Minister spoken with himself about this?

Deputy Richard Bruton: I thank the Deputy. I had some interest from the other side of the counter on this question when I was in the Department of Education and Skills.

The most recent report on public buildings shows that schools are one sector where the greatest ground has to be made up. Schools are well short of the targets that are generally being achieved. To be fair, the targets are being achieved in higher education rather well but not in schools. We all know the reason for that. They do not have access to resources and so on.

However, two points are really positive. The Sustainable Energy Authority of Ireland has been working with schools. There is a €14 million investment plan for the end of 2019. The idea is to test approaches and build best practice and building capacity for an energy refit programme for larger-scale schools. A total of 16 schools have been upgraded to date and more are planned for 2019. The Department of Education and Skills is exploring how the programme could be further scaled up.

Energy measures delivered include improving the energy efficiency of the building fabric, installing more efficient and cleaner heating systems and upgrading to smarter electrical systems. Outcomes are positive, improving the energy performance of the schools by as much as 40% in some cases as well as improving the teaching and learning environment for staff and students.

The community initiative that the Minister of State, Deputy Canney, referred to is, in many cases, improving schools. There have been some private sector initiatives that have worked with schools with outstanding results as well.

Another positive point is that the Department of Education and Skills has committed in its ten year financial envelope to deep energy refit for its pre-2008 school body. There is momentum within the Department. I hope that by combining the successful pilots that are up-and-running in many parts of the country we can roll out an effective programme. I will be talking to the Minister for Education and Skills, Deputy McHugh, to see how we can accelerate this delivery.

Deputy Sean Sherlock: I welcome the Minister's response. Could a formal engagement be made between the Ministers to put in place some type of service level agreement or memorandum of understanding? Can we develop an understanding for those who are tendering for these projects so that it would be as seamless as possible? Applications would have to measure

up to the regulatory framework naturally, but the process should not be overly burdensome in terms of the bureaucracy or bells and whistles that contractors have to go through to roll out these projects at a speedier pace.

Deputy Richard Bruton: I have spoken to the Minister, Deputy Joe McHugh, and he is up for something in this area if we can develop a scheme. One issue will be access to funding because 80% of the Department capital funding is simply to cope with population growth. We need smart access to funding, to exploit the pilot schemes and deepen community involvement to achieve a broader range of interests who are interested in helping this to happen. We see how we can work together to develop clusters where this would occur. At least building blocks are emerging to enable something to happen.

Energy Efficiency

55. **Deputy Eamon Ryan** asked the Minister for Communications, Climate Action and Environment the percentage of the heat available from a planned €40 million district heating system utilising heat from the Poolbeg incinerator that will be utilised; and the purposes for which this resource could be utilised for. [53168/18]

Deputy Eamon Ryan: The use of waste heat from the Poolbeg incinerator to heat parts of Dublin is a big practical project we could undertake that would benefit the economy and turn what is currently a waste resource into a precious one. I welcome the seeking of €20 million from the climate action fund, but I am keen to get the details of what is planned with this very welcome project. I presume it is part of a staged development whereby we will think far bigger and look at how all of the waste heat from the Poolbeg peninsula is used.

Deputy Richard Bruton: An application by Dublin City Council to capture heat from the waste heat generated at the Dublin waste to energy plant and pipe it into homes and businesses in the Poolbeg, Ringsend and Docklands area of Dublin was successful in being approved for up to €20 million of support from the climate action fund. I understand up to 90MW of waste heat is produced at the Dublin waste to energy plant that has the potential to heat the equivalent of 50,000 homes and would otherwise be released into the atmosphere. The proportion of this heat to be used as part of the district heating project will depend on the level of heat demand connected to the network and is expected to grow over the lifetime of the project. I have visited the plant and understand from the operators that the project also has the potential to double the energy efficiency of the plant.

The detailed validation of the project is under way. However, the project has the potential to significantly reduce carbon emissions. The reduction has been estimated at over 30,000 tonnes of carbon over a ten-year period for the initial phases of the project. I should also mention a similar project in south County Dublin on a slightly smaller scale in the same group. I hope these two significant district heating projects will achieve their potential.

Deputy Eamon Ryan: I very much welcome the project. I understand we are looking at the initial phase where it will connect to new housing and businesses in the docklands, including on the Irish Glass Bottle site and the new build commercial premises in the north inner city along the quays. That is all very welcome, but I am very keen that we be much more ambitious. There are some pipes in place that would allow us to extend the project further up the river to new developing areas, including the Heuston Park Quarter. We should be looking at a range

of other developments. It will require the council's support but also that of the Government to install the piping needed to enable further connections to be made. The figure of 90MW of waste heat to which the Minister referred is not insignificant. We could go further if we were to connect to other power stations on the Poolbeg peninsula where there is waste heat going into the River Liffey. Are there plans to provide for that level of scaling up and to take a much more ambitious approach?

Deputy Richard Bruton: The climate action fund was an attempt to help bottom-up thinking to see what was possible. It is significant that two schemes which were successful were district heating schemes, the one in Dublin city with a figure of €20 million and the one in Tallaght in the area of South Dublin County Council with a figure of €4.5 million. It signals to me that there is potential in this area. When I was there, the city manager noted that they had already laid some pipes and had a network of several buildings that could be connected. They have done some homework to make this a possibility. I will look at the potential to further extend the number of schemes and would welcome new ideas in that regard. That is what the climate action fund is about and most of the initiatives are related to creating better frameworks that could be expanded further, of which clearly this is one.

Deputy Eamon Ryan: That is true. We are retrofitting under the district heating scheme, but we should also look at every other industrial facility across the country to see where there is waste heat to see if we can trap it and use it. One of our biggest problems is less in the area of electrification than heat capture where we are furthest behind our targets. We will not meet them through the use of biomass alone. We must stop burning fossil fuel for heat. The district heating scheme is the key and obvious beneficiary. As welcome as the project is - 30,000 tonnes is not an insignificant saving in emissions - in the context of a 100 million tonne gap which we have to close, it is a drop in the ocean. We need to start to scale up our ambitions across a range of areas. While these two pilot projects are welcome, we should be looking at every industrial facility in the State to see where there is waste heat that we could use to facilitate industry and local communities and to think much bigger about the possibilities.

Deputy Richard Bruton: I agree. Ultimately, I must be conscious of the cost effectiveness of the different measures which must enter into the calculation. I think it is 50:50 in these cases, where the State is putting in half of the funds, while the other half is raised elsewhere. We must look at the cost effectiveness of this and any subsequent heating project. I presume this project had an edge because the piping necessary had already been fitted at design stage and retrofitting was not required. I am looking to ensure our standards and regulations will make it easier in the future, as well as developing feasible projects in the near term.

Greenhouse Gas Emissions

56. **Deputy John Curran** asked the Minister for Communications, Climate Action and Environment the range in which he expects Ireland to miss its 2020 greenhouse gas emission targets; the sectoral breakdown of these targets; the estimated range of fines Ireland is likely to face for failing to meet targets; and if he will make a statement on the matter. [53204/18]

Deputy John Curran: The Minister will be aware that Ireland will miss its 2020 emissions targets by a significant amount. Can he give a sectoral breakdown of where he expects the targets to be missed by 2020 and the associated costs to the Exchequer as a result of our failing to reach them?

Deputy Richard Bruton: Under the 2009 effort sharing decision which put in place binding annual emissions targets for each year between 2013 and 2020 for sectors outside the EU emissions trading system, Ireland must achieve reductions of 20% relative to 2005 levels of emissions. The actual trends show that under the influence of the economic crash, Irish emissions were below target ceilings in the years 2013 to 2015, inclusive. However, as recovery took hold, it became clear that we had not broken the link between economic recovery and emissions which rose significantly above the target ceiling in 2017. The latest projections, published in May by the EPA, indicate that emissions from those sectors of the economy covered by the effort sharing decision could be on aggregate be 17 million tonnes, or 5%, above the cumulative target for the period. However, more worryingly, the 2020 levels are projected to be only between 0% and 1% below 2005 levels by 2020. This puts us in a very bad starting position to meet our 2030 targets.

The EU system does not fix separate targets for different sectors. The effort sharing decision allows member states to meet their targets using unused emissions allowances from earlier years, or through purchasing allowances from other member states or on international markets. Ireland has certain accumulated credits already acquired. However, I am advised that Ireland will need to purchase allowances to meet projected shortfalls in 2019 and 2020. My Department estimates the costs of this requirement to be in the region of €6 million to €13 million, depending on the price and final quantity of allowances required.

The recently agreed effort sharing regulation sets out binding annual emission targets for EU member states in the period 2021 to 2030, inclusive. Ireland's target for 2030 is to achieve a 30% reduction in emissions relative to 2005. I have recently secured Government approval to prepare an all-of-Government plan which will set out the actions to be taken to make Ireland a leader in responding to climate change and to set out how Ireland will meet its targets for the period to 2030 at the very least.

Deputy John Curran: I thank the Minister for his response and I wish him well in his position. It is a critical role. Young people are very cognisant of the challenges ahead of us and they are up for the type of change that is necessary. I asked the actual cost because it is important to realise that if we do not address this, a significant cost to the Exchequer will arise and, as years pass, it will grow. As the Minister rightly said, we have credits from the recession years. That has brought us up to 2017 or thereabouts, and we will pay as we go forward from there.

It is critically important that the key elements for which the Government has responsibility are implemented. The Minister spoke about microgeneration and solar power. One advance in renewable energy that has not happened is a growth in the significance of commercial solar power. In 2015, 0.01% of electricity was generated from solar power. That figure has only grown to 0.04%. It is a tiny proportion of the whole. This is mostly because the Government has failed to produce guidelines around solar power. It has come up time and again. There is plan after plan, and planning application after planning application is granted, but we have not seen commercial solar power connected to the grid as a deliverable source of renewable energy as it should be.

Deputy Richard Bruton: The Deputy has raised a couple of points. He is absolutely right. The net figure was 17 million tonnes. That has been priced. We had credits already but we have also acquired credits. What we are going out into the market with now is not even 17 million tonnes' worth. The gap will get bigger in the future.

The Deputy is right about commercial solar power. It is not solely about the planning guidelines. Commercial solar power is more expensive. It has not won out at auctions or successfully competed for any Renewable Energy Feed In Tariff, REFIT, schemes. As Deputy Canney was describing, one would expect offshore or onshore wind again to dominate the next auctions in 2019. However, we may see the start of some inroads made by solar power. That is important. It is still more expensive, but those costs are coming down very dramatically.

As Deputy Deering was saying, in combination with it becoming more cost-effective, we need to make sure that the guidelines are fair. I know there has been an issue with the Department of Housing, Planning and Local Government saying that no guidelines are needed as the guidelines are already there. As part of this process I will have a conversation with the Minister, Deputy Eoghan Murphy, to see if we need to issue some sort of clarification so that decisions can be taken where appropriate. There are guidelines - it is not true to say that there are not - but some people seem to be waiting for further guidelines to be issued.

Deputy John Curran: I do not want to devote my whole contribution to solar power, but I must make the point that something is wrong whether guidelines are required or not. We do not have the output that we should have. It is fine to say that we will have further wind power and so forth. To achieve reliability and continuity, we need a mix of renewables rather than being overly dependent on one source or another.

The other comment I want to make concerns transport. It is interesting to note that it was only last week that the low-emission bus trial began in Dublin. The Government had been talking about that for ages. The Minister has to take responsibility across all the Departments in Government, not just his own. Funds and programmes have been made available but the actual implementation is very slow. I have been asking the Department of Transport, Tourism and Sport about low-emission buses for Dublin for a considerable time. This does not account for a huge output but it leads by example. It sets a precedent for transport infrastructure for Dublin in the future. The Government has a key role to play in that. There is a carbon reduction programme in the Department of Transport, Tourism and Sport with about €5 million available to it. I understand that the vast bulk of that money has not even been used this year.

These are the challenges facing the Minister. We can have scheme after scheme and programme after programme, but if the implementation is not there, we will not make progress. To return to the point I made at the beginning, while our fines are relatively low, the annual costs of failing to meet those targets will grow if we continue on the path we are on because of the credits carried forward from the recession.

Deputy Richard Bruton: I do not want any misunderstanding. To be clear, I am not taking responsibility for delivery across all Departments. I have been given the job of developing a plan. In this case it will be about holding other Departments to account. It will be as much the Taoiseach's responsibility as my own to oversee delivery. I cannot go to every Department and tell them what to do.

The Deputy is absolutely right. We need to create a framework in which we can start to address this collectively. Carbon must be factored into every decision we take. It was promising to hear the Secretary General of the Department of Public Expenditure and Reform state that the price of carbon in public spending decisions ought to be €100 per tonne for 2030 and €265 per tonne for 2050. That Department is beginning to think in terms of a rapid ramping up of the cost of carbon-intensive activities. It is important that this message gets through to decision-

makers, whether it pertains to low-emission vehicles, diesel, buses or whatever. My job is to make sure that agenda is brought forward.

Question No. 57 answered with Question No. 52.

Question No. 58 answered with Question No. 51.

Food Waste

59. **Deputy Hildegarde Naughton** asked the Minister for Communications, Climate Action and Environment the steps which can be taken to reduce food waste, particularly in supermarkets. [53196/18]

Deputy Hildegarde Naughton: The Minister will be aware that more than 1 million tonnes of food waste are disposed of each year in Ireland. In recognition of the 2015 agreement on the United Nations sustainable development goals and the EU circular economy package, the previous Minister indicated that he wished to promote food waste prevention at a national level. I would like the Minister to outline the steps that can be taken to minimise food waste, particularly in our supermarkets.

Deputy Seán Canney: Globally, one third of all food produced for human consumption is estimated to be wasted each year. Per household, food waste is thought to cost €700 per annum in Ireland. Our ambition is to halve that by 2030. In Ireland, we waste close to 1 million tonnes of food every year. About a third of that arises in retail and catering, with a somewhat smaller share of waste accounted for by consumers and a somewhat larger share coming from producers. While supermarkets are directly responsible for the disposal of only 2% of food waste, their influence across the supply chain from farm to fork makes them central actors in combating our national food waste problem.

Recognising this, my Department and the Environmental Protection Agency, EPA, sought to involve major supermarkets in our efforts to reduce food waste. Aldi, BWG Foods, Lidl, Musgrave and Tesco have all participated in my Department's action group on food waste. This has involved signing up to the food waste charter, promising to stop food waste, and signing up to the FoodCloud food donation network. I visited FoodCloud's premises lately. It is astounding to see how much food is saved through that mechanism. Participants in the food waste action group will also implement the collection and sharing of food waste data. I believe we can build on this foundation with further initiatives with the sector to encourage better practices by producers and consumers all along the food chain.

Deputy Hildegarde Naughton: I thank the Minister of State for his reply. I welcome the steps taken by the Department to work with these retailers to tackle or reduce food waste. The Minister of State mentioned retailers signing a food waste charter and agreeing to a food waste policy. A lot of that appears to be based on voluntary codes. Does the Minister of State feel that is adequate or is regulation needed in this area?

Deputy Seán Canney: The agreements in place at the moment are effective. We have to keep monitoring them. When I visited the FoodCloud facility here in Dublin and saw the amount of food that is distributed from there every day, it opened my eyes to the amount of food that would otherwise be thrown in the bin. We will also be changing thinking, through edu-

tion in both national and secondary schools, about food waste and how it should be dealt with. Our approach works from the bottom up. We are going to get this sorted out. Deputies should remember that €700 of waste is generated per household each year. If a household saved half of that, it would be a saving worth €350. It is so tangible and simple. People have to think. Education is one part of it. Several steps have been taken in that regard. The EPA and local authorities are running campaigns online and on the ground to equip households. There is a number of initiatives. Education, not regulation, is the way to go.

Deputy Hildegarde Naughton: I welcome the Minister of State's response. Government could do more. I welcome the initiatives that are taken to encourage citizens. There is a great awareness out there among citizens but we could encourage citizens and retailers to put a more serious effort into tackling this issue.

I agree that education is the way to go. Education played a key role in the Reduce, Reuse and Recycle campaign a number of years ago. The children led the way on that. Education certainly is a good step forward in tackling this.

Deputy Seán Canney: To give the Deputy some figures, according to the EPA, 60% of food waste is avoidable waste, such as leftovers and gone-off fruit and vegetables, 20% is potentially avoidable, such as bread crusts and potato skins, and 20% is unavoidable, such as chicken bones and fruit and vegetable peelings. We need to educate in this regard.

I note the following initiatives. Stop Food Waste, which is a website campaign, provides expert resources aimed at householders and communities. Stop Food Waste Challenges are community-based initiatives. The website *mywaste.ie* is a recently launched website and media campaign which provides answers to specific householder queries. A specific Christmas-focused campaign will be launched across Ireland through social media, this week and next week.

Climate Change Policy

60. **Deputy Tom Neville** asked the Minister for Communications, Climate Action and Environment his views on whether enough is being done by Ireland to tackle climate disruption; if he will set sectoral targets to reduce emissions; and his plans to tackle climate disruption. [53191/18]

Deputy Tom Neville: What are the views of the Minister for Communications, Climate Action and Environment on whether enough is being done by Ireland to tackle climate disruption? Will he set sectoral targets to reduce emissions? What are his plans to tackle climate disruption?

Deputy Richard Bruton: As I indicated to Deputy Curran earlier, the position as of today is that, cumulatively, we will have missed our 2013 to 2020 targets by 5%. After the crash, we looked grand but once the recovery started, we began to go seriously off-track. The more worrying projection is that in 2020 we will be 95% off our targeted starting point. We will be 1% down on 2005 emissions; we were supposed to be 20% down. That is a bad starting point for the period 2020 to 2030. That is why the Government has given me sanction to go and draw up a whole-of-Government approach.

I agree with Deputy Neville that we will have to set sectoral targets. That will be difficult because there are all sorts of different sectors. There is the public service itself, which I believe

should be leading by example; commerce, industry and agriculture; and, on the more domestic side, waste, transport, energy and residential. Each of these sectors will have to make a contribution. The most effective contribution from different sectors will depend on the ease with which they can adjust and the cost of that adjustment.

I believe the suggestion in Deputy Neville's question is correct that we need to identify targets across the sectors and the sort of policy tools that would deliver those targets. There will be an element of trying to work out what are the most effective tools and what targets can we realistically expect to achieve but we need to set stretched targets in every one of the sectors that I mentioned.

Deputy Tom Neville: I thank the Minister for his reply.

As I stated from the outset, we need to set these targets, but these have to be achievable and tangible targets that the Departments can buy into and also have an overall measure to get to where we want to get to. As the Minister stated, we will be 95% behind. We are coming from a low base.

Like some of my colleagues here, I sit on the Joint Committee on Climate Action. The committee has toured where efficiencies can be made.

We also must be mindful when making decisions on where we need to go that we have set up the alternatives for these particular industries. Agriculture is one of our major industries and perhaps the major natural resource of the country. When we approach this issue, I hear much in the debate that we must look at viable alternatives for this sector to be able to help those involved to move and also be mindful that the agricultural sector is the most carbon efficient in the EU from a dairy perspective. In beef, it is in the top five. Production must be kept where it is because the demand is there and we do not want production to move to off-shore places that are not as carbon efficient. We must be mindful of all these matters.

As I have said to the Minister previously, communication and a communication strategy will be key in implementing this as well. I would like to know the communication trajectory in relation to this.

Deputy Richard Bruton: This is a tricky area. Teagasc has indicated that, potentially, there are 9 million tonnes in carbon reductions that could be achieved in agriculture. They have looked at better farming methods, sequestration through forestry and other methods, and biofuels. There is theoretical potential. It is about how we capture that potential.

Deputy Neville is correct. The Irish beef sector is roughly 10% more efficient in carbon terms than the rest of Europe. We are much better in milk. We are approximately 33% more efficient in milk, pork and chicken. We have an edge. However, the non-ETS targets system does not give us credit for that. One would have to move agriculture into the ETS sector to get credits. Agriculture has not been put into that cap-and-trade part of the system.

We have to work with developing initiatives that could see us realising those theoretical gains that have been outlined by Teagasc. Clearly the size of the herd will be a factor because the herd size is very significant in this regard.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Inland Fisheries

Deputy Martin Ferris: The closing date for submissions regarding the proposed closure for the River Feale and, obviously, the Galey and Brick as well was 13 December. This affects 50 to 60 fishermen who are actively involved in that fishing sector. There are 27 licences currently operating on that river, down from over 50 licences in 2011.

Many of those involved are generational fishermen. Their fathers before them, and in some cases their grandfathers, fished that section of the river. Currently, I know of one man who is almost 90 years of age who was even fishing this year. It is a tradition. It is part of their heritage. It is part of what they are.

The reason for the proposed closure for the 2019 season is down to conservation purposes. The fishermen themselves, who have been fishing from 1997 up until this year, have consistently played their part in conservation. They are reduced to a tagging system that started in 1997. It reduced their fishing period by six weeks from that year. Now they fish approximately 36 days a year, approximately five hours a day. That is the total fishing that they do there. As I stated, there were 51 licences in 2011. There are now 27.

The total number of fish that was taken this year by the fishermen, based on their quota through a tagging system, was 400 for the fishermen and 360 for those involved in the angling.

There is a counter system on the river, which is monitored and run by Inland Fisheries Ireland, IFI. This year that counter system recorded 3,487 fish that went upriver. With 3,487 fish, it was determined they were 46 fish short of being allowed to fish in the coming season.

The counter system is 6 ft. to 8 ft. wide - I will show the Minister a picture of it. That counter system is what determines the fish that go upriver. According to the IFI, it is likely 15% more than that went upriver.

Where that counter system is, the river is approximately 100 yd. wide. There is no doubt that far more than 3,487 fish passed up the river this year during which there was a terrible drought and subsequent flooding at high tide and other times. The river is 100 yd wide at the relevant point, with three fish passes, at only one of which there is a counter. I totally dispute the argument made by IFI that draft net fishing must end based on data from the counter system. It is a traditional way of life which the fishermen have worked tirelessly to conserve. They have behaved impeccably in that regard and done everything requested of them. The closure will create further terrible difficulties in that part of rural Ireland. The nearby post office in Ballylongford has closed, as has the creamery in Ballyduff and a business in Clashmealcon. Draft net fishing is probably one of the few industries left in the area. Although it is only permitted for 36 days per year, it would be a terrible mistake to end it. I hope the Minister of State will look favourably on the submissions and arguments made by the fishermen, the community and me.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): Inland Fisheries Ireland, IFI, is the State agency responsible for the conservation, protection, management and development of Ireland's inland fisheries and sea angling resources. It manages salmon stocks on an individual river basis as each of Ireland's

147 salmon rivers, including river sections and estuaries, has its own genetically unique stock of salmon. It is supported in its management role by scientific advice from Ireland's independent standing scientific committee, SSC, which comprises scientists from a range of organisations. It also has regard to advice from the International Council for the Exploration of the Seas and EU legislation, notably the habitats directive, under which salmon habitats are protected.

Scientific and management assessments of each of the distinct stocks, including the River Feale, are carried out each year. IFI engages in extensive stock monitoring which feeds into the SSC's annual reviews. The SSC uses data, including counter data, rod catch, catch and release and any commercial catch data in the previous five years to calculate an average over that period which is used to estimate expected returns for the coming year. The use of a five-year average ensures a good or bad year does not have a disproportionate impact on the stock assessment in any single year.

The annual wild salmon and sea trout tagging scheme regulations, made under the Inland Fisheries Act 2010, provide for the management of Ireland's wild salmon and sea trout fisheries by IFI. Specifically, the regulations provide for the surplus to the established conservation limit, if any, which may be harvested either commercially or by rod and line from the rivers identified as open for harvest. The regulations are revised each year taking account of advice from IFI, the standing scientific committee and any submission received during a 30-day statutory public consultation period. Statutory notice was given on 14 November of the intention to make the draft wild salmon and sea trout tagging scheme regulations 2018 to provide for the management of the wild salmon and sea trout fisheries by IFI from 1 January 2019. A copy of the regulations which are made every year is available on my Department's website and open for public inspection at the offices of the inland fisheries division of the Department in County Cavan and at Inland Fisheries Ireland offices throughout the country.

The scientific group uses several data sets in assessing the salmon stock on the River Feale. The stock is assessed using the fish counter located at Scartleigh dam. The commercial catch in the river and the number of salmon caught by rod below the counter and killed are added to the fish counter figure to calculate the total annual salmon return for the river. The counter is a one-channel counter operated on the crump weir which was installed to assist fish passage over the large weir. I am advised that the counter provides consistently accurate data. A new camera was installed early in the summer of 2017 for counter verification purposes. As advised by local Inland Fisheries Ireland staff who monitor the operation of the counter, the counter figure is increased to take account of the very small number of salmon that may bypass the counter by going over the weir in high water conditions or ascending an old fish pass channel on the north bank. According to local IFI staff, salmon generally do not ascend the weir in high water conditions. It should be noted that 2018 was a very dry year and that there were very few occasions on which the Scartleigh weir was overtopped.

The scientific group advises on the one-sea-winter and multi-sea-winter stock components. This year the River Feale had a one-sea-winter surplus of 544 fish and a multi-sea-winter surplus of 114. The run of salmon recorded on the fish counter over the five-year period from 2013 to 2017 was used to assess the salmon stock and provide scientific advice for 2018. Multi-sea-winter salmon caught between 1 January and 31 May returning after spending two or more years at the sea are larger and older fish which usually return in the springtime and are often referred to as spring salmon.

Deputy Martin Ferris: The proposal by IFI and the scientific report are based on a counter

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on a fish pass that comprises approximately 6 ft to 8 ft of a river that is 100 m wide. Two other fish passes do not have counters. Two tributaries, the River Brick and River Galey, do not have counters. The proposal is that draft net fishing not be permitted on the river for one year. I know very well that if it is not permitted for one year, that will be the end of the industry. The drift net fishing industry was made obsolete and now draft net fishermen will be prevented from fishing. Another traditional fishery will be no more in that part of the country.

I do not accept the scientific analysis because of the particular conditions experienced this year. There was flooding on the river on many occasions, particularly at high tide. Given the 100 m span of the relevant stretch of the river, it is inevitable that fish ascended the river other than through the fish pass. The 15% allowance in that regard is insufficient.

What is the intention of the Government on this issue? Will the ban go ahead? Several post offices in County Kerry have closed recently. Another sector will now probably become obsolete and be left to die. I suspect that there is an agenda to end draft net fishing by putting forward the scientific evidence that has been presented. Has IFI made any effort to restock the river? There were hatcheries on it 40 or 50 years ago, but there is none now. The Government does not intend for the salmon fishing industry in the river catchment to survive, by which I am very disappointed. The Minister of State, Deputy Brendan Griffin, who is present will agree that another traditional way of life in which people have been involved for generations is hanging by a thread.

Deputy Seán Canney: I do not question the local knowledge of the Deputy or the fishermen. I have been approached by several local Deputies on the matter. There are issues the Deputy has raised about the science or the counters with which we must deal. However, the public consultation process has closed. I presume strong submissions were made on behalf of the anglers to whom the Deputy has referred on the points he has raised. Such submissions will be considered. The River Feale is reaching between 50% and 100% of its conservation limit and it has been proposed that there be catch and release in 2019. I do not know what submissions were made and will not try to influence the process. While I take on board the points made by the Deputy, the views of IFI and the scientific group must also be considered. I do not know what will happen in the context of the regulations for 2019 or what submissions were made by local anglers and public representatives, but I have only been in the Department for approximately six to eight weeks.

6 o'clock

In Galway, all the River Clare angling associations came together to form a group called Cáirde na Chláir to examine all the issues and come up with solutions with the IFI. We need to do that. I will have no problem in early January sitting down with all concerned to have a chat about the matter. It is important that there be consultation. The IFI's role is to protect and conserve fish stocks.

The Deputy asked what the IFI has done about restocking. I will find that out for him.

Road Safety

Deputy Michael Moynihan: I thank the Ceann Comhairle for the opportunity to raise this issue. Ballymaquirk junction is on the N72 between Mallow and Killarney. It is extremely

dangerous and there have been numerous accidents there, right up to recent weeks. The road is a major artery for people coming from Kanturk and the Duhallow region, including western Duhallow, the area right up to Rockchapel, Newmarket, Meelin and the area heading towards Cork. The issue is crossing the Mallow–Killarney road to the Banteer Road, which extends to Nad and Cork. Those with local knowledge are fully aware of the importance of the junction, its danger and what needs to be done there. Last year Councillor Bernard Moynihan produced a number of petitions on the junction and obtained over 4,000 signatures. As anyone in public life knows, that is not an easy number of signatures to obtain. It indicates the importance of the issue, including to local people.

The matter has gone to Cork County Council, which has carried out a feasibility study or prepared a road safety remedial scheme report for the Department and Transport Infrastructure Ireland, TII. The council has been working to try to resolve the issue. Since the N72 is a national secondary route, funding would have to come from TII. It is critical that safety measures be implemented immediately at the junction. There is a lot of talk about what should be put in place. What are the plans of TII for the junction, and what is the timeframe? We do not want any delays. The junction has been identified as dangerous. It has been identified as such by the local authority, the Department and TII. It affects the locals from Duhallow and right across the region, whether they are turning towards Banteer from the Mallow-Killarney road, crossing the junction from the Kanturk side, or going the other way, from the Banteer side towards Kanturk. There is a significant volume of traffic at the junction going towards Cork city, especially between 6 a.m. and 8 a.m. and between 4.30 p.m. and perhaps 7 p.m. A high volume of traffic crosses with no safety procedures whatsoever.

It is extremely important to address this. I hope TII and the Department will take the matter as seriously as the people within the Duhallow region and north Cork because we need an answer. I understand that a proposal has been made to TII by senior executive engineers from Cork County Council. I understand it has been accepted by the latter and that it has accepted there is a safety issue. There are all kinds of road safety plans but this is one of the key issues in north Cork and the Duhallow region. It behoves the Department and Minister to step up to the plate and ensure there is funding for the works to be done as soon as possible. Has the Department accepted the county council's report? What is envisaged? When will the paperwork be done regarding Part 8 and so forth to ensure this dangerous black spot is eliminated?

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I am responding on behalf of the Minister for Transport, Tourism and Sport, Deputy Shane Ross, because there is a Cabinet meeting taking place. I thank the Deputy for raising the issue.

I am quite familiar with the N72. As the Deputy knows, it extends from Killorglin and Killarney to east Kerry, through Rathmore, and then over to the Deputy's constituency. It is a road I often take if I am heading to the midlands, south Tipperary or Kilkenny. There are some very dangerous sections on the road and it is very busy. I acknowledge how busy it is at peak times, in particular. Certainly at this time of the year, it is a difficult road on which to travel. There is a lot of heavy traffic, including industrial and agricultural traffic.

TII has primary responsibility for the national and secondary road networks. The process is that the local authority would submit to TII and that the TII officials would then decide, under the various categories, which projects would receive funding. The projects are to be announced very early in the new year, as I understand it. The road to which the Deputy refers is a candidate

for the funding.

I am sorry I do not have the information at hand but I undertake to make direct contact with those concerned and make a specific inquiry to obtain the exact details. I will try to get back to the Deputy as soon as possible, ideally tomorrow, to let him know what is happening. I will keep in touch with him during the process because I appreciate that this is of concern to him. A serious safety concern at any location is one we all want to see addressed.

With regard to the specific case, I understand it might come under the minor improvements scheme, which was born out of the road safety strategy. I understand that, to date, TII has funded 42 projects under the scheme and it is committed to a minimum of four per annum. I need to establish whether the location in question will be considered for 2019 but I will revert to the Deputy with the information.

As the economy and Exchequer returns continue to improve, it is critical that we catch up where we have not been able to address infrastructural deficits in recent years. Effectively, we have a decade of catching up regarding our road network. There are black spots around the country, such as the one referred to, that have not been addressed to date. As long as they are not addressed, there will be a risk to human life and of serious injury. We all want to see them addressed.

I will speak to the Deputy afterwards. I will try to obtain as much information as I can from the Department and TII and I will also try to give the Deputy a timeline as to when we are likely to have news on the scheme, the level of oversubscription to the scheme, and the heading it comes under within the TII ask. Every year there is a queue of very worthy projects from all over the country for which funding is sought but unfortunately there is simply not enough funding to meet the demand. TII has a statistical mechanism, based on collision data, for establishing the priority cases requiring funding. I will try to obtain as much information as I can for the Deputy.

Deputy Michael Moynihan: Did the Minister of State receive any briefing from TII before taking this Topical Issue matter? Is it not normal for the Department to look for a briefing? Can the Minister of State confirm that a feasibility study has been submitted by the council and that TII has agreed to consider the design? Does the Minister of State have that information?

Deputy Brendan Griffin: No-----

Deputy Michael Moynihan: I refer to a parliamentary question dated 17 July. It states a feasibility study had been prepared and submitted by TII. The Minister of State has come into the Dáil to respond to the issue I have raised. The issue was a reserve Topical Issue matter last Thursday. Today is Tuesday and the Department has not received any briefing from TII on this, which I find extraordinary. I will speak to the Minister of State afterwards and take up his offer. I am looking for information on whether the documentation submitted by the county council has been studied and assessed and whether TII has come to a conclusion on how to move forward. Has it agreed with the county council what type of road safety measures are needed to be put in place at Ballymaquirk? As I have said previously, this is a matter of life and death. The junction in question is extremely important for my constituency, particularly the areas north and west of the Duhallow region where people use it on their way to and from work in the city and beyond. I ask the Minister of State in the first instance to get a full briefing from TII on its proposals for Ballymaquirk and a timeline for implementing the urgently needed safety measures.

Deputy Brendan Griffin: To be as frank and open as I possibly can be, someone somewhere in the Department dropped the ball on this one. I was given details of a question asked by a different Deputy Moynihan on a different national road. This is why I do not have a specific briefing on the N72. It is not acceptable that a Deputy asking a question on a Topical Issue matter would not be given specific answers.

Deputy Michael Moynihan: It is absolutely appalling and shocking. We have a life and death issue for the people of Duhallow. Ballymaquirk junction is used by thousands of people daily. The Department has given an answer the wrong question.

Deputy Brendan Griffin: It is not acceptable. I am not defending it.

Deputy Michael Moynihan: I know the Minister is elsewhere trying to close down rural Ireland but to come in and answer the wrong question on an issue as important as this for the people of Duhallow is appalling. The Minister and Minister of State should be ashamed of themselves.

An Leas-Cheann Comhairle: I assure the Deputy I will raise this matter with the Ceann Comhairle. It is not the question that was asked.

Deputy Brendan Griffin: In my defence, my understanding was that I was answering the other Deputy Moynihan on a different question and I was filling in to answer that question.

Deputy Michael Moynihan: The people of Duhallow do not matter to the Minister of State.

Deputy Brendan Griffin: It is not acceptable that the wrong response was given to the Deputy. For this reason, I have undertaken to immediately pursue this specific case. That the Deputy has raised it on the floor of the Dáil indicates the matter is clearly important in his constituency. I acknowledge he frequently makes requests on road safety issues in various locations in his constituency and it is only the priority cases that make it to the floor of the Chamber. I appreciate this is an issue of significant importance. I also apologise on behalf of the Department because the Deputy should have been given the correct answer. I certainly should not have been given a response to a question the Deputy did not ask. Unfortunately, that is what happened. I had no way of knowing that was the case until I saw the Deputy arriving. I will undertake immediately to seek a correct response for the Deputy.

Deputy Michael Moynihan: If I am correct, the question the Minister of State answered was actually asked last Thursday and answered by the Minister.

Deputy Brendan Griffin: I will have to receive clarification on that.

Deputy Michael Moynihan: If the Department is not capable of answering on a Topical Issue matter, it is a fairly-----

Deputy Brendan Griffin: As I said, I have given a very clear undertaking to give the matter my urgent attention. I will raise it with the senior Minister and seek an urgent response for the Deputy.

Deputy Michael Moynihan: The Minister is too busy closing down the place.

Deputy Brendan Griffin: It is not acceptable to the Deputy or the House that the wrong response was given.

Deputy Michael Moynihan: It is outrageous. If the Minister of State were on this side of the House, he would not tolerate it either.

An Leas-Cheann Comhairle: It is not good enough to have the wrong answer given on a Topical Issue matter. I will bring this to the attention of the Ceann Comhairle and see what amends can be made within the next day.

Brexit Issues

Deputy Declan Breathnach: Winston Churchill once said that to fail to plan was to plan to fail. It is in this context that Deputy Brendan Smith and I have raised this Topical Issue matter on the immediate need for a Border corridor strategic development approach. The Ireland-Northern Ireland Border corridor will be the most impacted, irrespective of what type of Brexit we end up with. The impact will be on an economic, political and social level. Economists agree that despite the support the Border region has received to date, it still lags behind the rest of Ireland and Northern Ireland. Those economists also agree that Brexit will exacerbate the situation. While the unemployment rate in Ireland has grown overall since the referendum, it has faltered in the Border region. What is needed is a fresh strategic approach supported by both Governments for practical support for the region.

There are 11 local authorities spanning the Border, North and South, and they recognise the need and wish to develop solutions in conjunction with both Governments. I am sure the Minister of State is familiar with the document on Brexit and the Border corridor risks, opportunities and areas to consider. It was commissioned by the 11 local authorities and it clearly outlines the probable impact of Brexit. The local authorities along the Border wish to develop a bottom-up, needs-based strategy for the Border corridor encompassing all sectors to offset the challenges and opportunities of Brexit. This strategic piece of work would build on the 2017 report and use it as a baseline to establish priorities for action, engage local stakeholders, social partners and businesses and consider implementation structures and sources of funding.

Deputy Brendan Smith: I appreciate the Ceann Comhairle giving us the opportunity to raise this very important issue and the Minister of State being present. A great deal of the uncertainty and concern about Brexit we encounter in the Border region stems directly from the huge uncertainty we see in Westminster, an uncertainty reported nightly on UTV and BBC Northern Ireland news programmes, which are widely watched in our area, and on broadcast media here. The media are merely reporting the news and there is no shortage of Tory and DUP MPs ready and willing to stoke up uncertainty. It appears that such is the depth and extent of the impasse in the House of Commons that no one knows what arrangements can be made or what deal can be passed through Parliament.

Most commentators expect the agreement reached between the European Union and the Prime Minister, Mrs. May, to be defeated. A no-deal Brexit would have immense adverse implications for all of the island. The House cannot ease any of this uncertainty now but the Government must ensure my community and other communities along the Border are reassured that we will be ready and resourced to ease the damage that Brexit could unleash on our region. I fully support the proposal from some of the cross-Border bodies and agencies, such as the Irish Central Border Area Network representing local authorities in Cavan, Monaghan, Leitrim, Fermanagh and Tyrone, the region in the north west comprising Donegal and Derry and the east Border region encompassing the constituencies of Deputy Breathnach and the Minister of State.

There is an urgent need for the Government to institute and put in place a specific programme of assistance to try to protect and grow the economy in the Border region, which will be adversely affected by Brexit. There is great knowledge and ability in the local authorities working on a cross-Border basis through the agencies to ensure that public funding will be put to good use. A bottom-up approach, as my colleague, Deputy Breathnach, said, would be the right approach, with a new stream of funding being made available to try to counteract the effects Brexit will have. The Minister of State has heard me say in the House and at committee meetings that our local economy in Cavan and Monaghan is heavily dependent on the sectors that will be most adversely impacted by Brexit. There will be a double whammy to our economy at a local level.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I thank the two Deputies for raising this issue. Given where they are situated, I know how important this is to them and the concerns they have. I assure them we are not planning to fail on this. The potential impact of Brexit and the importance of avoiding a hard border to the people living in all the Border communities cannot be underestimated and the Government has been acutely aware of this from the beginning of the negotiations. As the Deputies know, in recent decades, businesses, communities, lives and livelihoods have developed and prospered, although maybe not as much as in the rest of the country. People cross the Border with ease every day to work, study, visit family members and connect with their local communities. North-South co-operation, both formal and informal, is a practical outworking of the peace process which allows for the normalisation of relationships between people across the island to mutual benefit. We have seen the range of areas of co-operation on the list of topics discussed during the mapping exercise, which the United Kingdom published on 7 December. The European Union will publish a similar document in the coming weeks.

For reasons of peace, prosperity and partnership, the Government has maintained the policy that the invisible Border on this island must remain just that - invisible. It must remain open and free of any physical infrastructure or associated checks and controls. I have accompanied European ministers on visits to the Border region and briefed them, and many others, on the absolute need to maintain the current arrangements which have been so important to many communities, as both of the Deputies have outlined. This includes the supports available for peace and reconciliation, as well as for the challenges that face the economies of the towns and villages in the Border region.

The agreement on the withdrawal of the UK from the EU, which has been endorsed by the European Council, and the political declaration on the future relationship represent a fair and balanced deal. The agreement delivers on the shared objective of providing an absolute guarantee that a Border will be avoided, while making crystal clear that nothing in it will prejudice the constitutional status of Northern Ireland and the principle of consent as set out in the Good Friday Agreement. There are also important provisions on protecting North-South co-operation.

The agreement also recalls - this is of most importance in respect of the Deputies' questions - the commitment of the EU and the UK to the current PEACE and INTERREG funding programmes and to a new PEACE+ programme which will build on and continue the work of both PEACE and INTERREG. This has not been agreed only recently but goes back as far as the EU-UK joint report of December 2017, which stated that both parties would honour their commitment to the current PEACE and INTERREG programmes and that the possibilities for future support would have to be considered and examined favourably.

The EU-funded INTERREG and PEACE programmes continue to act as important drivers of regional development for the Border regions of Ireland and Northern Ireland. INTERREG programmes, which are funded by the EU, exist to address the challenges encountered by the Border regions, many of which the Deputies alluded to. In the case of Ireland, an additional and unique programme, PEACE, addresses the challenges in the regions arising specifically from the conflict. I had the pleasure of recently visiting Belfast to meet Ms Gina McIntyre and her team who work with the special EU programmes body, SEUPB. I also met groups that receive funding from both the PEACE and INTERREG programmes. The positive impact is visible and real for those who receive funding, including young people whom I met whose families are still impacted by the Troubles, students working in Ulster University on various cross-Border programmes and groups working together to tackle racism.

Since the UK referendum on membership of the European Union, the Government's clear and consistent position has been that it is committed to the successful implementation of the current programmes and, most important, to a successor programme. To this end, we have been working extremely closely with the European Commission at all levels to ensure this important source of funding for the Border region continues post-Brexit. I am pleased the Government's ambition for the programme was reflected in the withdrawal agreement. We will continue to work to ensure these commitments are fulfilled.

We will also continue to work to ensure Border communities are supported to prepare for Brexit. For this reason, two of the six Getting Ireland Brexit Ready events of recent months were held in the Border region, in Monaghan and Letterkenny. We want to work with these Border communities to prepare them for Brexit, making sure that programmes in the future, such as PEACE+ and INTERREG, will not just receive continued funding but, hopefully, increased funding as well.

Deputy Declan Breathnach: I thank the Minister of State and acknowledge her great work in this area. The point I am trying to make is that while INTERREG and PEACE funding has been tremendous for the Border region, more is required, namely, a bottom-up approach led by local authorities and communities along the Border. I am departing from my script to reinforce that point. Brexit creates a whole new scenario with regard to INTERREG and PEACE programme funding. That is particularly the case for those who will be outside the EU. Programmes are available on a trans-territorial basis in respect of EU and non-EU countries. The UK has spoken of establishing a shared prosperity fund, which will be a domestic programme of investment after it leaves the EU. It is important that we engage with those who will have the greatest impact on a region. I recognise that billions of euro have been provided under the INTERREG and PEACE programmes. The message coming loud and clear from the organisations along the Border to which Deputy Brendan Smith alluded is that a cohesive approach is required to ensure money is directed to where it is needed. The PEACE and INTERREG programmes will continue to be needed because in Belfast, Derry and elsewhere, much of the money provided has not filtered down to where the problems are found.

Deputy Brendan Smith: I also thank the Minister of State for her reply and acknowledge her work in this area. The PEACE and INTERREG programmes were established in the mid-1990s to support the peace process at the time. These funding programmes supported economic development, particularly community development and infrastructure, as well as education and some social areas. I agree with Deputy Breathnach, however, that what is needed now, alongside the INTERREG and PEACE programmes, is a specific economic initiative to protect the existing economy.

As the Minister of State has heard me argue previously, agrifood, construction products and engineering are the main economic sectors in counties Cavan and Monaghan. They are also the sectors that are most heavily dependent on exports to the Northern Ireland and British markets and they will be most adversely impacted by Brexit. To try to protect jobs and grow the economy locally, we need a specific initiative with a local economic dimension. That is why we need a new programme administered by the agencies with a cross-Border remit. At this time, it is essential that the Government, along with the British Government, consider the establishment of such a specific stream of funding for economic development and protection.

Deputy Helen McEntee: I thank the Deputies for their statements. I know this is an extremely important issue for them. Deputy Breathnach referred to the UK's proposed shared prosperity fund. The UK is considering such a fund on the basis that it will leave the European Union and will no longer receive Structural Funds. Ireland has no intention of leaving the EU and would be foolish to even consider doing so. Clearly, we will not establish a fund to replace EU Structural Funds given that we will continue to receive those funds. We need to ensure not only that PEACE and INTERREG funding continues to the end of the 2020 programme, in accordance with the clear commitment given by the Irish and UK Governments and the EU, but also that PEACE+ is developed alongside the current programmes. What is significant is that the funding is not just maintained but actually increased.

There is also work we can continue to do at home. The north west strategic growth partnership involves Donegal County Council working together with local authorities in Derry and Strabane. They have memorandums of understanding and are drawing down their own funding streams. There is also a memorandum of understanding between Louth County Council and local authorities in Newry, Mourne and Armagh. Those memorandums of understanding and the co-operation between the councils mean they are open to apply for this kind of funding as well. As I said, not only must these funding streams be maintained but they must be enhanced, developed and increased in the years ahead. It is a matter of making sure the structures we have in place already are developed and strengthened.

I do not doubt for one moment what the Deputies are seeking to do in raising this matter. However, we have a clear structure in place. We have a body in place with a good team working to make sure this funding goes where it needs to go. In a post-Brexit world, what we need to ensure is that the PEACE and INTERREG programmes focuses on the communities that may be specifically impacted and provide support where it is needed. We are also working on agriculture which, as Deputy Smith outlined, is already being impacted by Brexit and not only in Border communities. For this reason, the Government in the past three budgets allocated more than €750 million in specific direct payments for the farming community, whether that is dairy, beef, horticulture or otherwise.

I again thank the Deputies for raising this issue. It is an absolute priority for us to make sure Border communities are not impacted. The Tánaiste, the Taoiseach and I want to work with the Deputies to make sure that is the case in future.

Garda Resources

Deputy Fergus O'Dowd: I welcome the Minister for Justice and Equality, Deputy Flanagan, to the House and acknowledge his interest in the issue I am raising, namely, increased criminality and the ongoing drugs war in Drogheda. As the Minister will be aware, we had a

briefing from the chief superintendent and superintendent in Drogheda outlining the difficulties and problems they are facing and the resources, commitment, drive and energy they are investing in the issue. The fact is that they are doing their best, but they need more support. The Minister's visit to the Moneymore estate where some of the serious criminal activities in question have occurred was welcomed by the residents. It was important that he met the residents to discuss their concerns. The estate is behind the fight against crime and supports the Garda in its task in Drogheda.

The Garda overtime bill in County Louth is now higher than ever. In the past year the Louth Garda division has investigated five separate murder cases. The problem is that the cost of the resources which are rightly and properly put into solving these evil crimes is met from its budget without additional funding being allocated. This means that the day-to-day administrative budget of the Louth Garda division is reduced. While the support of the regional armed units in policing in Drogheda is welcomed, the cost is met from the budget for the Louth Garda division. Again, it means its resources are diminished significantly.

Dundalk and Drogheda are of equal size. However, last month Drogheda had 52 fewer permanent gardaí than Dundalk, which was unacceptable. I welcome the significant increase, with 18 additional gardaí in Drogheda which had a positive impact in increasing the visibility of the force in the town. The people of the town welcome the extra gardaí into the community, but they want to see more. Another difficulty is that after Christmas, 15 of the 18 additional gardaí will be deployed elsewhere, which is entirely unacceptable. It is not for the Minister or me to decide where gardaí go. I appreciate that the Minister has increased resources for the Garda and made every resource available to it. However, significantly more resources are needed. It is essential that additional permanent gardaí be based in the town of Drogheda to fight the crime in question, as well as for regular policing duties.

There is a CCTV system on the Moneymore estate, but it is not working. It is the duty of the county council to deal with this issue. It is in discussions with the Garda. However, nothing has yet happened. If the CCTV system was working, it could prevent crime. It would also give the people living on the estate in question security and the knowledge that anybody who broke the law in the estate through petrol bombing, for example, would be apprehended.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputy for raising this matter. I also note the presence of Deputy Breathnach for the debate.

At Deputy O'Dowd's invitation, I visited Drogheda Garda station last week when I was impressed by the robust response of the Garda authorities in the area. High visibility patrolling and targeted checkpoints have been successful in containing further major incidents and provided reassurance for the community in Drogheda. There has been increased engagement by way of targeted patrolling and personal visits to families being intimidated because of drug debts have also taken place. Threats on members of An Garda Síochána who work on a 24/7 basis to protect communities and detect crime are reprehensible and have no place in a civilised society.

As I outlined in previous responses on this matter, I am aware of the impact the type of criminal activity that recently took place in Drogheda can have on a community, as highlighted during my visit last week. I understand the concerns of the people of Drogheda and other areas of County Louth. This type of criminal behaviour will not be tolerated. I had the opportunity to visit the Moneymore estate with Deputy O'Dowd where we met community leaders. We also acknowledged the work being done in the family resource centre.

On the distribution of Garda resources, I am advised that Garda management keeps this issue under continuous review in the context of crime trends and policing priorities. Drogheda has been the subject matter of a review recently. On the allocation of Garda personnel in the Louth division, Garda strength is currently 340 members, with 110 located in Drogheda. Up to 18 of the most recent Garda graduates were allocated to County Louth for the Christmas period and nine have remained within the division. In addition, four newly appointed sergeants were allocated to the Louth division in October, with three allocated to Drogheda Garda station. Several newly promoted inspectors and sergeants will be allocated to the Louth division in the coming weeks.

I am advised that An Garda Síochána is conducting full investigations into the events that took place in Drogheda recently. As such, it would be inappropriate for me to comment while the investigations are ongoing. However, I have been informed by An Garda Síochána that there have been several arrests covering a range of offences, in addition to significant intelligence received. In responding to the incidents referred to by the Deputy the Garda has put in place a policing operation to prevent, detect and mitigate any further escalation of violence. If anyone has any information on incidents in Drogheda, will, he or she, please, contact his or her nearest Garda station or us the Garda confidential line at 1800 666 111 as soon as possible? Any information, no matter how small, could be of great assistance in the ongoing Garda inquiries in Drogheda.

Deputy Fergus O'Dowd: I acknowledge the great work the Garda is doing and the Minister's personal interest in this matter. His visit to the town was important. However, the fact remains that Drogheda does not have an adequate number of gardaí. The extra 18 gardaí are welcome and have transformed Drogheda, giving confidence to the community. However, they are needed into the future. I wrote to the Garda Commissioner to ask him to visit Drogheda. He visited Longford recently and it is incumbent on him to meet the community in Drogheda. It would help to assure people that the resources required would be provided. I cannot accept that there will not be an increase in the number of gardaí based permanently in Drogheda. When I speak to gardaí, the superintendent and the chief superintendent, they tell me they need and have asked for permanent gardaí who have not yet been assigned. I will raise the matter in the new year if I must.

I welcome the actions of the Garda and the Minister's support and commitment. The Garda Commissioner and the political system must put the resources into Drogheda that it is entitled to so the people worrying in their beds at night are not the good and decent people of Moneymore but rather the criminals who cause all the trouble for everybody. They are small in number.

Deputy Declan Breathnach: I do not want to break protocol but I acknowledge the work of the Minister in visiting the area and the work of Deputy O'Dowd. I am here to support him, as both of us are elected Members for the constituency of Louth. We work hand in glove to try to deliver on these matters, so I support the Deputy's Topical Issue matter. I support the Minister's comments. Wherever resources are required to crack down on what is a terrible situation in Drogheda, which has a great impact on communities there, I lend my weight to supporting the call for them.

Deputy Charles Flanagan: I assure the House yet again I am absolutely committed to supporting An Garda Síochána to ensure the organisation is properly and appropriately resourced. The resources available to An Garda Síochána have reached new levels with the provision for this year of more than €1.6 billion, including an allocation of €95 million in respect of Garda

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overtime. We are also making progress on achieving the Government's vision in respect of numbers and new recruits.

I acknowledge again the interest of Deputy O'Dowd in the matter and thank him for his invitation to me to visit Drogheda Garda station last week and meet community leaders. I recognise the work of the men and women of An Garda Síochána who work in Drogheda every day and night. I acknowledge that they face a very serious challenge. As I said before, the type of criminal behaviour that took place in Drogheda in November has no place in a civilised society. It will not be tolerated. An Garda Síochána has overcome similar challenges in the past and, while all of us must remain vigilant, I am satisfied, having met Chief Superintendent Christy Mangan and Superintendent Andrew Waters, that they will meet this challenge and overcome it.

I thank Deputy O'Dowd for his interest in the matter and the town of Drogheda over a long number of years. I assure him of the support of the Government in dealing with this challenge for the Garda Síochána, the communities and us as public representatives. I thank Deputy O'Dowd for raising this matter in the Dáil and his assurance that he will monitor the position over Christmas. I would be happy to revert to it in the new year when the Dáil resumes.

Deputy Fergus O'Dowd: I thank the Minister.

Appropriation Bill 2018: Order for Second Stage

Bill entitled an Act to apply a certain sum out of the Central Fund to the service of the year ended 31 December 2016 and to appropriate to the proper supply services and purposes sums granted by the Central Fund (Permanent Provisions) Act 1965, to make provision in relation to deferred surrender to the Central Fund of certain undischarged appropriations by reference to the capital supply services and purposes as provided for by section 91 of the Finance Act 2004 and, for the purpose of maintaining a sufficient amount of moneys in the Paymaster General's supply account so as to enable the discharge of particular liabilities, to make provision for repayable advances from the Central Fund.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I move: "That Second Stage be taken now."

An Leas-Cheann Comhairle: It is not customary to do this but it is Christmas time. Before moving to the substance of the question, I welcome the Minister of State's son, John, to the Public Gallery. He is there with his mum. I will remind Santa when I meet him this week about the tractor. In the spirit of Christmas, we will now deal with the Appropriation Bill 2018.

Question put and agreed to.

Appropriation Bill 2018: Second and Subsequent Stages

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I move: "That the Bill be now read a Second Time."

I thank the Leas-Cheann Comhairle for the warm welcome afforded to my son and my wife, Eileen. I hope we are all on the nice list for Santa and not his naughty list. I am sure he will come to all of us.

The Appropriation Bill 2018 is an essential element of financial housekeeping that, as Members are aware, must be concluded by the Dáil by the end of the year. There are two primary purposes of the Appropriation Bill. First, it provides authorisation in law for all of the expenditure that has been undertaken in 2018 on the basis of the Estimates voted on by the Dáil during the year. Section 1 and Schedule 1 set out the amounts to be appropriated for supply services. These relate to the amounts included in the Revised Estimates for 2018 voted by the Dáil earlier in the year and the Supplementary Estimates voted by the Dáil on 12 December. In aggregate, these Estimates amount to €50.9 billion. The comparable amount in the Appropriation Act 2017 was €46.7 billion. The amount to be appropriated this year, therefore, represents an increase of €4.2 billion on last year's net voted expenditure.

In allocating these additional resources, priority has been given to the areas of housing, health and education. This year's Appropriation Bill also provides for an amount of €1,000 to be drawn down from the Central Fund in order to make good any excess on the Army Pensions Vote for the year 2016. This is a technical issue that arose during the audit of the 2016 appropriation accounts. In total, including appropriations-in-aid, the amount allocated to the Department of Housing, Planning and Local Government was €3.4 billion in 2018. This level of resourcing reflects our commitment to making housing a key priority of the Government.

In line with the commitment to delivering improvements in the health service, gross voted expenditure on the health services increased to €15.9 billion in 2018. Given the scale of the investment, a key challenge for the health authorities is to ensure value for money to maximise the impact of the net voted expenditure.

An effective education system is vital to keeping our economy competitive and attractive to investment. In light of this, the sums appropriated for education in the 2018 Bill represent an increase of approximately 6% on the comparable amounts for 2017. Including expenditure in the National Training Fund, this brings gross expenditure on education to more than €10 billion in 2018.

In aggregate, taking into account expenditure of the Social Insurance Fund and the National Training Fund, total gross voted expenditure is forecast to total roughly €63 billion in 2018. This represents a significant investment to support the delivery of essential public services and to provide for the necessary infrastructure to support social and economic progress.

The second key purpose of the Appropriation Bill is to provide a legal basis for spending to continue into 2019 in the period before the Dáil votes on the 2019 Estimates. If the Bill were not enacted before the end of December, there would be no authority to spend any voted moneys in 2019 from the start of January until approval of the 2019 Estimates, as this authority for 2019 as contained in the Central Fund (Permanent Provisions) Act 1965 is based on the amounts provided for in the 2018 Appropriation Act itself. Under the rolling multi-annual capital envelopes introduced in budget 2004, Departments may carry over from the current year to the following year unspent capital up to a maximum of 10% of voted capital. This reflects the difficulty in planning for major capital projects and provides some flexibility for Departments. The Appropriation Act determines definitively the capital amounts which may be carried over to the following year. The aggregate amount of proposed capital carryover from 2018 into 2019

is €93 million, which represents just 1.6% of the total Exchequer capital programme of nearly €6 billion for 2018. The amount carried over from 2017 into 2018 was €70.3 million.

The proposed amounts in unspent capital to be carried over by Vote are set out in Schedule 2 of the Bill. The 2019 Revised Estimates Volume sets out detailed financial and key performance information for Departments and offices. In Part II of the Estimates, for each Vote availing of the capital carryover facility, a table is included listing the amounts to be deferred by subhead.

In line with last year's Appropriation Act, section 3 of the Bill includes a specific provision to allow for an advance not exceeding €250 million from the Central Fund to the Paymaster General's supply account, with this advance then being repaid to the Central Fund in January 2019. The need for this provision arises as certain Exchequer liabilities and social welfare payments, particularly child benefit, which will form part of the supply services for 2019, are due for payment by electronic funds transfer on 1 or 2 January 2019. With the banking system closed on 1 January 2019, funding will need to be in place in departmental bank accounts before the end of this year to meet those liabilities on a timely basis. Additionally, An Post must be prefunded before the end of 2018 in respect of certain payments due between the first and fourth day of January 2019 to transfer payments from the Department of Employment Affairs and Social Protection to its network of post offices throughout the country.

I remarked at the outset that the Appropriation Bill is an essential element of housekeeping which those of us in the Dáil are required to undertake. The passing of the Bill will authorise in law all of the expenditure that has been undertaken in 2018 on the basis of the Estimates voted on by the Dáil during the year. The passage of the Bill will also ensure that payments funded from voted expenditure in 2018 such as housing assistance payment, jobseeker's allowance, disability allowance, non-contributory State pension, nurses' pay, teachers' pay and all other pay and pensions funded from voted money can continue to be funded in 2019 in the period before the Dáil approves the 2019 Estimates.

Deputy Jonathan O'Brien: We will not object to the passing of this Bill. As the Minister of State has outlined, it is a necessary piece of housekeeping that must be undertaken before the end of the year. It is the second last day of the Dáil term. I know some people will be critical of the Bill being presented so late but I understand completely why we have had to wait until all the Supplementary Estimates have gone before and been voted on by the relevant committees and sent back to the House for approval, which I believe only finished last week, so we will not be delaying the passage of this Bill. We may disagree about how some of the money is spent and there are differences between my party and the Government regarding some areas of priority, but as the Minister of State pointed out, it is a piece of housekeeping that must be done and we will facilitate its passage as quickly as possible.

An Leas-Cheann Comhairle: Does the Minister of State wish to comment?

Deputy Patrick O'Donovan: No, I have nothing further to add.

Question put and agreed to.

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

Houses of the Oireachtas Commission (Amendment) Bill 2018: Order for Second Stage

Bill entitled An Act to amend and extend the Houses of the Oireachtas Commission Act 2003; and to provide for related matters.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I move: “That Second Stage be taken now.”

Question put and agreed to.

Houses of the Oireachtas Commission (Amendment) Bill 2018: Second Stage

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I move: “That the Bill be now read a Second Time.”

The Houses of the Oireachtas Commission came into existence on 1 January 2004 under the Houses of the Oireachtas Commission Act 2003. The founding commission legislation in 2003 led, in summary, to two consequences. The first was that the commission became the sanctioning authority for expenditure, for deciding on staff numbers up to the grade of principal officer, and for the provision of services and related matters to the Oireachtas. The second was that the system for the allocation of budgets to the Oireachtas changed from the annual Civil Service Estimates and Vote procedure to a different process involving a three-year budget drawn from the Central Fund. The new budget is set every three years following negotiations with the Department of Public Expenditure and Reform. The budget is approved at political level by the commission and the amending legislation is passed by both Houses.

Under the terms of the inaugural commission Act, a three-year budget covering the period from 2004 to 2006 was provided for the commission. Further Acts were enacted in 2006, 2009, 2012 and 2015. A new Houses of the Oireachtas Commission Act is now required as a matter of priority as the financing provided under the 2015 Act expires as of 31 December next.

As Members will be aware, the Houses of the Oireachtas Commission oversees the provision of services to the Houses and their Members by the Houses of the Oireachtas Service - the parliamentary administration - in accordance with the commission Acts. The primary functions of the commission are to provide for the running of the Houses of the Oireachtas, to act as governing body of the service, to consider and determine policy relating to the service, and to oversee the implementation of that policy by the Secretary General. The commission is not responsible for the management and day-to-day operations of the Houses. The Secretary General has overall responsibility for these functions in accordance with the commission Acts. The commission does not set the level of remuneration payable to Members of the Houses. Salaries, pensions and allowances are determined by the Minister for Public Expenditure and Reform. The commission is accountable to the Parliament and presents annual reports of its work to both Houses together with Estimates and accounts of its expenditure.

The Houses of the Oireachtas Service is the public service body that administers the Houses of the Oireachtas on behalf of the commission as the governing authority. The functions of the service are set out in legislation. They can be broadly summarised as the provision of profes-

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sional advice and support services to the commission, the Houses and their committees and Members of the Houses.

The primary purpose of this Bill is to make available the funding for the commission over the coming three years. The Bill proposes to make available to the commission a sum not exceeding €422.27 million to carry out its functions for the three-year period from 1 January 2019 to 31 December 2021. This sum has been agreed between the commission and the Department of Public Expenditure and Reform and takes into account foreseen expenditure over the three-year period. The figure of €422.27 million over three years comprises €149 million in 2019, €136 million in 2020 and €137 million in 2021 and represents a €53 million or 14% increase on the 2016 to 2018 allocation.

The major elements of the increase sought relate to a once-off general election allocation of some €9 million; supporting Dáil reform measures, which resulted in an increase in staffing and for the extension of the committee support; the provision for financial emergency measures in the public interest, FEMPI, pay restoration measures; and the delivery of a three-year Oireachtas digital transformation programme, which has been costed at €22 million. The Estimates for 2020 and 2021 show a decrease from the 2019 levels due primarily to a reduction in general election related costs.

While the funding issue is, as I have said, the primary purpose of the Bill, this opportunity is also being taken to have a number of amendments of a more technical nature made. I will now provide Deputies with details of the amendments involved. Section 1 defines the principal Act as referred to in the Bill. Section 2 amends the definitions of “Officer of the Houses of the Oireachtas” and “Oireachtas Committee” used in the principal Act.

Section 3 contains a number of amendments to section 4 of the principal Act. These include the clarification of the current position regarding amendments to the Oireachtas (Allowances to Members) Act 1962, which enables the granting of secretarial facilities to Members of the Houses of the Oireachtas and a provision to enable the commission to make fiscal and economic advice and information available to members of the Oireachtas and to Oireachtas committees. This is to provide a statutory underpinning for the work of the Parliamentary Budget Office, which provides this service as part of the Houses of the Oireachtas Service under the commission. Other amendments include a provision for a review of An Caighdeán Oifigiúil, which is the official standard of the Irish language to be used in legislation, to provide for a maximum review period of ten years, and a new provision that enables the commission to initiate, defend or seek to participate in legal proceedings without the prior authorisation from the Houses of the Oireachtas in specified circumstances.

Section 4 amends section 5 of the principal Act to provide funding for expenditure incurred by the commission during the period of three years from 1 January 2019. The amount of funding for that period is capped at €422,270,000.

7 o’clock

Section 5 provides for the establishment within the Houses of the Oireachtas Service of an office to be known as the Parliamentary Budget Office.

Section 6 provides for the establishment within the Houses of the Oireachtas Service of an office to be known as the Office of Parliamentary Legal Advisers.

Section 7 amends Schedule 1 to the principal Act so as to include the single public service pension scheme for members of staff of the commission and Members of the Oireachtas.

Section 8 sets out the Short Title, collective citation and commencement date for the Bill which I commend to the House.

Deputy Barry Cowen: Fianna Fáil will be supporting the Bill. It is a technical Bill that needs to be passed, as it has been every three years, to meet expenditure incurred by the House of the Oireachtas Commission. Without it, the wages of staff would not be paid in 2019. The Bill permits money to be provided from the Central Fund. The Houses of the Oireachtas Commission is an independent body, but it needs a budget, as we recognise. The Bill will give the commission a budget of €422,270,000 from 1 January 2019 until 31 December 2021. It is also used to pay members of staff for working for the Oireachtas.

There are a number of technical provisions included in the Bill, most notably the amendments included in sections 5 and 6 which will place the Parliamentary Budget Office and the Office of the Parliamentary Legal Advisers on a statutory footing. The offices will be independent within the Houses of the Oireachtas.

The detail of the Bill is as laid out by the Minister of State. I reaffirm Fianna Fáil's commitment to support the contents of the Bill. We will support the Bill through all Stages and hope the rest of the Members of the Dáil will see fit to do likewise.

Deputy Jonathan O'Brien: I will be equally as brief as Deputy Cowen who said the Bill will put the Parliamentary Budget Office and the Office of the Parliamentary Legal Advisers on a statutory footing. We have seen the benefits of the Parliamentary Budget Office, in particular, in some of the material it has published for the Committee on Budgetary Oversight throughout the past 12 months. Sinn Féin will not hold up the passage of the Bill, but I note that there is a once-off allocation of €9 million for one general election to be held between now and the end of 2021. That perhaps might be a little optimistic. We might be back to a situation similar to that in the early 1980s.

Deputy Patrick O'Donovan: We might make a saving.

Deputy Jonathan O'Brien: We will settle for one general election and the quicker it is held the better.

Deputy Thomas P. Broughan: I also welcome this short but important Bill which amends the Houses of the Oireachtas Commission Act 2003. A key element is continuing funding for the commission until the end of 2021. I note that in the next three years funding is to be increased by 14% and capped at a sum of €422,270,000.

Another key function of the Bill is to place on a statutory basis the excellent Parliamentary Budget Office. I am a member of the Committee on Budgetary Oversight and was a member of the preceding Select Committee on Arrangements for Budgetary Scrutiny which strongly recommended the establishment of the Parliamentary Budget Office. I asked the excellent Oireachtas Library and Research Service to produce a briefing paper on the parliamentary budget office in other countries. I noticed recently that the House of Commons was in touch with the Committee on Budgetary Oversight in looking at the possibility of establishing a budgetary oversight committee. The Parliamentary Budget Office was established in 2017 and is led by its director Ms Annette Connolly. The creation of the select committee and the Parliamentary

Budget Office will be remembered as being among the best achievements of the Thirty-second Dáil.

The important responsibilities of the Parliamentary Budget Office which will be statutory based included in subsection (4) of the new section 14B include providing the Oireachtas and the Committee on Budgetary Oversight with key, up-to-date information on current macroeconomic conditions, the management and development of the public finances and the financial impacts of public policy proposals. Visitors to Dáil Éireann and the Oireachtas Library will have been struck by the number of important briefing papers produced by Ms Connolly and the Parliamentary Budget Office. We have recently been reading briefing paper No. 16 on the 2018 Supplementary Estimates which were included in the Appropriation Bill 2018 which the House has just examined. The Parliamentary Budget Office also prepares important notes for Deputies on aspects of State expenditure and fiscal management. One key piece of work which it undertook recently was on the health budget in which it looked at the differences between forecasted and actual expenditure.

One of my concerns has been the lack of transparency and accountability in tax expenditures. When I questioned the Taoiseach about the matter a month or so ago, I was able to rely greatly on the work done by the Parliamentary Budget Office. It is really helpful and good to see the office being placed on a statutory basis.

I equally welcome in section 6 the establishment on a statutory basis of the Office of the Parliamentary Legal Advisers under the new section 14C. The office will have similar status to the Parliamentary Budget Office. The section lays out its role in providing advice for the commission, the Ceann Comhairle, the Leas-Cheann Comhairle, the Cathaoirleach of Seanad Éireann, the Members of the Dáil and the Seanad and Oireachtas committees. Its most important role will be to help us in drafting Bills. Like many other Deputies, I have used its services and recently received very important assistance in drafting a short Bill to amend Bunreacht na hÉireann to give everybody in Ireland the right to housing and a permanent home. Unfortunately, the Bill was ruled out of order by the Ceann Comhairle. It was deemed to be too similar to a Bill that had been on the clár since 2016. Perhaps we need a mechanism to facilitate the Office of the Parliamentary Legal Advisers whereby Bills on which a lot of work has been done cannot subsequently be ruled out of order. Most Deputies and Senators will be celebrating and marking another 100th year anniversary just after Christmas. For most that time Members had to rely on their own or their party's legal advisers.

I want to mention the Oireachtas Library and Research Service which has been extremely helpful during the years. The placing on a statutory basis of the Office of the Parliamentary Legal Advisers and the Parliamentary Budget Office adds a new and significant new resource in our work. The Minister of State and other Deputies referred to key provisions in the Bill that provide for the operational independence of the Office of the Parliamentary Legal Advisers and the Parliamentary Budget Office, which is important. I note in section 5 that the new section 14B(8) states that, "subject to the Act, the director and members of staff assigned to the Parliamentary Budget Office shall be independent in functions designated by the Secretary General under subsection (4)". A similar provision is made for the chief parliamentary legal adviser and commission staff assigned to the Office of the Parliamentary Legal Advisers.

I warmly welcome the Bill and the placing on a statutory basis of these two important offices in order that commission staff can help us to do the job we were elected to do.

Question put and agreed to.

Houses of the Oireachtas Commission (Amendment) Bill 2018: Committee and Remaining Stages

Sections 1 to 4, inclusive, agreed to.

SECTION 5

Minister of State at the Department of Public Expenditure and Reform(Deputy Patrick O'Donovan): I move amendment No. 1:

In page 7, to delete lines 13 to 17 and substitute the following:

“(7) The Director shall have all such powers as are necessary or expedient for, or incidental to, the performance of his or her functions and, without prejudice to the generality of the foregoing, the Director may request in writing a Minister of the Government or other body to provide to him or her such information as he or she considers necessary for the performance of the functions specified in any paragraph of subsection (4).”.

Amendment agreed to.

Section 5, as amended, agreed to.

SECTION 6

An Leas-Cheann Comhairle: Amendments Nos. 2 and 3 are related and may be discussed together.

Deputy Patrick O'Donovan: I move amendment No. 2:

In page 8, line 8, to delete “or” and substitute “and”.

Amendment agreed to.

Deputy Patrick O'Donovan: I move amendment No. 3:

In page 8, line 39, after “in” where it secondly occurs, to insert “any paragraph of”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 4 has been ruled out of order because it imposes a charge on the Revenue.

Amendment No. 4 not moved.

Section 6, as amended, agreed to.

Sections 7 and 8 agreed to.

Title agreed to.

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Bill reported with amendment, received for final consideration and passed.

An Leas-Cheann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

Health Insurance (Amendment) Bill 2018 [Seanad]: Order for Report Stage

Minister of State at the Department of Health (Deputy Finian McGrath): I move: “That Report Stage be taken now.”

Question put and agreed to.

Health Insurance (Amendment) Bill 2018 [Seanad]: Report and Final Stages

An Leas-Cheann Comhairle: As there are no amendments, we now proceed to the Fifth Stage.

Bill received for final consideration and passed.

An Leas-Cheann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad]: Order for Report Stage

Minister of State at the Department of Finance (Deputy Patrick O’Donovan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad]: Report and Final Stages

An Leas-Cheann Comhairle: Amendment Nos. 1 to 3, inclusive, have been ruled out of order because they impose a charge on the Revenue. Amendment No. 4 in the name of Deputies Bríd Smith, Gino Kenny and Boyd Barrett has no one to move it.

Amendments Nos. 1 to 4, inclusive, not moved.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I move amendment No. 5:

In page 6, to delete lines 28 to 31.

On Committee Stage I undertook to bring forward an amendment on Report Stage to remove the requirement for a commencement order to bring the provisions of the Bill into effect. This will ensure the maximum number of public servants can avail of the new compulsory retirement age of 70. If the amendment is agreed, the Bill will become effective as soon as it is signed by the President. Under the Constitution, the President can sign the Bill on the fifth, sixth or seventh day after it is presented to him for signature. It is likely, therefore, that the Bill will come into effect over the holiday period. Once the Bill comes into effect, any public servant covered by the legislation who has not already reached their compulsory retirement age will have a new compulsory retirement age of 70 and the choice to work to that age if they so wish.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

An Leas-Cheann Comhairle: The Bill, which is considered to be a Dáil Bill in accordance with Article 20.2.2° of the Constitution, will be sent to the Seanad.

European Investment Fund Agreement Bill 2018 [Seanad]: Order for Report Stage

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move: "That Report Stage be taken now."

Question put and agreed to.

European Investment Fund Agreement Bill 2018 [Seanad]: Report and Final Stages

An Leas-Cheann Comhairle: As there are no amendments, we proceed to Fifth Stage.

Bill received for final consideration.

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

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): This is a short but technical Bill that will enable me as Minister for Business, Enterprise and Innovation and the Minister for Agriculture, Food and the Marine to enter into agreements with the European Investment Fund to facilitate access to finance for qualifying Irish business. It will allow us to launch the future growth loan scheme in early 2019, which is a central part of the Government's response to Brexit as it provides businesses with the opportunity to borrow.

Question put and agreed to.

Data Sharing and Governance Bill 2018 [Seanad]: Order for Report Stage

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Data Sharing and Governance Bill 2018 [Seanad]: Report Stage

An Leas-Cheann Comhairle: Amendment No. 1 is in the name of the Minister of State. Amendments Nos. 1 to 3, inclusive, are related and will be discussed with amendment No. 1.

Minister of State at the Department of Finance(Deputy Patrick O'Donovan): I move amendment No. 1:

In page 10, lines 9 to 11, to delete all words from and including “excepting” in line 9 down to and including “data” in line 11.

From the outset, it has always been my intention that this Bill would not apply to the sharing of special categories of data specified in Article 9 of the general data protection regulation, GDPR. At the outset, I thank the Deputies and their representatives who have engaged with my officials since Committee Stage. This refers to any personal data that reveals a person’s racial or ethnic origin; their political opinions or religious beliefs; or whether they are a member of a union. It also includes their genetic and biometric data and any information concerning their health, sex life and sexual orientation. To this end, section 5 specifically prohibits the use of this legislation to share special category data.

In the Seanad, I accepted two amendments to section 7 that were intended to make explicit that if any part of the public service identity were to contain special category data it could not be shared under this legislation. I told the Seanad at the time that I might need to make some technical amendments to these proposals to ensure the wording is completely sound from a legal point of view.

The Attorney General’s office has examined the amendments and has suggested an alternative wording that will have the same effect as the Seanad intended but which is more legally robust. The main issue the Attorney General has with this provision is that it only applies to section 7(2). However, section 7(3) also makes reference to the public service identity but, as things stand, there is no indication as to whether this subsection applies to special category data. The intent was to apply the exclusion to the entire section but this is not what is provided for in the text in its current form. The Attorney General has advised that we should remove any uncertainty or doubt at this time. I am sure the House will agree with me that this is the correct course of action to take. The amendment I am proposing, therefore, gives effect to this by creating a specific definition of the “public service identity” in section 7(5) that explicitly excludes special category data, which will apply to the entirety of this section of the Bill.

Amendment No. 2 removes the specific reference to Article 9 of the GDPR. This is not required since the definition of “special categories of personal data” in section 2, page 9, lines 8 and 9, provides that it means “information referred to in Article 9(1) of the GDPR”. I ask the House to support these amendments, which are technical in nature and exist solely to give full effect to the policy intent of the relevant amendments made in the Seanad.

Deputy Jonathan O’Brien: We dealt with these amendments on Committee Stage and on the day, the Minister of State withdrew them to give us an opportunity to engage with his officials, which we have since done. We had more than an hour of engagement with them last week on the Bill. We would not support them on Committee Stage because they contained wording of amendments inserted by Senator Higgins in the debate in the Seanad but having discussed it with the Minister of State’s officials and got the explanation as to the reason he wished to remove them now, we are satisfied that we are in a position to support the three amendments.

Deputy Mick Wallace: We do not have a problem with the amendments either. I thank the officials for their co-operation with our staff.

Amendment agreed to.

Deputy Patrick O’Donovan: I move amendment No. 2:

In page 10, line 13, to delete “and compliant with Article 9 of GDPR”.

Amendment agreed to.

Deputy Patrick O’Donovan: I move amendment No. 3:

In page 10, to delete lines 21 and 22 and substitute the following:

“(5) In this section—

“specified body” has the same meaning as it has in section 262 of the Act of 2005;

“public service identity” has the same meaning as it has in section 262 of the Act of 2005, subject to the modification that the reference, in the definition of that phrase in subsection (1) of that section, to information specified in subsection (3) of that section shall not include a reference to special categories of personal data.”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment Nos. 4, 5 and 10 are related and may be discussed together.

Deputy Patrick O’Donovan: I move amendment No. 4:

In page 10, to delete lines 23 to 25.

I will also speak to amendment No. 10 and respond to amendment No. 5, which has been proposed by Deputies Wallace and Daly.

Amendment No. 4 proposes to delete section 7(6) and amendment No. 10 will have the effect of removing section 37(5) of the Bill. Both of these were amendments made to the Bill on Committee Stage, which I opposed and flagged that it was my intention to revert to them.

Section 7(6) provides that the presentation of a public service card or access to a person's public service identity may not be the exclusive basis by which a public body may verify a person's identity. Along the same lines, section 37(5) provides that when designating a base registry, the Minister shall allow a person to verify his or her identity by means other than presenting a public service card or by allowing a public body access his or her public service identity.

Amendment No. 5 seeks to add a similar provision to section 13 that presentation of a public service card or access to a person's public service identity may not be the exclusive basis by which a public body may verify a person's identity.

All three amendments concern the use of the public service identity, which the Deputies want to make optional. The public service identity is defined in the Social Welfare Consolidation Act as the following: PPS number; surname; forename; date of birth; place of birth; sex; all former surnames, if any; all former surnames, if any, of the person's mother; address; nationality; date of death, if applicable; certificate of death, where relevant; a photograph of the person, where required, unless deceased; the person's signature, unless deceased; any other information that may be required for identification purposes that is uniquely linked to or is capable of identifying the person; any other information that may be prescribed, which in the opinion of the Minister for Employment Affairs and Social Protection is relevant to and necessary for the allocation of a PPS number; and any data that is collected by a public body and by "any data" I mean data collected directly from a person as well as through data sharing. If any of this data includes any of the information I have just listed, then this is public service identity data.

The Deputies' intention here is that public bodies should not use the public services card or the public service identity as the "exclusive basis" to verify a person's identity to provide them with a service. This means that a person can refuse to provide basic information like name, address and date of birth and yet public bodies would still be required to verify the person's identity somehow. My difficulty is how I would do that.

I will set out an example. These provisions would mean that the Revenue Commissioners would be unable to use the public service identity as the exclusive means of verifying identity. There is no other way of reliably identifying a person for online or telephone-based services. Accordingly, Revenue would no longer be able to provide online or telephone-based services to taxpayers because it would no longer be able to verify a person's identity. This would have a dramatic and somehow catastrophic effect on the services Revenue delivers to more than 2 million taxpayers as well as on the State's capacity to collect taxes and pay for our public services.

A similar impact would arise across a vast range of public services, including social protection, housing and health services. Examples include the free travel pass scheme and the early childhood care in education scheme as well as the services of the National Cancer Registry and the Personal Injuries Assessment Board. All these organisations use the public service identity data set to provide their services. These provisions will have a real serious and singularly damaging impact on the ability to administer all of these schemes and services. In some instances it would lead to the collapse of public services. I am sure this is not the intention of the House.

It is difficult to see what could be used as an effective alternative means of verifying a person's identity if a person were to request an alternative, which would be a right under the provision. Clearly, this would lead to a difficult state of affairs. Given the explanation that I have provided to the House, I appeal to Members to support my amendments and to delete the unworkable provisions from the Bill. I appeal to the Deputies who have proposed the other

amendments to consider withdrawing them based on the explanation I have provided and the unintended consequences for public services across our Administration.

Deputy Mick Wallace: The Minister of State said on Committee Stage that he could not accept our amendments. Obviously, he is trying to reverse the amendments we secured at the time relating to the public services card and the public service identity data set. The Minister of State said the measures would be in direct conflict with existing legislation. He referred to the Social Welfare Consolidation Act. This Bill interacts in a significant way with the Social Welfare Consolidation Act, as we said on Committee Stage. Indeed, it amends that Act.

Section 247C of the Social Welfare Consolidation Act, as amended, states that the Minister may require a person receiving a benefit to satisfy the Minister as to his or her identity. That is completely acceptable and understandable and we have no problem with that. Section 247C(3) of that Act specifies the manner in which the Minister may be satisfied. Essentially, it describes the standard authentication framework environment level 2 verification process for registering a person's identity. That is fine. The problem is that the aim of the public services card and the SAFE 2 process is not limited to verification. The aim is also to coerce consent to data sharing. It is to enable the creation of a database of citizens' data.

Section 262(6) of the Social Welfare Consolidation Act states that where a specified body has a transaction with a person, the Minister may share the person's public service identity with the specified body to the extent necessary for authentication by the specified body of the person's public service identity. That section states that a person's public service identity may be used by a specified body in performing its public functions. The use of "may" is significant. It permits data sharing but it does not require or demand it. Data sharing is not an inevitable consequence of the verification of a person's identity.

Section 247C(1) of the Social Welfare Consolidation Act makes clear that the purpose of the verification process described is to satisfy the Minister as to the person's identity. Once the person's identity has been verified and the Minister is satisfied as to the person's identity, there is no legal basis for further processing of that person's data unless the body has obtained the person's consent.

The point of our amendments relating to the public services card is to provide a solution to the practice of coercing consent in order that a person does not have to register for a public services card or agree to the processing of his or her public services identity dataset to access basic services. There has to be an alternative. We do not have a problem with the SAFE 2 verification process *per se*. Verification of identity is essential, but the State and the Department of Employment Affairs and Social Protection have created a bizarre situation whereby verification of identity leads inevitably to a large-scale sharing of personal data.

The Minister of State said this Bill makes no reference to the public services card and that it is not relevant to the public services card. However, the public services card is a Department of Public Expenditure and Reform project. The Department of Employment Affairs and Social Protection is doing the heavy lifting for the Department of Public Expenditure and Reform. It is doing the dirty work of coercing consent. It can do so effectively because the Department of Employment Affairs and Social Protection is the only source of income for significant numbers of people. The Department of Employment Affairs and Social Protection has issued letters warning that failure to comply might result in a person's income being cut off. People were denied payments because they refused large-scale sharing of their data. The State is targeting

vulnerable citizens via the welfare system. As I said on Committee Stage, privacy is a human right and we cannot be selective in how we observe human rights. We should not tolerate State coercion and we should not tolerate the State acting illegally under EU law.

There is nothing in our amendments to contradict or make unworkable the Social Welfare Consolidation Act. At the Committee of Public Accounts meeting on 29 November there was a significant discussion between Deputy Burke and the Secretary General of the Department of Employment Affairs and Social Protection, Mr. John McKeon. Deputy Burke questioned Mr. McKeon about the decision of the Department of Transport, Tourism and Sport to stop making the public services card mandatory for driver theory test applications. Mr. McKeon repeated several times that it is a matter for each Department to make a judgment as to how it wishes to use the card. Mr. McKeon stated that his Department uses the public services card for the Department's own purposes. He made the point that whether another Department wants to use the public services card is up to that Department, although he failed to acknowledge that his Department is guilty of illegally coercing consent to data sharing by withholding social welfare payments to those who refuse to register for the card. Deputy Burke asked Mr. McKeon if it was a regressive step by the Department of Transport, Tourism and Sport. Crucially, Mr. McKeon replied by saying that the Department of Transport, Tourism and Sport would have to reach its own conclusions. The Department of Transport, Tourism and Sport clearly realised that it had no legal basis to coerce consent to data sharing. The Road Safety Authority, which runs the driving test, was told by the Department to cancel the plan after announcing it as a requirement. In response to my parliamentary question earlier this year, the Department of Transport, Tourism and Sport said that it had spent €2 million on the information technology element of the project and a further €30,000 or €40,000 on advertising. It sounds like a waste of money since the Government has been repeatedly warned about the lack of a legal basis for denying services to people who refused to register for a public services card due to concerns about the sharing of their data.

This change of heart with regard to the public services card shows that each Department or service provider can use its discretion in respect of requirements for the card. Mr. John McKeon made that clear at the Committee of Public Accounts meeting. This is exactly what the Minister of State said to me on Committee Stage.

We are not prescribing what an individual service provider must or must not use. I do not understand the logic of the Minister of State when he says that our amendments would mean that the Social Welfare Consolidation Act would have to be unwound and that the provisions would be unworkable. I do not believe that is true and I am unsure whether the Minister of State does. Oddly enough, the Minister of State is making clear that our point is valid.

Deputy Clare Daly: Amendments Nos. 4 and 10 attempt to row back on the amendments that Deputy Wallace succeeded in getting passed on Committee Stage. Amendment No. 5 is really a companion amendment to the amendments we succeed in getting through on Committee Stage and will be necessary if those two amendments remain in the Bill. I believe that they should remain.

The Bill has undoubtedly improved a good deal from what it was originally, thanks in large part to the work of Senator Higgins. One of the biggest problems with the provisions in question is the fatal undermining of voluntary consent. They enshrine coerced consent in a certain way. That is why we will be sticking to our guns.

I find it unbelievable that we have to argue this point at all. It is so clearly wrong that the State would hold a person's social welfare payments hostage until that person surrenders or gives up the right to privacy, which is one of the fundamental rights under the European Convention on Human Rights. However, that is how the public services card has been used by the Department of Employment and Social Protection to date. If someone wants to use the public services card to verify their identity or give a body access to their public service identity, that is absolutely fine. We have no problem with that and nothing we are putting forward here impedes that. All we are saying is that if people do not want to do that, they should not have to and should be able to produce something such as a passport.

I do not know whether the Minister of State has changed his tune on this but when it was raised in the past, he told us that alternative ways to verify one's identity would always be offered. If that was the case and the Minister of State is sticking to that, what is the harm in accepting our amendment, which would not undermine that? I am unsure where the Minister of State is coming from on that. If an alternative mechanism is not provided for, we wholly believe it ought to be. We are not prescribing what an individual service provider should use, nor do we care what they require, merely that it cannot be the only provision.

Leaving aside some of the discussions that took place on Committee Stage, there is a serious point at stake. It is one thing to submit a photograph or document with one's address but quite another to be required to provide a facial image with a biometric scan. I hope that the Minister of State does not tell us again that the public services card database does not store biometric data, as we are sick hearing it. The intrusiveness of the data requirements of the public services card means it is in breach of the requirement under EU and ECHR law that state interference with privacy must be both necessary and proportionate. The public services card is not necessary because alternative forms of identification, including passports, are available and were previously sufficient for the purposes of accessing public services. The idea of it causing a systems breakdown going into overload does not apply here. Most people will probably not have a problem offering the information but it is for those who do not want their data shared across potentially 150 organisations. In that sense, the public services card is disproportionate because it requires people to link all their personally identifiable information into one database shared by numerous agencies, and that interferes with privacy rights in a manner that far exceeds the stated goal of easy and convenient service access. To put all this private information into a hackable database goes even further than that. It is absolute lunacy.

The key phrase here is "state interference with privacy". If the State asks a person if he or she wants to give certain pieces of personal information and in return, that person will be given a handy card that he or she can use for all public services, many people would say "Yes". If the State asks, interference with privacy does not apply. Where it becomes an interference with privacy is when the State puts a gun to someone's head and demands all their data or their services will be cut off. I do not understand why the Government cannot appreciate that point. By interfering with privacy in a way that is neither necessary nor proportionate, I guarantee that the State is setting itself up for all sorts of problems, not only with the ECHR but also with the general data protection regulation, GDPR. Without question, if the Government succeeds in removing our amendments, it will result in fines being levied. I hope the amendments are not removed and that amendment No. 5 is approved to go in tandem with it.

Deputy Jonathan O'Brien: We met officials and said that we would like to hear what Deputies Clare Daly and Wallace would say on the removal of their amendments, because they had been supported on Committee Stage by all parties, including Fianna Fáil and ourselves in

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Sinn Féin, with the exception of the Government. I have a straight “Yes” or “No” question for the Minister of State. If somebody refuses to use a public services card, is it true that their social welfare payments can be withheld?

Deputy Patrick O’Donovan: As I said on Committee Stage, this Bill in no way seeks to specify or prescribe the methodologies for any service that the State provides, it relates explicitly to the mechanism available for sharing information between two different bodies. I thank Deputy Jonathan O’Brien for his engagement. His question is one for the Department of Employment and Social Protection which we are not covering as part of this Bill.

Deputy Joan Collins: She is behind you.

Deputy Patrick O’Donovan: The Minister might provide the Deputy with the information on the way out of the Chamber. I can say categorically that in no place in this Bill are we specifying any mechanism for any service. It is entirely up to the line Minister and their Departments, through legislation, to prescribe those methods.

The last two lines of amendment No. 5 tabled by Deputies Wallace and Clare Daly are the most important: “verify their identity other than by the presentation of a public services card or access to that person’s public service identity”. I remind Members that the public service identity is defined as personal public service, PPS, numbers, surnames, forenames, date of birth, place of birth, sex, all former surnames, etc. If we are to delete that public service identity or unpick it in some way, how then are we to find out who a person is? I have said this time and again and we had a very good debate in the Seanad, to be fair. Deputy Clare Daly is correct about necessary and proportionate and we have absorbed that into the Bill. However, the GDPR requires data protection and this Bill has strong regard to that. We had a very good discussion which I will not rehash, but amendment No. 5 would have the net effect of paralysing a great deal of public service delivery because we would not be able to prescribe any method of identifying anybody.

Deputy Mick Wallace: We do not think our amendments would have that effect on the Bill. The Minister said that the Government was not prescribing what an individual service provider must or must not use, that it is not the intent of the Bill and is a matter for each individual service provider to determine. He also said that it is also up to each individual service provider to seek legislation, if required, to put in place the mechanism it wishes to use.

If that is the case then our amendments on the public services card will provide clarity only. The Department of Employment and Social Protection, for example, might be made aware that what it is doing in relation to the public services card and coercing consent is illegal. Section 69 gives the Minister power to restrict or limit the types of documents which can be requested by a public body. We accept that the Minister must have some restrictions as to what are deemed acceptable documents, and it cannot be the case that a person can choose his or her own method for verifying his or her identity. That would not be workable. However, as Deputy Jack Chambers said of the language of our amendments, which passed Committee Stage, it “gives flexibility to allow the public services card to be used where provision of an additional form of identity is also allowed”. In not prescribing what a service provider can and cannot prescribe and given the Minister’s power under section 69 to restrict the type of documents that a service provider may request, our amendments should pose nothing to fear. It is a fact that the Data Protection Commissioner is investigating the legal basis of the public services card and I do not imagine that she decided to do so just because she had a bad dream.

Deputy Clare Daly: I will speak very briefly. The Minister of State has repeated the point that he is not prescribing what the individual service provider must or must not use. We fully and totally accept that. Neither are we. There is no contradiction there whatsoever. We fully accept that service providers can ask for any method of verification as they see fit. All we are saying here is that the public service provider cannot make the public services card the only way to verify identity. That is it. If loads of people want to use it, as I am sure they will, happy days. That is up to them. Equally, if they do not want to use it they must have the right to produce an alternative method of verification. We are talking about allowing their data to be processed and kept in a centralised registry where it can be shared with up to 150 specified bodies. A lot of people have a problem with that. They are probably a minority. They are probably a substantial minority, but a minority nonetheless. However, they are a minority whose views and position are supported by the European Convention on Human Rights, ECHR, and the general data protection regulation, GDPR.

Deputy Patrick O'Donovan: The debate on this Bill is not the forum for the point the two Deputies are making. That forum is the debate on every piece of legislation that prescribes a method for the collection of data for a particular service, which this clearly does not. Deputy Daly referred to the use of the passport. That is a very good example. How would a person even get a passport under the Deputies' amendment, if he or she could choose not to provide a surname, forename, date of birth and place of birth? I have never heard of a passport being issued to somebody who could choose not to provide that information.

Deputy Clare Daly: That is not what we are calling for.

Deputy Patrick O'Donovan: That would be the net result of the Deputies' amendment. This amendment would provide a legal basis for a person to opt out of providing the very basic information which is called the public service identity. In fairness I understand the Deputies' concern. However, the net result of their amendment would be a collapse in most of our public services, including the provision of the one identity they suggest we could use, the Passport Service.

Deputy Clare Daly: That is nonsense.

Amendment put:

<i>The Dáil divided: Tá, 34; Nil, 38; Staon, 0.</i>		
<i>Tá</i>	<i>Nil</i>	<i>Staon</i>
<i>Breen, Pat.</i>	<i>Aylward, Bobby.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Brassil, John.</i>	
<i>Canney, Seán.</i>	<i>Broughan, Thomas P.</i>	
<i>Cannon, Ciarán.</i>	<i>Browne, James.</i>	
<i>Carey, Joe.</i>	<i>Butler, Mary.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>	
<i>D'Arcy, Michael.</i>	<i>Chambers, Lisa.</i>	
<i>Deering, Pat.</i>	<i>Collins, Joan.</i>	
<i>Doherty, Regina.</i>	<i>Collins, Michael.</i>	

<i>Doyle, Andrew.</i>	<i>Daly, Clare.</i>
<i>Durkan, Bernard J.</i>	<i>Donnelly, Stephen S.</i>
<i>English, Damien.</i>	<i>Ferris, Martin.</i>
<i>Farrell, Alan.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Flanagan, Charles.</i>	<i>Haughey, Seán.</i>
<i>Griffin, Brendan.</i>	<i>Howlin, Brendan.</i>
<i>Harris, Simon.</i>	<i>Kelly, Alan.</i>
<i>Heydon, Martin.</i>	<i>McConalogue, Charlie.</i>
<i>Humphreys, Heather.</i>	<i>McGrath, Mattie.</i>
<i>Kehoe, Paul.</i>	<i>Murphy, Eugene.</i>
<i>Kyne, Seán.</i>	<i>Murphy, Paul.</i>
<i>Madigan, Josepha.</i>	<i>O'Brien, Jonathan.</i>
<i>McEntee, Helen.</i>	<i>O'Callaghan, Jim.</i>
<i>McGrath, Finian.</i>	<i>O'Dea, Willie.</i>
<i>McLoughlin, Tony.</i>	<i>O'Sullivan, Maureen.</i>
<i>Murphy, Dara.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Naughton, Hildegarde.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Neville, Tom.</i>	<i>Pringle, Thomas.</i>
<i>O'Connell, Kate.</i>	<i>Rabbitte, Anne.</i>
<i>O'Donovan, Patrick.</i>	<i>Ryan, Brendan.</i>
<i>Ring, Michael.</i>	<i>Ryan, Eamon.</i>
<i>Rock, Noel.</i>	<i>Scanlon, Eamon.</i>
<i>Ross, Shane.</i>	<i>Sherlock, Sean.</i>
<i>Stanton, David.</i>	<i>Smith, Brendan.</i>
	<i>Smith, Bríd.</i>
	<i>Stanley, Brian.</i>
	<i>Troy, Robert.</i>
	<i>Wallace, Mick.</i>

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Clare Daly and Mick Wallace.

Amendment declared lost.

8 o'clock

Deputy Mick Wallace: I move amendment No. 5:

In page 14, to delete lines 14 and 15 and substitute the following:

“(I) as one non-mandatory means to verify the identity of a person, where the first or second mentioned public body is providing or proposes to provide a service to that person, without prejudice to a person’s right to verify their identity other than

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by the presentation of a public services card or access to that person's public service identity;".

Amendment put:

<i>The Dáil divided: Tá, 38; Nil, 34; Staon, 0.</i>		
<i>Tá</i>	<i>Nil</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Breen, Pat.</i>	
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	
<i>Brassil, John.</i>	<i>Bruton, Richard.</i>	
<i>Broughan, Thomas P.</i>	<i>Canney, Seán.</i>	
<i>Browne, James.</i>	<i>Cannon, Ciarán.</i>	
<i>Butler, Mary.</i>	<i>Carey, Joe.</i>	
<i>Cahill, Jackie.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Chambers, Lisa.</i>	<i>D'Arcy, Michael.</i>	
<i>Collins, Joan.</i>	<i>Deering, Pat.</i>	
<i>Collins, Michael.</i>	<i>Doherty, Regina.</i>	
<i>Daly, Clare.</i>	<i>Doyle, Andrew.</i>	
<i>Donnelly, Stephen S.</i>	<i>Durkan, Bernard J.</i>	
<i>Ferris, Martin.</i>	<i>English, Damien.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>Farrell, Alan.</i>	
<i>Haughey, Seán.</i>	<i>Flanagan, Charles.</i>	
<i>Howlin, Brendan.</i>	<i>Griffin, Brendan.</i>	
<i>Kelly, Alan.</i>	<i>Harris, Simon.</i>	
<i>McConalogue, Charlie.</i>	<i>Heydon, Martin.</i>	
<i>McGrath, Mattie.</i>	<i>Humphreys, Heather.</i>	
<i>Murphy, Eugene.</i>	<i>Kehoe, Paul.</i>	
<i>Murphy, Paul.</i>	<i>Kyne, Seán.</i>	
<i>O'Brien, Jonathan.</i>	<i>Madigan, Josepha.</i>	
<i>O'Callaghan, Jim.</i>	<i>McEntee, Helen.</i>	
<i>O'Dea, Willie.</i>	<i>McGrath, Finian.</i>	
<i>O'Sullivan, Maureen.</i>	<i>McLoughlin, Tony.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Murphy, Dara.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Naughton, Hildegarde.</i>	
<i>Pringle, Thomas.</i>	<i>Neville, Tom.</i>	
<i>Rabbitte, Anne.</i>	<i>O'Connell, Kate.</i>	
<i>Ryan, Brendan.</i>	<i>O'Donovan, Patrick.</i>	
<i>Ryan, Eamon.</i>	<i>Ring, Michael.</i>	
<i>Scanlon, Eamon.</i>	<i>Rock, Noel.</i>	
<i>Sherlock, Sean.</i>	<i>Ross, Shane.</i>	
<i>Smith, Brendan.</i>	<i>Stanton, David.</i>	
<i>Smith, Bríd.</i>		
<i>Stanley, Brian.</i>		

<i>Troy, Robert.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared carried.

An Ceann Comhairle: Amendments Nos. 6, 7 and 9 are related and may be discussed together. I ask that Deputies who are not participating in the debate leave the Chamber in an orderly manner.

Deputy Mick Wallace: I move amendment No. 6:

In page 15, between lines 23 and 24, to insert the following:

“(3) A mechanism shall be provided to allow a person to whom a service is being or is to be delivered by a public body to instruct that public body that they do not regard collection of their personal data by any public body directly or on a case by case basis as burdensome and in such an instance (2)(ii)(III) shall not apply.”.

On Committee Stage the Minister of State, in commenting on these amendments, said: “Imagine a situation where a driver would not give his or her consent to have penalty points information shared between one arm of the State and another.” He also stated a person who was not tax compliant would be empowered by our amendments not to give consent to the sharing of his or her data between the agencies of the State. Both comments reveal a fundamental misunderstanding of basic data protection law. The Minister of State presumed that consent was always required, but that is not the case. Article 6 of the general data protection regulation, GDPR, lists various exceptions to the consent requirement. One such exception is processing necessary for the performance of a task carried out in the public interest or the exercise of official authority vested in the controller. Processing taxation data clearly has a legal public interest basis. Section 60 of the Data Protection Act deals with public interest processing and sets out clearly that it permits data processing without consent of the data subject for “the prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties” and “the administration of any tax, duty or other money due or owing to the State or a local authority”. Raising the issue of consent in the case of penalty points is misleading in the context of a massive data sharing project such as this. I do not think the Government should go down that road. The Data Protection Act transposes the law enforcement directive which applies instead of the GDPR in the processing of personal data carried out for a law enforcement purpose. It is clearly not possible for a person to withhold his or her consent to data sharing in order to avoid arrest or prosecution and suggesting otherwise is nonsense.

Amendments Nos. 6 and 9 aim to address the issue of processing for reasons other than that for which data are collected. Public services card registration is only one of the points of data collection addressed by the Bill. It clearly applies to many other instances of data collection not addressed by amendment No. 5. Amendment No. 4 in the name of the Minister sought to delete lines 23 to 25 on page 10 of the Bill, while amendment No. 10 in his name seeks to delete lines

25 to 27 on page 33. The Bill seeks to empower State entities to access a citizen's personal data given for one specified purpose for another. That contravenes the GDPR and the Bara judgment. Our amendments would create an opt-out. They would not require a person to be asked whether he or she consented. I appreciate that the amendments would create difficulties for the Department. However, as it is not administratively ready to implement the Bill in compliance with the GDPR and EU case law, the Minister of State should not try to bring the Bill through the House until it is so ready. Amendments Nos. 6 and 9 would build on and make meaningful the amendments proposed by the Minister of State and passed in the Seanad in ensuring disclosure of data was not possible simply to avoid a financial burden on a public body but rather was permitted to avoid a financial burden on a person or data subject.

Under the GDPR, when consent is required, it must be informed and specific. Recital 32 of the GDPR provides that data must be collected for a single specified explicit and lawful purpose. Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them.

The data sharing agreements proposed in the Bill are to be welcomed, particularly the personal access portal. However, if the type of processing envisaged under the data sharing agreements requires consent and if the processing or sharing is different in purpose from the initial purpose for which the data were collected, the data sharing agreements will not address the necessity for informed specific consent. Amendments Nos. 6 and 9 would remedy the issue. That is a problem. If one has consent for a specific process and wants to process data for a new purpose, it needs to be asked for again as the initial explicitly given consent no longer applies. It is good that public services are efficient and that State agencies and public bodies reduce cost. We fully support this idea, of course, but it is a separate argument. The State cannot act illegally and our amendments are trying to make sure it does not. It is up to the Minister of State and his Department to come up with the administrative solutions to deal with them.

Deputy Clare Daly: At the heart of the amendments is the idea that the once-only collection of data that the Government is proposing seems to be justified solely on the grounds of so-called efficiency. It is not really clear for whom it is efficient. If one boils things down to basics, the Bill has two main goals, namely, to provide a legal basis for public bodies to share data among each other and to set down safeguards for the individuals whose data are being shared. The latter aspect concerns governance. While the Government has spent quite some time thinking about the sharing aspect, our key concern boils down to the fact that the governance aspect does not seem to be as well developed. That is potentially a great problem for the State as it could result in litigation in the years ahead.

One of the arguments for the sharing aspect is that having to give details to every public service body with which one has to interact every time one signs up is an absolute pain. Sharing is pitched as something to make it super-handy for everybody such that he or she will not have to bother submitting information as the relevant bodies will already have it. Not everybody will be of that view. Everybody agrees that Google, for example, is a really handy search engine, but it happens to do worrying and intrusive things with one's data. Many might say they are happy with the trade-off and that it does not really bother them all that much, which is grand. Those people are not affected by anything we are doing here. For most people, the trade-off is worth it, but it is not for everybody. If the Government was trying to implement a system whereby we all had to use Google by law and accept the privacy trade-off, it would be pretty extreme and outrageous and there would be a big outcry. However, that is what the Government is trying to do in opposing our amendments. It is not really that different. The Government is

stating that if one wants to use public services, one must sacrifice control of one's private data. Many could not care less and that is a trade-off they would be happy to make, but some would care and Irish and European law is on their side. We are setting ourselves up for a hiding to nothing if our amendments are not accepted.

We have heard the Government state previously that the ability to opt out is not necessary because people have a right to object after their data have been shared. That is a little late. It is after the damage has been done, which is not sufficient.

Private data are best understood as a form of private property, of which I had believed Fine Gael Deputies, in particular, would have been very fond. If we use this as a metaphor, data are really like a private house. What the single customer view does is give the keys of one's house to hundreds of people and tells them they can come in any time they like without being asked. Our amendments are trying to state: "You can have a copy of our keys and that it is very nice of you to come in and feed the cats while I am away, but I would rather you did not share my keys with everybody else without asking me first from now on." That is not a huge ask and that is all we are seeking. It is eminently reasonable. The Government has stated it might be a little costly to implement what we propose, but we are only talking about small numbers because most will accept the trade-off for convenience. As I stated, however, not everyone will accept it, but the numbers will not be considerable.

It is extremely likely that down the line the Government will be forced to give people an opt-out, whether on foot of an individual case being taken to the Europe court or by the European Commission. It is far better that we address this issue now before more specified bodies come on board and rolling this back becomes even more expensive. Let us face it - that is what the Government is trying to do.

We saw the other week the consequences of the Government not listening when it was told that what it was doing was not legal and could not stand up. An example arose in the Graham Dwyer case. He won his case on the retention of mobile phone data. A former Chief Justice described the data retention and access system in Ireland as amounting to mass surveillance of the entire population and had told the Government to fix it, but it ignored him. The Data Protection Commissioner, in her 2017 annual report, said the retention of the current regime of access to telephone and Internet records by State agencies was not an option, but she was ignored also. Look where that mess got the Government. Why do we not avoid setting ourselves up for another huge mess down the road and correct the problems now by offering an opt-out for those who want one?

Deputy Eamon Ryan: There was an interesting lecture last week by Marc Rotenberg from a US privacy NGO called the Electronic Privacy Information Center. He spoke at a free legal aid conference about the issue of data privacy. It was a very interesting presentation, at the end of which he asked what star we followed because it was highly complex and difficult to get this matter right. It was always going back to the ultimate constitutional imperative to protect and recognise individual rights. I fear that, in the catch-all provisions we are including, effectively for all public bodies to have data-sharing capabilities, we risk being in breach of the fundamental rights of individuals to privacy and be able to give consent where the legislation applies. We cannot be certain about the applications. Amendment No. 6 seeks to protect the best approach to data privacy, although it is burdensome, as Deputy Clare Daly submits. I remember discussing the point that our data retention laws seemed to be in breach of European fundamental rights. I argued at the time that it would come back to haunt us. I believe the Department of

Justice and Equality introduced the measure in question. Particularly in a country that seeks to be at the forefront of the new digital industry and that benefits so much from being a centre for the digital services industry, we need, in both the public and private sectors, to set the highest possible standards. While it might be burdensome and require a lot of governance and effort on the part of the State, it is better and proper for us to seek to set the highest standard. Included in this are standards that allow citizens to withdraw consent.

Mr. Rotenberg cited the example of China. I am not saying we are in this category. The Chinese Government is using access to all sorts of online social data to build a really frightening surveillance state. We are not in that space, but as the use of artificial intelligence, facial recognition and a range of digital technologies evolve, it behoves us to be ever-more vigilant in protecting individual rights, which is the purpose of the amendment we propose.

Deputy Patrick O'Donovan: I shall speak first to amendments Nos. 6 and 9. The two amendments, in the names of Deputies Wallace and Clare Daly, propose that a person be allowed to opt out of the once-only principle that a person need provide details only once for a public body. The once-only principle is only one of a list of purposes in section 13 of the Bill, at least one of which must be engaged for the data sharing to be permitted. If the amendments were to be agreed to and this were to be the only purpose on which a public body was relying to share data, individuals would have to resubmit documents to public bodies, rather than enjoying the benefit of the once-only principle. For example, the back-to-school clothing and footwear allowance which is paid to almost 105,000 families requires no application to be made by beneficiaries. Nobody in the House wants to see that collapse as a result of the amendments. A vulnerable family who opted out of the once-only principle would have to provide all of the information. Surely that is not what the House wants.

Let us take another example. When people die, their data need to be shared to update records throughout the public service. This ensures public bodies do not keep attempting to make contact, which can be very distressing for the relatives. I am sure that is not what Deputies want either, but it would be the net outcome of the amendments. It also reduces the likelihood of identity fraud occurring. If before he or she died, a person had opted out of the once-only principle, there would be no way to update their records automatically and prevent letters, emails and telephone calls from continuing to be made during what must be a very difficult time for any person's family. That is why we have included provision for the sharing of data of deceased persons in section 11 of the Bill.

Another example is the centenarians bounty paid to persons who reach the age of 100 years. Deputy Clare Daly referred to grounds of efficiency. Payment of the bounty requires the Department of Employment Affairs and Social Protection to provide details of persons approaching their 100th birthday for the President's Establishment. Under the amendments proposed, they would no longer be able to be provided. Those who would choose to opt out of the provision would be likely to miss out on receiving the bounty.

To ensure a person can be offered a third level place the CAO and QQI share personal data, including examination results. This is required to be done to determine eligibility for third level education courses. If people could opt out, how would they get into college if their results still needed to be verified?

The amendments would militate against the purpose of the Bill and the obligation placed on public bodies to provide an excellent and efficient service. They would also militate against the

efficient and effective use of taxpayers' money by public bodies. I am sure the House does not intend that to be the outcome.

Amendment No. 7 in the name of Deputy Eamon Ryan would require the express consent of every person in each instance of data sharing. That would not be practical and it would impose a huge burden on people to provide consent every time they wanted to avail of a service that relies on data sharing. I have a few examples. I mentioned the back-to-school allowance. The scheme supports almost 105,000 families in providing clothing and footwear for almost 190,000 children. The payments are completely automated and require no application to be made. The net result of the amendment would put them in jeopardy. Does the Deputy want to create a situation where all 105,000 families would have to contact the Department of Employment Affairs and Social Protection to give their consent before the payments could be processed? How many children would be left out and what cost, burden and level of bureaucracy would be placed on the Department as a result?

Another example is the warmer homes scheme, with which I know that the Deputy is very familiar. It offers free energy efficiency upgrades to vulnerable families in receipt of welfare payments such as the fuel allowance. The Deputy is no doubt aware that one of the biggest barriers to the uptake of the scheme to retrofit housing stock is inertia. The paperwork involved is off-putting and results in non-participation. If the Bill is enacted, it will finally be possible for the Department of Employment Affairs and Social Protection to share data with the Sustainable Energy Authority of Ireland, SEAI. The application of the once-only principle in this area will drive greater uptake of the scheme since it will make it more accessible to people by eliminating unnecessary paperwork and make it easy for the SEAI to offer upgrades to those who might not necessarily even know that they are eligible for the scheme. That will make a significant contribution to reducing our carbon emissions and lift vulnerable persons out of fuel poverty through the scheme. They may not necessarily be aware that they are eligible for it and they may find the bureaucracy involved burdensome. I presume the Deputy does not want to create new barriers of bureaucracy to the uptake of the scheme by requiring people to give their consent before the SEAI or the Department of Employment Affairs and Social Protection could share the information, but that would be the net result of the amendment.

I will refer to some of the situations in which it is inappropriate for public bodies to require people's consent to share their data. The local property tax involves data sharing between the Department of Housing, Planning and Local Government, local authorities and Revenue. Where a person did not give express consent for sharing to be undertaken, the property tax could not be collected. There is also application of penalty points to a person's driving licence, an issue with which Deputy Wallace will be very familiar as I had this discussion with him on Committee Stage. It requires information to be shared between the Courts Service and the Department of Transport, Tourism and Sport. If consent was not given, penalty points could not be applied.

Every citizen aged 18 years or over whose name is on the register of electors can be called for jury duty. If consent was to be required for information on the electoral register to be shared with the courts, it would have a hugely detrimental effect on the judicial system. In fact, it would probably bring the criminal justice system to a virtual standstill. I know that the Members who have proposed the amendments do not want to see such a situation emerging. However - this is important because we had a lot of discussion on it in the Seanad - the net result of what is being proposed would be a virtual collapse of existing public services because information is already shared between public bodies, as Deputy Eamon Ryan knows as a former

Cabinet Minister. The net result of his amendment and the amendments proposed by Deputies Wallace and Clare Daly would be to remove legal certainty that this can happen. The net result of the amendments would be the virtual collapse of the criminal justice system, while aspects of the clothing and footwear allowance scheme would become questionable. Access to schemes that some find burdensome and bureaucratic would be further away, while our carbon footprint would be even bigger. I am sure Deputy Ryan would not want to have his name attached to something that put barriers between people and a sustainable energy carbon reducing scheme.

Deputy Jonathan O'Brien: It is my understanding - perhaps we can receive some clarification on it - that the default position is that data are shared and that all the amendment is looking for is a mechanism to be put in place to allow people to opt out if they so choose. That is my understanding of the wording of the amendment. If that is the case, somebody should have that option. If people do decide to opt out and there are consequences, people should be aware of them before they opt out. My understanding is that the default position is that data will be provided and shared under the Bill and that all the proposers of the amendments are seeking is a mechanism to be provided to allow people to whom a service is being delivered, or is to be delivered, by a public body to opt out so as not to allow their data to be shared. If there are consequences, every individual will be aware of them.

Deputy Mick Wallace: On the penalty points issue, I have made the point that Article 6 of the GDPR lists various exceptions to the consent requirement. One such exception is the processing necessary for the performance of a task carried out in the public interest or the exercise of official authority vested in the controller. It is not an issue. The Minister of State is protesting a little much. He has raised the case of people who reach the age of 100 years who might not receive their money because they decide not to opt in and sign up to this arrangement. How many people reach the age of 100 years in a particular year and receive their money? It would not be too difficult. If people were to decide not to opt in and not to sign up and reach the age of 100 years and want to receive the money, they could make a call and get the money. A grant payment does not come down the lane on its own; people have to apply for it. Probably 99% of people will sign up to the facility the State is creating, which is fine. The Government is being alarmist about the very small percentage of people who believe their consent is necessary for their data to be shared. I do not want to go over it again, but amendments Nos. 6 and 9 simply state consent would have to be informed. In other words, informing has happened, but the consent has to be for processing for a specific purpose or reason. That is where the Bara judgment comes in. It was a case years ago in Europe in which the Romanian Government was found guilty of processing data for a purpose other than the original one. It has now been superseded by the GDPR. From our point of view, what we are looking for is reasonable.

Deputy Clare Daly: Most of the contribution of the Minister of State was a straw man in building up a case that we were not making. The rationale behind his argument appears to be that when people give their data to one public service provider, they should not be allowed to opt out of having that data shared with another public service provider. That is just nonsense. Most people will agree to the convenient approach being outlined. Those who do not will have European law on their side and should have the right to opt out. If that means, for instance, that a person's son or daughter has to ring him or her to avail of the €100 from the President when he or she reaches his or her centenary, that he or she has to initiate it or whatever else it might be, so be it, if that is his or her choice.

The logic of the Government's position is that if people want to use public services, they must sacrifice control of their privacy and data. That is not legal. Part of the problem is that the

Minister of State is trying to play catch-up with some of the decisions made on services from the Department of Employment Affairs and Social Protection. I refer again to the case of Mr. Graham Dwyer. During the years the State has not listened on the question of data and it is going to end up costing us a lot of money. It is far better that we do something about it now. This would be an opt-out. I should also say it would be a once-only requirement. It would not have to be done every year. When people make contact with a particular service, they go through the issue of consent the first time. That is their choice and there is no problem in that regard.

Deputy Eamon Ryan: It is certainly not our intention in drafting the amendment that in every single public service transaction with the State, whether with the Department of Employment Affairs and Social Protection, TII or others, people would repeatedly have to be asked for consent. I fear that we are doing something akin to what is happening in the United Kingdom where broad and sweeping capabilities in sharing data actually bring risks with them. I do not see it being beyond the powers of the State, in setting up this new governance system, to ensure there would be mechanisms in place where consent would be given in an efficient, simple and clear manner. I refer to people stating they consent to their data being used in all social welfare and other State mechanisms. It would be similar to how I can adjust my privacy settings when I deal with the private sector in the area of social networks, etc. As Deputy Wallace said, that is going to be legally required for security and other reasons. To have a sweeping, broad and open approach, or a one-size-fits-all approach, as we use more data and data collection systems become more sophisticated risks creating instances that will breach our basic fundamental rights. I would prefer to see us retaining some mechanism where individuals will be able to manage the consent given.

Deputy Patrick O'Donovan: Deputy Eamon Ryan's amendment is very clear. It refers to "such disclosure, only where expressed consent has been sought and received". We would probably need a database the size of County Cavan to hold all of the notional consents. I return to the original point. Who is going to consent in this Shangri-La to having his or her information shared between the Department of Employment Affairs and Social Protection and the Revenue Commissioners? Who is going to consent to having his or her information shared between the register of electors and the Courts Service for use in selection for jury duty? That would be the net result of what is being proposed. It has fazed many. The Bill has been designed to give legal effect to things we are already doing. Deputy Eamon Ryan's amendment would undermine everything we do already, including in the Department he formerly headed. I refer, in particular, to families dependent on social welfare payments. I have mentioned the back-to-school clothing and footwear allowance where consent would have to be given. In the case of children's allowance and information shared with public health nurses, new mothers are busy enough following the delivery of their child, with the changes that brings. Can we imagine the bundle of papers that would arrive through the letterbox or be sent from the maternity hospital courtesy of the amendments? Consent would have to be given to everything that followed.

I understand from where Deputy Jonathan O'Brien is coming. However, we need to consider a situation between the Department of Agriculture, Food and Marine, perhaps concerning an overpayment, and the Revenue Commissioners and the Department of Employment Affairs and Social Protection, for instance, where an investigation is needed. Imagine if someone had to be asked for his or her consent to be investigated? In this Utopian world we are trying to inhabit where the State is somehow out to get people we are going to be all cuddly. Deputy Wallace has stated 99% of people will consent. If 99% of people will consent to have their information shared between the Revenue Commissioners and the Department of Employment Affairs and

Social Protection, I must definitely be inhabiting a different world from the one in which some Members of this House are living.

Deputy Mick Wallace: No. The Minister of State-----

Deputy Patrick O'Donovan: The Bill will give legal certainty in the services already being provided. The amendments passed mean that we are going to have a problem. Services being provided are being undermined. People need to start to take this issue more seriously.

Deputy Mick Wallace: That is misrepresenting our position.

Deputy Patrick O'Donovan: I know that it is the night before the break-up before Christmas, but this is a very important Bill. Public services could, potentially, be undermined by some of the carry-on this evening. This is very serious.

An Ceann Comhairle: We must-----

Deputy Clare Daly: The proposer of the amendment has a right to reply.

An Ceann Comhairle: That is correct. The Deputy moved the amendment.

Deputy Clare Daly: I think the tone adopted by the Minister of State is unfortunate because some Members on this side of the House and in the Seanad have spent a considerable number of hours preparing and working on this issue which we take incredibly seriously. A number of the points made by the Minister of State are irrelevant, while some are very worrying. Let us take the back-to-school allowance scheme. If people do not opt out of it, they will receive the allowance. That is absolutely different from other situations. If, for some bizarre reason, people decide that they want to opt out of the back-to-school allowance scheme, tough. The onus will be on them to go and claim the entitlement elsewhere. That is the import of the amendment.

Worryingly, the Minister of State spoke about the Department of Employment Affairs and Social Protection sharing data with the Sustainable Energy Authority of Ireland in the context of possible grants for which people may not even be aware that they are eligible. That certainly should not be the import of data sharing under the Bill. It was meant to be about a situation where if a person went to body A, the transfer of information to body B should take place in connection with a service for which the person had applied. It should not be the State coming up with these things. I guarantee that if the Minister of State goes down this path and does not make the correction, he will open up the possibility of even greater fines being incurred than originally envisaged in bringing about the legislation. He made points about Deputy Eamon Ryan's amendment, but ours would provide for an opt-out.

Amendment put:

<i>The Dáil divided: Tá, 32; Nil, 51; Staon, 0.</i>		
<i>Tá</i>	<i>Nil</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Brady, John.</i>	<i>Brassil, John.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Joan.</i>	<i>Browne, James.</i>	

<i>Collins, Michael.</i>	<i>Bruton, Richard.</i>
<i>Coppinger, Ruth.</i>	<i>Butler, Mary.</i>
<i>Crowe, Seán.</i>	<i>Cahill, Jackie.</i>
<i>Cullinane, David.</i>	<i>Canney, Seán.</i>
<i>Daly, Clare.</i>	<i>Cannon, Ciarán.</i>
<i>Ferris, Martin.</i>	<i>Carey, Joe.</i>
<i>Healy, Seamus.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Howlin, Brendan.</i>	<i>Curran, John.</i>
<i>Kelly, Alan.</i>	<i>D'Arcy, Michael.</i>
<i>Kenny, Gino.</i>	<i>Deering, Pat.</i>
<i>Kenny, Martin.</i>	<i>Doherty, Regina.</i>
<i>McGrath, Mattie.</i>	<i>Donnelly, Stephen S.</i>
<i>Mitchell, Denise.</i>	<i>Doyle, Andrew.</i>
<i>Murphy, Catherine.</i>	<i>Durkan, Bernard J.</i>
<i>Murphy, Paul.</i>	<i>English, Damien.</i>
<i>O'Brien, Jonathan.</i>	<i>Farrell, Alan.</i>
<i>O'Sullivan, Maureen.</i>	<i>Fitzgerald, Frances.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Flanagan, Charles.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Pringle, Thomas.</i>	<i>Griffin, Brendan.</i>
<i>Quinlivan, Maurice.</i>	<i>Harris, Simon.</i>
<i>Ryan, Brendan.</i>	<i>Heydon, Martin.</i>
<i>Ryan, Eamon.</i>	<i>Humphreys, Heather.</i>
<i>Sherlock, Sean.</i>	<i>Kehoe, Paul.</i>
<i>Smith, Bríd.</i>	<i>Kyne, Seán.</i>
<i>Stanley, Brian.</i>	<i>Madigan, Josepha.</i>
<i>Wallace, Mick.</i>	<i>McEntee, Helen.</i>
	<i>McGrath, Finian.</i>
	<i>McLoughlin, Tony.</i>
	<i>Mitchell O'Connor, Mary.</i>
	<i>Moynihan, Michael.</i>
	<i>Murphy O'Mahony, Margaret.</i>
	<i>Murphy, Dara.</i>
	<i>Murphy, Eoghan.</i>
	<i>Naughton, Hildegarde.</i>
	<i>Neville, Tom.</i>
	<i>O'Callaghan, Jim.</i>
	<i>O'Connell, Kate.</i>
	<i>O'Dea, Willie.</i>
	<i>O'Donovan, Patrick.</i>
	<i>Phelan, John Paul.</i>

	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

9 o'clock

Amendment No. 7 not moved. **Deputy Patrick O'Donovan:** I move amendment No. 8:

In page 20, to delete lines 34 and 35.

This has the effect of removing section 21(6). Section 21 requires one of the parties to a data sharing agreement to be designated as the lead agency responsible for carrying out the functions specified in the section and elsewhere in the Bill relating to data sharing agreements. It sets out a number of functions that the lead agency would have and some of these functions relate to the control of data under the GDPR. Section 21(4) provides that a person can direct a request to exercise their data subject rights to the lead agency.

Section 21(6) of this section was included on foot of an amendment proposed in the Seanad, providing that “This section is without prejudice to and does not limit the rights of a person as a data subject in respect of any or all data controllers in a data sharing agreement.”. I accepted the amendment in the Seanad because my officials and I believed it simply reinforced the position that under the GDPR a person has a right to direct requests to exercise data subject rights to any data controllers in a data sharing agreement. Subsequently, the Attorney General’s office raised concerns regarding the subsection. The concern is that the wording “This section is without prejudice to” introduces legal uncertainty in whether data subjects would have full access rights under the GDPR in respect of any data sharing agreement arrangements made under the legislation. It implies there is prejudice in other sections of the Bill and it is on that basis we have sought to amend it.

The Attorney General’s office has advised that this provision should be deleted because the inclusion of this subsection brings about unnecessary doubt as regards the hierarchy between rights under the GDPR not referred to in section 21(6), on the one hand, and section 6, on the other; as well as rights under the GDPR referred to in section 21(6) on the one hand and other sections of the Bill on the other. I withdrew the amendment on Committee Stage in order to provide an opportunity to explain the advice I have received from the Office of the Attorney General to the House. I thank the Members who met me and officials from my Department for their constructive engagement. The policy intent is that no rights under the GDPR and the Data Protection Act 2018 are to be affected by this Bill. This is already achieved by section 6, which provides that nothing in this Act shall affect the operation of data protection law and by the doctrine of supremacy of European law. Accordingly, I ask that the provision be deleted rather

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than cause any unnecessary uncertainty for citizens. I ask the House for its support.

Deputy Jonathan O'Brien: We are supporting the Government on this and we thank the officials for the clarification.

Amendment agreed to.

Amendment No. 9 not moved.

Deputy Patrick O'Donovan: I move amendment No. 10:

In page 33, to delete lines 25 to 27.

Amendment put:

<i>The Dáil divided: Tá, 37; Nil, 44; Staon, 0.</i>		
<i>Tá</i>	<i>Nil</i>	<i>Staon</i>
<i>Breen, Pat.</i>	<i>Aylward, Bobby.</i>	
<i>Brophy, Colm.</i>	<i>Barry, Mick.</i>	
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	
<i>Canney, Seán.</i>	<i>Brassil, John.</i>	
<i>Cannon, Ciarán.</i>	<i>Broughan, Thomas P.</i>	
<i>Carey, Joe.</i>	<i>Buckley, Pat.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Casey, Pat.</i>	
<i>D'Arcy, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Deering, Pat.</i>	<i>Collins, Joan.</i>	
<i>Doherty, Regina.</i>	<i>Collins, Michael.</i>	
<i>Doyle, Andrew.</i>	<i>Coppinger, Ruth.</i>	
<i>Durkan, Bernard J.</i>	<i>Crowe, Seán.</i>	
<i>English, Damien.</i>	<i>Curran, John.</i>	
<i>Farrell, Alan.</i>	<i>Daly, Clare.</i>	
<i>Fitzgerald, Frances.</i>	<i>Donnelly, Stephen S.</i>	
<i>Flanagan, Charles.</i>	<i>Ferris, Martin.</i>	
<i>Griffin, Brendan.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Harris, Simon.</i>	<i>Healy, Seamus.</i>	
<i>Heydon, Martin.</i>	<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	<i>Kelly, Alan.</i>	
<i>Kehoe, Paul.</i>	<i>Kenny, Martin.</i>	
<i>Kyne, Seán.</i>	<i>Lahart, John.</i>	
<i>Madigan, Josepha.</i>	<i>McConalogue, Charlie.</i>	
<i>McEntee, Helen.</i>	<i>McGrath, Mattie.</i>	
<i>McGrath, Finian.</i>	<i>McGrath, Michael.</i>	
<i>McLoughlin, Tony.</i>	<i>Mitchell, Denise.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Moynihan, Michael.</i>	
<i>Murphy, Dara.</i>	<i>Murphy O'Mahony, Margaret.</i>	

<i>Murphy, Eoghan.</i>	<i>Murphy, Paul.</i>
<i>Naughton, Hildegarde.</i>	<i>O'Brien, Jonathan.</i>
<i>Neville, Tom.</i>	<i>O'Callaghan, Jim.</i>
<i>O'Connell, Kate.</i>	<i>O'Dea, Willie.</i>
<i>O'Donovan, Patrick.</i>	<i>O'Rourke, Frank.</i>
<i>Phelan, John Paul.</i>	<i>Ó Caoláin, Caoimhghín.</i>
<i>Ring, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>
<i>Ross, Shane.</i>	<i>Pringle, Thomas.</i>
<i>Stanton, David.</i>	<i>Quinlivan, Maurice.</i>
	<i>Rabbitte, Anne.</i>
	<i>Ryan, Brendan.</i>
	<i>Ryan, Eamon.</i>
	<i>Smith, Brendan.</i>
	<i>Smith, Brid.</i>
	<i>Stanley, Brian.</i>
	<i>Wallace, Mick.</i>

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Mick Wallace and Clare Daly.

Amendment declared lost.

Deputy Patrick O'Donovan: I move amendment No. 11:

In page 37, to delete lines 30 and 31.

Deputy Jack Chambers: This amendment seeks to remove the criteria to have public competition by the board, or whatever is established by the Minister of State. It is important that we mandate the board to have public competition around procurement. The Minister of State mentioned on Committee Stage that he wanted to have soft laws around procurement that do not impact all the other elements of the public procurement service. On this side of the House, it is important that we have that mandated by law. It was agreed by the Minister of State in the Seanad and I do not think he has justified the removal of that from the Bill. We need an explanation as to why the Minister of State would remove public competition from the Bill.

Deputy Patrick O'Donovan: I discussed this at length with Deputy Chambers in committee and I thank his spokesperson for engaging with me and my officials in the past couple of days. We also discussed this at length. The provision that is referred to here is: "Any contracts in respect of consultancy, advice or other services to the board shall be subject to public competition." It is already the case in hundreds, if not thousands, of pieces of legislation, across a whole spectrum of the availability and provision of public services, that the same procurement rules and procedures apply. In no other legislation is it suggested that a reference like this would be made.

Having sought the advice of the Attorney General, and having discussed it with Deputy Jack

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Chambers's spokesperson in my Department with my officials, we agreed that it would call into question thousands of other services that are procured by the State where this provision is not explicitly laid out. I do not imagine it is the intention of anyone in the House to have a situation where services which are procured elsewhere through other legislation without this provision are thrashed out in the High Court. That would be the net result.

That was discussed at length by Deputy Jack Chambers's representative and my officials and we agreed, on that basis, that it was necessary, having consulted the Attorney General, to remove this provision. It is explicit in this Bill that the same rules for the provision and procurement of these services are the very same as they are for every other service that the State procures, which amounts to several billion euro annually.

Deputy Jonathan O'Brien: We liaised with the Minister of State's officials on this issue. The Minister of State withdrew the amendment on Committee Stage to allow us engage with his officials and we said to his officials, during our briefing, that we have major issues around the procurement process. It is flawed in many areas and needs to be reviewed. We will support the Minister of State on this particular amendment if he gives a commitment that issues about procurement processes will be a priority for his Department. Having spoken to the Minister of State's officials, we understand that expressly putting something into one piece of legislation which is not in many other pieces of legislation could open up legal challenges in many areas. None of us want to see that. The Minister of State has to recognise that there is an issue around procurement which has not been addressed and needs to be.

As a member of the Committee of Public Accounts, I see reports where procurement processes are not being adhered to week in and week out. That needs to be addressed. We are happy to support the Minister of State on this amendment if he gives me a commitment that it will be a priority for his Department.

Deputy Patrick O'Donovan: I thank Deputy Jonathan O'Brien for his engagement. He will recall from discussions we had on the procurement element of the Bill, which is not in any other piece of legislation, that the net result of not accepting this amendment will be that these Houses will be clogged in the new year, amending hundreds if not thousands of pieces of legislation to insert this provision because in no other piece of legislation where a service is procured on behalf of the State is the need to do this explicitly stated. I do not want a situation where we call into doubt the role of the Office of Government Procurement and all of the people in the State who currently procure services and goods on our behalf. I made an offer to the Opposition spokespersons and Deputy Jonathan O'Brien that my Department is willing to engage in any way, through the Office of Government Procurement and my officials, regarding this or any other service.

Different parts of the Bill have been challenged up until now but this is also an important amendment.

Deputy Mick Wallace: The Minister of State did not answer Deputy Jonathan O'Brien's question about making the problem around procurement a priority for the Government in the new year. It came to light only a couple of months ago that Accenture had broken over 90 procurement rules in 2017 alone. It broke 75 in 2016. There were not even buns thrown at it. Does anyone give a damn about procurement rules? Hardly a month goes by without a scandal in the construction industry or where issues arise around an entity that did work for the State. It is almost as if we are happy to pretend that it will be grand and it will work its way out.

Dáil Éireann

Deputy Jonathan O'Brien asked the Minister of State if he is prepared to prioritise these issues next year. I wonder what the answer was.

Deputy Patrick O'Donovan: The answer is "Yes". I have already said to Deputies Jonathan O'Brien and Cowen that I am only delighted to hear any suggestions or proposals that any Member of the House can bring forward to me, as Minister of State with responsibility for public procurement, and engage with the Office of Government Procurement. That is a standing invitation to every Member of the House and Ministers, Departments and Opposition spokespersons will be written to on that basis. I am only too happy to engage with Members who have policy-related matters to do with procurement, as opposed to issues that have affected individuals, that they wish to bring forward.

Amendment agreed to.

Bill, as amended, received for final consideration.

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

Deputy Patrick O'Donovan: I propose that Fifth Stage be taken after the recess in the new year.

An Ceann Comhairle: Can the Minister of State give a specific date?

Deputy Patrick O'Donovan: I suggest a date within the first week if that is agreeable to the House.

An Ceann Comhairle: The first sitting day?

Deputy Patrick O'Donovan: I suggest 15 January.

Deputy Jonathan O'Brien: Can I ask why it is not being proposed to take Fifth Stage now? I did not agree. I am asking why it is being proposed to put it back to the new year. It is very unusual. Having dealt with Report Stage tonight, I would rather continue to Fifth Stage. It is not my issue if the Minister of State's nose is out of joint at some of the amendments that have been passed, it is his issue. I would rather that Fifth Stage was taken tonight and any proposal to defer it will be opposed. I ask the Minister of State to clarify the position.

Deputy Patrick O'Donovan: I am simply looking for Fifth Stage to be taken in the first week back to seek advice from my officials, the Office of the Attorney General and to engage further with representatives of the Opposition, once the opportunity arises.

Deputy Jonathan O'Brien: That is not agreed.

Question put: "That Fifth Stage be taken on 15 January, 2019."

<i>The Dáil divided: Tá, 38; Nil, 28; Staon, 21.</i>		
<i>Tá</i>	<i>Nil</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	<i>Brassil, John.</i>
<i>Byrne, Catherine.</i>	<i>Broughan, Thomas P.</i>	<i>Browne, James.</i>
<i>Canney, Seán.</i>	<i>Buckley, Pat.</i>	<i>Butler, Mary.</i>

<i>Cannon, Ciarán.</i>	<i>Collins, Joan.</i>	<i>Cahill, Jackie.</i>
<i>Carey, Joe.</i>	<i>Collins, Michael.</i>	<i>Calleary, Dara.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Coppinger, Ruth.</i>	<i>Casey, Pat.</i>
<i>Creed, Michael.</i>	<i>Crowe, Seán.</i>	<i>Chambers, Jack.</i>
<i>D'Arcy, Michael.</i>	<i>Daly, Clare.</i>	<i>Chambers, Lisa.</i>
<i>Deering, Pat.</i>	<i>Ferris, Martin.</i>	<i>Curran, John.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>	<i>Donnelly, Stephen S.</i>
<i>Doyle, Andrew.</i>	<i>Howlin, Brendan.</i>	<i>McGrath, Michael.</i>
<i>Durkan, Bernard J.</i>	<i>Kelly, Alan.</i>	<i>Moynihan, Michael.</i>
<i>English, Damien.</i>	<i>Kenny, Martin.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Farrell, Alan.</i>	<i>McGrath, Mattie.</i>	<i>Murphy, Eugene.</i>
<i>Fitzgerald, Frances.</i>	<i>Mitchell, Denise.</i>	<i>O'Callaghan, Jim.</i>
<i>Griffin, Brendan.</i>	<i>Murphy, Paul.</i>	<i>O'Dea, Willie.</i>
<i>Harris, Simon.</i>	<i>O'Brien, Jonathan.</i>	<i>O'Rourke, Frank.</i>
<i>Heydon, Martin.</i>	<i>O'Reilly, Louise.</i>	<i>Rabbitte, Anne.</i>
<i>Humphreys, Heather.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Scanlon, Eamon.</i>
<i>Kehoe, Paul.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Smith, Brendan.</i>
<i>Kyne, Seán.</i>	<i>Pringle, Thomas.</i>	
<i>Madigan, Josepha.</i>	<i>Quinlivan, Maurice.</i>	
<i>McEntee, Helen.</i>	<i>Ryan, Brendan.</i>	
<i>McGrath, Finian.</i>	<i>Ryan, Eamon.</i>	
<i>McLoughlin, Tony.</i>	<i>Smith, Bríd.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Stanley, Brian.</i>	
<i>Murphy, Dara.</i>	<i>Wallace, Mick.</i>	
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Mick Wallace and Clare Daly.

Question declared carried.

An Leas-Cheann Comhairle: The decision is that Fifth Stage will be taken on 15 January. Some Members have asked if they can comment but there is no motion before the House so, regrettably, Standing Orders do not allow me to call anyone to comment.

I want to make a clarification also. There was a suggestion that perhaps we could do some other business and amend the Order of Business, but we cannot circumvent the Business Committee. The Business Committee recommends business and we would be setting a very dangerous precedent if we did that.

Deputy Jonathan O'Brien: A Leas-Cheann Comhairle, what has happened here tonight is an absolute disgrace. Nobody on the benches opposite can ever accuse anyone of bullying in the workplace again after what happened here tonight. People were bullied by the Government tonight and it should be put on the record that their actions were an absolute disgrace.

Deputy Louise O'Reilly: Hear, hear.

Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2018: Second Stage [Private Members]

Deputy John Brassil: I move: “That the Bill be now read a Second Time.”

(Interruptions).

An Leas-Cheann Comhairle: Ministers, some of us have to stay here until the end of business.

Deputy Ruth Coppinger: Yes.

An Leas-Cheann Comhairle: Let everybody have their private meetings. I am in no rush.

Deputy Ruth Coppinger: I am.

An Leas-Cheann Comhairle: I can appreciate that.

Deputy John Brassil: Under the current Act, there is no differentiation between orphan medicinal products and other products. In recent years, it has become clear that there is an issue in Ireland whereby orphan drugs continually struggle to secure reimbursement here, often despite their wide availability elsewhere in Europe. This reimbursement process is protracted, unnecessarily public and often antagonistic, with patients continually forced to protest publicly or engage with politicians to seek fairness and equity over the course of a two-year campaign from initial application in Ireland to its final decision.

The issue of low availability of orphan drugs or treatment specifically designated for rare diseases is a complex one, with several factors contributing to the problem ranging from the appropriateness of the assessment mechanism, the current framework agreement between the State and the pharmaceutical industry, industry pricing and prioritisation of Ireland.

This Bill is not a panacea to this complex issue but looks to address one of the clear barriers to access in Ireland in how we apply a standardised assessment mechanism to medicines

that are far from standard. Currently, the same health technology assessment is carried out by the National Centre for Pharmacoeconomics, NCPE, for new medicines, irrespective of their medicine type. This is a quality-adjusted life year, QALY, based health technology assessment whereby quantitative data on the medicine and the disease it treats are used to assess its cost effectiveness against an incremental cost effectiveness ratio, ICER. In Ireland's case, this threshold is set at €45,000 per quality-adjusted life year.

This mechanism presents several issues for orphan drugs, which often possess limited quantitative data due to low clinical data or the low epidemiology around a rare disease, given such a small patient population. As such, a QALY-based health technology assessment will result in great uncertainty around orphan drugs. Last month before the Joint Committee on Health, Professor Michael Barry, head of the NCPE, stated that none of the drugs for rare diseases will reach the €45,000 per quality-adjusted life year.

The consequence of using this form of health technology assessment is that commercial negotiations between the State and industry commence in a poor position and the information available to the HSE is of limited value. This is directly contributing to the two-year process of protracted negotiations as both parties seek to reach a fair and accurate agreement of the true value of the medicine. From a broader perspective, this two-year delay does not serve patients who need orphan drugs because, as per the European Medicines Agency licensing requirement, they have life-threatening or chronically debilitating diseases. The delay can swiftly exceed two years as companies deprioritise the Irish market in favour of European access. This is in light of Ireland's growing reputation for having a slow and challenging access environment in respect of drugs used to treat rare diseases.

I will now comment on the Bill. Responsibility for addressing this matter has fallen between two stools. The Minister for Health has stated at every opportunity that statutory responsibility for medicine pricing and reimbursement decisions lies with the HSE in accordance with the Health (Pricing and Supply of Medical Goods) Act 2013. For its part, the HSE informed the Joint Committee on Health that the 2013 Act does not make separate provision for orphan drugs. As a result, the processes and procedures do not make separate provision for distinct criteria for the assessment of orphan drugs. When challenged on whether the HSE had any flexibility under the Act to allow for a tailored approach to assessing orphan drugs, the executive's representatives informed the joint committee that it has pushed the legislation as far as it can. The Bill seeks to resolve this issue by clarifying for the HSE the application of the health technology assessment for evaluating orphan drugs, as well as establishing set criteria to be considered when making a relevant decision on reimbursement in respect of an orphan drug. It clarifies that the HSE should carry out health technology assessments in a manner that does not rely on an incremental cost-effective ratio threshold. Instead, it should conduct assessments that will provide meaningful and credible evaluations of orphan drugs.

This is not to suggest that we should not carefully consider orphan drugs. Rather, we should look to EU member states such as Sweden, which has adapted its health technology assessment process in such a manner. In addition, the Bill places on a statutory footing some important considerations for the HSE to assess before making a final decision on an orphan drug. These include the availability of the drug elsewhere in Europe, guaranteed input of patients and the level of certainty that can be provided by industry through risk-sharing agreements. The Bill also acknowledges the limitations of traditional quantitative data. Importantly, the Bill does not seek to undermine the ability of the HSE to seek an affordable price from industry. Important criteria, such as the potential budget impact of the drug and the resources available to the HSE,

are maintained as statutory considerations. As such, I see no specific budgetary implications. This Bill simply aims to speed up the process and ensure that it starts on the right footing.

It should be acknowledged that there are ongoing reforms in the HSE with regard to orphan drugs, driven in part by the work carried out by the members of the Joint Committee on Health during the past two years. Reforms include the creation of a rare disease technology review committee. This is welcome, as is the Minister's engagement with other EU member states via the BeNeLuxA and Valetta initiatives. It has been acknowledged by several Members that European co-operation is a logical but long-term solution that is unlikely to materially resolve the orphan drug issue, which is immediate and urgent. The technology review committee will ultimately consider a flawed health technology assessment and, as such, this Bill remains a necessary reform that must proceed.

A collaborative approach is required with the input of the Minister for Health and his officials in conjunction with the Joint Committee on Health. On 27 September last year in a debate on the availability of the drug Ocrevus, the Minister stated:

If people feel that the current system is broken, I would like to hear their views on what should replace it. I think it is broken too. Coming up with a better model is the conundrum.

I am providing the Minister with an answer to that conundrum. I am asking the Minister to work with me and to support the Bill to stop the endless marching and protesting that seems to be required for every drug that comes before us. I urge the Minister to support this measure and I urge every Member likewise.

Deputy Lisa Chambers: I welcome the opportunity to contribute to this debate. I commend my colleague, Deputy Brassil, who has done considerable work on the basis of professional experience and qualification in this area. He has sought to find an alternative solution to the situation in which we find ourselves.

We know the current system is not working. In recent years, drug after drug has been debated at length in the House. We have had Orkambi and Respreeza and now we have Spinraza. More and more orphan drugs for rare diseases will continue to surface. Every month and every year they will come down the tracks. We need to find a better way of dealing with these drugs when they come online. We need to find a better way of assessing these drugs in a fair and transparent manner, one that at least gives some opportunity for drugs that work to make it through the system.

As it stands, the process will never allow a drug such as Spinraza to get through. Spinraza will never meet the cost ratio analysis because it is quite expensive and a very small number of children and adults are affected by the disease that it seeks to treat. That should not preclude a drug that we know to work and that save lives. It considerably increases the quality of life for children in this country. We should give such drugs a fair chance of being approved for funding for those families and children who need it.

In the context of the Bill, we are not suggesting that every drug for rare diseases will make it through. That is not sustainable or affordable. Of course we have a finite budget in the health service. We need to balance the budget and try to afford all of these things. As matters stands, these drugs will never get through. What we are saying is that some drugs should have at least some chance of making it through the system, especially in circumstances where we know they work to save lives and improve the lives of children and adults.

I am keen to focus on Spinraza because I have been working on this issue in recent months. Parents and children are forced to go through a terrible journey. Parents have contacted local Deputies throughout the country. We have organised a march outside Leinster House. There have been several questions posed to the Minister, the Taoiseach and the Tánaiste in the Chamber. There have been parliamentary questions. The list is endless. These are the avenues taken by parents who are desperate to get these drugs for their children. No family should be placed in this type of situation whereby the only avenue open to them is intense lobbying to create intense political pressure to try to get a decision that is politically made because approval does not work inside the system. We know this and we do not want to subject families and children in future to march outside the gates of Leinster House.

We heard from a young girl, Grace, who is not even ten years old. She presented to an audience of adults in the audiovisual room. She told us why she needs this drug to live. We should not have that situation. There needs to be a fair process whereby these drugs are properly assessed. If the system is set up so that these drugs automatically fail, then it is not fair.

The Bill would go some way towards redressing the balance. It would at least give a chance to drugs that we know to be efficient and work. Families and children are openly saying that all they want is a chance. If a given drug does not work for them, then they do not expect the State to pay for it in the long term. However, they want the opportunity to get a drug that could make a major difference to their lives in terms of surviving and living longer. In such instances, I hope to see Government and Opposition support for this Bill.

Deputy James Browne: I commend Deputy Brassil on bringing forward this important Bill on behalf of Fianna Fáil. The Bill will help to reform the current HSE reimbursement process and provide a better situation for assessing orphan drugs.

Approximately one person in every 12 will develop a rare disease.

10 o'clock

Orphan drugs are currently assessed by the same mechanism as all pharmaceutical products where the odds are completely stacked against them because the numbers affected are so small, the medicines are usually very costly and the prices often exceeds the criteria set out by the National Centre for Pharmacoeconomics, NCPE, and the HSE. While these drugs are very costly to develop and the low patient population and low success rate in bringing the drugs to market can make it very difficult to assess based on clinical data, effectively these drugs are often set up to fail under the current system. These include Kuvan, Translarna, Respreeza, Orkambi, Spinraza and an ever-growing list of drugs. These families and their children want hope and a fair chance.

I will focus on Translarna for Duchenne muscular dystrophy which affects approximately 12 people in the country. The drug available for its treatment, Translarna, can only be used for children of a certain age and only five children fall into that category. Those families have been outside the gates of Leinster House and have presented in the audiovisual room several times. Muscular dystrophy is a debilitating genetic disease that will unfortunately lead to these children dying. Their muscles eventually waste away and they eventually lose the capacity to breathe and ultimately their heart gives out. Translarna is the first licensed therapy to address the underlying causes of this disease. It is available in 22 countries across Europe but not here. It works, it saves lives and there are no alternatives. Those distraught families and their sons and

daughters are up against the clock. They know that if they do no use this drug by a particular age it is too late.

I know that many of the pharmaceutical companies effectively operate a system of blackmail, and pit countries against one another. Nevertheless, we can put better processes in place in this country to effectively provide a proper system so that these orphan drugs can be fairly assessed. That is what these families find most distressing. They see a very opaque system which has no transparency, there are no dates for meetings and there is no information about what is happening and how some drugs are, or are not, being approved. They need hope and they desperately need these drugs.

We do not have time to more than touch on the waiting list for genetics services to assess children and have them diagnosed. We are talking about genetic diseases, there is nothing that the children can do about it.

Even if we look at cancer drugs, some 20% of new cancer drugs launched internationally in 2015 and 2016 were made available in Ireland, compared with 76% in Germany, 71% in Austria and 67% in Denmark. Patients' groups are saying that Ireland is an outlier. I ask the Minister to support the Bill tabled by Deputy Brassil and Fianna Fáil. It is a very good Bill which sets up a way for a proper and fair reimbursement process to help give these families hope for their children.

Deputy Mary Butler: This Bill is a response to the medicines crisis faced by Irish patients suffering with rare diseases and I compliment Deputy Brassil on his work on it. The Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2018 seeks to reform the HSE's current reimbursement process by establishing for the first time a unique process for assessing an orphan drug for reimbursement in Ireland. The Bill brings a long overdue and credible solution to the ongoing crisis surrounding access to medicine for patients with rare diseases in Ireland. Orphan drugs treat, diagnose or prevent life-threatening or chronically-debilitating diseases which affect fewer than five people in every 10,000. They are currently assessed under the same guidelines and procedures as standard drugs despite the clear differences between the two. Rare, high-tech drugs will naturally treat an extremely low patient population. To measure their effectiveness using the same criteria as common conditions will naturally cause difficulty. Other EU countries have adapted the process for this reason and we believe it is time we did likewise.

In recent years, I have become aware of two orphan drugs. The first such drug is Respreza which I first learned of at a presentation in the audiovisual room where I met a gentleman, Johnny Hannon, who was on a trial through a compassionate access programme. Respreza is used for maintenance treatment to slow the progress of emphysema in adults. The drug has had a game changing effect on his life. However, that day I met another lady in the room who did not have access to the drug on the compassionate access programme. Every breath she took was a struggle. She told me how basic things such as getting up, washing and going into town to do some shopping was a struggle. It is wrong that people have to take to the streets to fight for access to a drug that can change their life. It is not acceptable that citizens suffering from severe illnesses should be forced to do that or to go public in the media to make their voices heard.

Orkambi is another drug that people are familiar with. Jillian McNulty who had benefitted from the drug which, as she said, transformed her life ran a high profile campaign. An estimated 60% of the cystic fibrosis population in Ireland have begun Orkambi treatment, which is

very welcome. Gerry McElvaney, professor of medicine at the RCSI said, “In general the results from Orkambi were better than I expected and I think it has given significant relief to a significant number of patients”. He has also said that we have a duty and obligation to ensure that patients with rare diseases receive the same treatment and care as any other patient in Ireland.

Access to drugs such as these can result in less time spent in hospital, fewer acute beds being used and can allow patients to spend more quality time at home which means cost savings to the State. This Bill is a timely and logical step and I hope the Minister will support it and work with Deputy Brassil for it to be enacted as soon as possible. I cannot imagine what it is like for a parent of a child with a rare disease. All one would want to do would be to give the child every chance at life. If there is a drug that would give children such as these a fighting chance then the onus is on us as legislators to ensure those children are given every chance.

Minister for Health (Deputy Simon Harris): I also thank Deputy Brassil for tabling this Bill. I recognise his particular interest in this, his commitment to the issue, his professional background and for not giving out about the problem but bringing forward ideas and proposals. I appreciate the opportunity for discussion during Private Members’ time of what is a very important issue for us all.

I certainly do not argue with the spirit of the Bill. It is one which has been tabled with the intention of ensuring faster access for patients to orphan medicines which, I assure the House, is also a goal of mine. No one could help but be moved by the tragic and difficult cases that we all confront, particularly children with rare diseases. Many of the names which have been raised by Members opposite are also known to me, as we come across people as we do our work. I also want patients to have timely access to new orphan drugs and I will work with patients, industry, the HSE and other agencies to make that happen. I will never say that our system is perfect because it certainly is not. That is why we are constantly looking at ways in which we can do things better.

I will start by describing the system we have, what we have done and are doing to improve it. I acknowledge that Deputy Brassil was kind enough to acknowledge some of this work. In 2013 the Oireachtas put in place a robust legal framework in the Health (Pricing and Supply of Medical Goods) Act 2013. This gives full statutory powers to the HSE to assess and make decisions on the reimbursement of medicines, taking account of a range of objective factors and expert opinion, as appropriate. There is no doubt but that this legislation made our medicine reimbursement process fairer. It has provided access to a significant number of new treatments since its introduction. The Act specifies the criteria to be applied in making reimbursement decisions. These include the clinical and the cost effectiveness of the product, the opportunity costs and the impact on resources available. These are very difficult decisions and ones which we would prefer not to have to make, but we must all operate within certain resources to spend on all our services. We, as legislators, battle every day with having to make choices and ensuring that resources are used in the most effective way possible.

Increasingly new drugs target very rare conditions and they often come with very high list prices. The HSE must, under the current Act, have regard to funding these drugs and the budget impact of the drug in question. It also draws on the expertise of the National Centre for Pharmacoeconomics before making its decisions. Reference has been made to managed access programmes. We have done that with Ramicin and Respreeza. I want to acknowledge the family of the late Marion Kelly and the work they did in her memory, as well as Mr. Johnny Hannan and others who Deputy Butler referenced. I would like to see this happen with other drugs like

Spinraza, from which a small number of affected people could see a significant benefit. We will do it for pembrolizumab for women with cervical cancer. There is now a second application before the HSE concerning Translarna, which Deputy Browne referenced. Deputy Butler referenced Orkambi. I am very proud that we are providing Orkambi in this country. It is still not provided north of the Border. We are managing to get drugs over the line, but we must always look at new and better ways of improving our process. The challenge of accessing innovative medicines at an affordable price is one shared by most if not all developed countries.

About 45 new molecules are due to receive market authorisation in Europe in each of the next five years. These are really good things. They represent more new and innovative drugs. The challenge is in making sure that we can access them. It is in this high-tech space, which includes orphan drugs, that the greatest challenges will arise in the years ahead. Expenditure on the high-tech arrangement through which most new high-cost medicines, including orphan medicines, are funded has increased from about €400 million in 2012 to almost €700 million this year. That level of growth is a major challenge for the sustainability of our health service. That is why I have been not only advocating but working for international collaboration and pursuing an active international agenda to build consensus on this issue at EU level. A significant development happened just last June when the BeNeLuxA initiative accepted my application for Ireland to join. This is a new initiative on pharmaceutical policy, involving working together with other EU nations to look at jointly procuring drugs and sharing information and ways of working together. This collaboration will support the Government's objective of co-operating with other European countries to identify workable solutions in an increasingly challenging environment and to secure timely access for patients to new medicines, including orphan medicines, in an affordable and sustainable way.

Our active participation in international fora has not distracted us from domestic policy, however. The 2016 framework agreement with industry is a cornerstone in our national pharmaceutical policy. It is central to the State's medicines policy and I am pleased to report that it is working. The agreement helps to support sustainable access to medicines for patients. The savings provided are essential in creating headroom for access to new medicines, including orphan drugs. We must remain vigilant about continuing to identify efficiencies in the existing system. A priority for 2019 is for the HSE to actively engage in a strategic programme of creating efficiencies through the national drugs management scheme, the medicines management programme and other initiatives.

The Joint Committee on Health has done a great deal of work on this issue, producing its report on the evaluation of orphan drugs in February 2018. The incremental cost-effective ratio was one matter raised by the committee, and it has been raised again in Deputy Brassil's Bill. The quality-adjusted life year, QALY, is the economic evaluation used to set a threshold of cost-effectiveness when assessing medicines in Ireland. It measures the state of health of a person or group by adjusting the benefits in terms of length of life to reflect the quality of life. One QALY is equal to one year of life in perfect health. QALYs are calculated by estimating the years of life remaining for a patient following a particular treatment or intervention and weighting each year with a quality-of-life score. It is often measured in terms of a person's ability to carry out daily activities and his or her freedom from pain and disturbance. The QALY is currently the best metric we have in health economics to express the value of health outcomes. Its greatest value is that it allows medicines to be assessed systematically on a scientific basis. Removing the QALY would have serious financial implications and currently there is no comprehensive, reliable or validated methodology with which to replace it. The National Centre for Pharma-

coeconomics, NCPE, is adamant in its advice to me that until a comprehensive, reliable and scientifically validated alternative to the QALY can be found we should continue to use it to express health outcome benefits from the medicines we assess.

The aim of Deputy's Brassil's Bill is honourable and I will continue to work with him on these issues. However, the proposed changes to section 19 of the 2013 Act would fundamentally change the statutory reimbursement criteria for orphan medicines. The Bill seeks to maintain the concept of cost-effectiveness but perhaps unintentionally rules out any structured mathematical system to assess it. The criteria proposed for insertion into Schedule 3 would introduce entirely new reimbursement criteria for orphan drugs. The clause linking reimbursement decisions in Ireland to availability in other European countries is particularly challenging. It would be entirely inappropriate to compare vastly different reimbursement processes. Perhaps that is one of the challenges on which we need greater international collaboration. Ultimately a lighter-touch regulatory approach will not solve the challenges we face with access to orphan drugs. The main challenge with almost all new medicines is their price and affordability in a budget-limited health service.

Deputy Brassil has tabled a Bill which seeks to amend the current Act to establish specific criteria to be used by the HSE in reaching decisions on the reimbursement of orphan medicines. The premise of this Bill is that the statutory process is not fit for purpose where orphan drugs are concerned. The proposed amendments to the Act would establish a different rule set for assessing orphan drugs. I acknowledge that we need to do more on this, and in fairness Deputy Brassil acknowledged the work that is being done around rare diseases. Paradoxically, however, this Bill would retain the concept of cost-effectiveness but as I have said it would rule out a structured, methodical and mathematical system for assessing drugs. This Bill essentially proposes a less rigorous rule set for orphan drugs and would do away with accepted clinical and economic evaluation systems for assessing medicines.

The 2013 Act has put in place a clear and robust statutory framework, but we must continue to look for ways to do better within that context. I believe there is an awful lot more we can do. While the 2013 Act does not include a specific rule set for orphan drugs, the HSE seeks as far as possible to take into account issues such as small patient numbers and the nature of the condition to be treated when evaluating these medicines. We can point to examples where I am making progress in this regard. The evaluation criteria allow sufficient scope to take on board the specific circumstances of orphan drugs.

I am very confident that the current Act is serving us well, but there is much more we need to do to make sure that the system is fit for purpose within the context of the Act. That is why we have established the technology review committee for rare diseases, which the Deputy acknowledged. That committee provides a mechanism for issues such as unmet clinical need, clinical effectiveness and alternative therapies to be considered in the assessment process. That committee will give a platform for patients and their families, in addition to clinicians, to give an input to HSE leadership on reimbursement decisions. In addition, the HSE drugs group is being expanded to include two representatives from the national patient forum and more clinical expertise on rare diseases, something I know everyone in this House will welcome. Both measures are intended to bring greater balance and transparency to the assessment process.

We have a lot more to do. We will continue to do more in the managed access space, where we can consider cases where a small number of patients would significantly benefit from a drug. That needs to be looked at and can be looked at in the context of the existing legislation. For

these reasons, I am not in a position to accept this Bill but I look forward to continuing to work with Deputy Brassil, who I acknowledge has done huge work in this area. I thank him not just for bringing forward a Bill listing all of the challenges, but for genuinely trying to bring forward proposals. I hope I have outlined to the House the reasons I am not in a position to accept it.

An Leas-Cheann Comhairle: Deputy Louise O'Reilly has 15 minutes.

Deputy Louise O'Reilly: I will not need all that time. I thank Deputy Brassil for bringing this Bill forward. Deputy Brassil and I are members of the Joint Committee on Health. We have had occasion to attend many presentations and hearings on the issue of access to orphan medicines. We have also been approached, as every person in this House probably has, by patients, their families and clinicians on this very issue. In recent years it has become increasingly apparent that when it comes to approving drugs for rare diseases, the system is simply not fit for purpose. While this Bill is not a panacea for every issue surrounding access to orphan drugs and the approval process, it does go some way towards addressing a fundamental problem. It allows for the establishment of specific criteria applicable to orphan medicinal products for the purposes of the Health Service Executive's decision on adding an item to the reimbursement list.

The HSE estimates that 300,000 people in the State will develop a rare disease at some stage in their lives. There are between 6,000 and 8,000 known rare diseases. Only 5% of these have a licensed treatment option and there is a high level of unmet need. It is that unmet need that we meet at the gates of this institution when we are going in and out. It is that unmet need that causes people to get out of their sickbed, or people to come here on behalf of their children, to protest outside the Dáil. That unmet need that must be addressed. It puts sometimes unfair pressure on members of the Government, but people feel that they have no option. The pressure is put on all of us. Deputies encounter people waving pieces of paper asking what price is a life. That is no way to do business. That is no way for sick people to have to behave, but they are not doing it because it is their first option. They are doing that because they feel they have been left out of the process. Which of us would not do that? If it was our children, our loved ones, someone in our family or our neighbour, which of us would not do it? Of course we would if we thought it might work. Every time we see a protest outside here, it is evidence that the system for assessment is not fit for purpose. The metrics used by the Health Service Executive to evaluate the effectiveness of and approve orphan drugs are unfit for purpose. They do not take into account the distinct differences between drugs for rare diseases and drugs for non-rare diseases. Therefore, we see it as imperative that the HSE changes the way it evaluates medicines to treat these very rare conditions. We believe that when it comes to the approval of orphan drugs, the process needs to be more transparent as well as giving patient groups and clinicians a stronger voice in the National Centre for Pharmacoeconomics.

We are also aware that the pricing strategy adopted by some pharmaceutical companies in recent years presents significant challenges and this is leading to serious affordability problems for the health service in Ireland and internationally. It is exactly that to which I was referring. It is that pricing strategy adopted by some of the pharmaceutical companies that puts pressure on the campaign groups, which, in turn, puts pressure on politicians who, in turn, find themselves asking the Minister what is the price of a life. That is no way for this to be run. None of us wants to be in that position. That is why I welcome the Bill. I would urge the Minister and his colleagues to reconsider support for this. I am sure Deputy Brassil would be open to working with them, if the belief is that amendments are needed. We all have acknowledged that a change is needed and that is what we should be working for.

The national rare disease plan, the generic policy framework for rare diseases compiled by the Department of Health, recommended the bringing forward of appropriate decision criteria for the reimbursement of orphan rare medicines and technologies. However, to date, no dedicated decision-making criteria have been forthcoming. Instead orphan drugs have to be assessed in this narrow confine where matters of cost almost immediately rule out their approval for any patient.

The HSE has traditionally been an early adopter of new medicines where clear evidence of clinical benefits to patients can be demonstrated and value for money assured. This remains the case when it comes to non-orphan drugs. However, when it comes to approval and adoption of new orphan medicines for rare diseases, it is failing. It is important that the Bill seeks to establish a new set of criteria for consideration of orphan medicinal products mitigating against low qualitative data and guaranteeing that the HSE will consider qualitative data presenting on an orphan medicinal product for patients, clinicians and others.

We are all aware that a fundamental problem with the current approval process is that there are no dedicated criteria for the approval of orphan drugs. Unfortunately, unlike many other health systems across Europe, there are no specific protocols and processes to evaluate orphan medicines, meaning that orphan medicines are assessed under the same methodology intended to be applicable to all other medicines. Essentially, a drug that treats a patient with muscular dystrophy is appraised using the same cost-effectiveness process that is used to assess and approve an aspirin to treat headaches. We agree with experts, including the Irish Pharmaceutical Healthcare Association, that the quality system and the threshold are fair in assessing the value for money of innovative non-rare disease medicines brought forward by companies, but not for rare disease medicines.

Furthermore, the current decisions regarding the cost-effectiveness of a new drug for a rare disease do not take into account the wide-ranging savings that could be made from a drug's approval. For instance, it does not factor in savings from a patient not needing to return to hospital or require a more expensive treatment down the line, or, indeed, time taken off work or time committed by a family carer.

We need to change the way we evaluate medicines to treat very rare conditions. As well as the passing of this Bill, we also need to see a new assessment system and approval process which guarantees input from patients and clinicians and gives them a stronger voice in the HSE decision-making. Such a system works extremely well in Scotland where they have a patient and clinician engagement assessment process. If we had such a process here, it would give patient groups and clinicians a stronger voice in the HSE decision-making and the assessment process. It would also allow the HSE to gather detailed information which would allow a discussion on the benefits of a medicine, including how it can impact on the quality of a patient's life. This information is not currently captured within the present assessment process which is why patient groups tell us that they feel left out of the decision-making process. As I stated, that manifests itself at the gates. That is where that ends up. People do not feel that they have been part of the process. They feel that they have been shut down, that the answer is "No" before anyone ever looks at the assessment and, more importantly, that nobody is taking their child, their loved one, the person they represent, into account. I am not suggesting that is how it is. I am telling the Minister that is how they feel. That is how they end up outside. They feel that they are locked out of the process or that the process is not fit for purpose and cannot adapt to assess properly what the needs are for their loved one.

The drug approval process I have referred to works incredibly well in Scotland. It ensures that all those who are affected by decisions, such as approval for reimbursement, feel that their opinion and evidence, most especially the patient's, have been heard.

The current situation we have regarding orphan medicines is clearly not working. That is why Deputy Brassil has brought forward this Bill and why, I believe, there will be cross-party support for it. I commend this Bill which Sinn Féin will support. We hope that it is the start of a significant movement on this issue.

We all have listed off the cases. We know the names of the drugs. We usually know the first names of those who are campaigning because we meet them but we should not have to meet them and they should not have to feel that they have to come here. The truth is the pressure they apply often works. When they get the initial "No", sometimes when sufficient pressure is applied it works. That should not be the criterion. It should not be the case that the sickest people who travel the furthest and who stand outside the longest are the ones who can get the medicines. It has to be the case that there is a process that is fit for purpose, that does not always give every person exactly what he or she believes it should, that is based on clinical evidence and that involves those patients. I would urge the Minister to reconsider and join with us, Sinn Féin, and the other parties in ensuring that the Bill is passed.

Deputy Alan Kelly: I very much support this Bill which I feel strongly about. I congratulate Deputy Brassil on all his work, which I have seen first hand in committee. I have worked closely with Deputy Brassil on some aspects of how we need to proceed with orphan drugs. I would go as far as to say, as I stated to Deputy Brassil previously, that if he was not able to get this Bill through I would even look at providing some Labour Party time, or co-signing it to help him if needs be, because I feel that strongly about it.

This is absolutely necessary. We have to change quickly what we are doing in regard to orphan drugs. If we do not, we will let down people all over the country. My party was the only one that put forward a separate ring-fenced budget for orphan drugs in our proposals for the previous budget and a requirement for extra funding and for it to be distinguished and separate.

The 2013 Act, while progressive at the time, is limited. That is because this issue is moving so quickly. It is moving all the time. We are getting to the stage where drugs will be customised for the individual patient. Later, I will get to other issues relating to that, specifically to do with genetics. That is where we are going. The legislation and protocols need to change rapidly to reflect this dynamic situation.

On the process of getting through a health technology assessment, HTA, as currently identified, Professor Michael Barry, in fairness to him, admitted straight-up that a drug that can affect fewer than 100 patients would never meet the thresholds. That goes for a range of potential drugs. We obviously have a serious problem in that this needs to be changed.

We need to get to a position where we find out whether drugs are worth it from a medical point of view for the patient rather than merely from a cost or return point of view. In many cases, we cannot get to that because there is not enough capacity to generate data to analyse because we are not getting them through in the first place. It is a chicken and egg scenario and that is a big problem. There are major delays in orphan drugs being approved in Ireland compared with other countries and issues in terms of how they are reimbursed. The process in Ireland is far slower than those of most other European countries. The health technology assessment pro-

cess is not just about cost-effectiveness or affordability as other issues such as equity of access, prioritisation, severity of the condition and the demographics of those affected must be taken into account in the decision-making process.

I acknowledge the decision of the Government to create a national rare disease plan for Ireland and the positives that have come from that plan. I also acknowledge the decision to join the BeNeLuxA initiative although I have not seen much progress in that regard and it has had little impact. However, both are positive developments. There is such rapid change in this area that we must act far more quickly. Multi-annual budgets for orphan drugs should be brought in to allow us to plan ahead in terms of the approval process. As other Members have stated, funding must be ring-fenced.

The Oireachtas Joint Committee on Health carried out a significant amount of work in preparing a report on orphan drugs. I was not impressed by the contributions of representatives of the Department and the HSE with regard to our report because I was unsure that the impact of the committee's comments or its emphasis on areas of particular concern were fully taken on board.

There are issues in regard to clinical trials and how they are managed. The Minister made reference to my neighbour, Marion Kelly, one of two Alpha-1 antitrypsin deficiency patients who died as a result of a clinical trial which was stopped. There are again concerns regarding the provision of Respreeza. However, that situation should not have happened. Until very recently, the communication in regard to that matter was disastrous, as Deputy Brassil and others in the Chamber are aware. Families must be kept informed on such issues and the HSE must decide on how drugs are to be administered and people looked after. Communication with the families and support groups was extremely poor.

Immunotherapy will be critical in terms of the future of drug provision. Obviously, there will be more orphan drugs and they will provide greater benefits. However, I have a serious concern with our ability to provide such drugs and make decisions in that regard if we do not build up our capacity for genetic diagnosis. The recent issue in Crumlin hospital should be a warning to all Members that our capacity in terms of genetic analysis is far from where it ought to be. We need more genetic services, consultant geneticists, genetic counsellors and genetic testing facilities to be able to take advantage of drugs that will come onto the market and analyse patients for suitability. Until those services are put in place, waiting lists will grow, decisions on drugs will be deferred and we will not be able to do the best for those who need it. I ask the Minister of State, Deputy Stanton, to relay to the Minister, Deputy Harris, my concerns with regard to both the protocols and budget provision for orphan drugs and the process by which we will customise our future decision making and how that can be done without the required genetic services.

It is obvious that we cannot continue with the current situation with regard to the provision of the drugs referred to by Members and the continuous lobbying for access to such drugs. I do not blame anyone for such lobbying. People are entirely right to lobby for them. They are passionate about the issue. Family members or friends of patients consistently hold briefings in the audiovisual room or protest outside the gates of Leinster House to lobby for access to certain drugs. It is a myth that the decision on access to drugs is solely in the remit of the HSE and the NCPE. I explored this issue at the health committee. The Minister has the power to bypass that process, as was done for Orkambi. It can be done for any other drug, as evidenced by the making available of pembrolizumab to 221 women affected by the CervicalCheck scandal.

An article by Professor Michael Barry in last weekend's *The Sunday Business Post* addressed political interference in this area. The majority of political interference in terms of circumventing the process for assigning drugs in this country is at the hands of the Government, as was the case for Orkambi and pembrolizumab. Members argue in favour of certain drugs. However, the Government has decided to circumvent the process in certain circumstances instead of it being progressed exclusively by the HSE and the NCPE. That power is referenced in the agreement with the Irish Pharmaceutical Healthcare Association.

With the support of other Deputies, I have raised the critically important issue of access to pembrolizumab on numerous occasions. The Government decided to assign pembrolizumab for Vicky Phelan. We cannot continue with the situation whereby Áine Morgan and Tracey Brennan, who are watching these proceedings, are not being allowed to access pembrolizumab but Vicky Phelan is getting it for free. The State cannot treat women differently. On three occasions, the Minister has publicly committed to sorting out this issue. This is the Christmas present those women want. I urge and implore the Minister of State, Deputy Stanton, to ensure the Minister grants them their Christmas wish. They deserve it, as do other women with stage 4 cervical cancer. Those women must not be treated differently from Vicky Phelan, who has campaigned for equal access to the drug. I speak to her regularly on this issue. This badly needs to be done. The current situation is very unfair and must end. The women must be given immediate access to the drug free of charge. Legally, two sets of women must not be treated in that way in this country.

Deputy Gino Kenny: I welcome the opportunity to contribute on orphan drugs. There debate on the issue has been ongoing since I was elected to the Dáil in February 2016. The Bill will go some way to providing equity for those who live with rare conditions in Ireland. The campaign by those affected by cystic fibrosis for access to Orkambi probably brought this issue to the fore. Since then, parents and families of those with rare diseases have had to consistently protest and highlight their situation.

I refer to Kuvan and Spinraza. Kuvan is used in the treatment of phenylketonuria, PKU. It is readily available in mainland Europe but, bizarrely, is not available to those who have PKU in Ireland. Ironically, the drug is made in Ireland, as are many orphan drugs that are not available to Irish citizens. It is incredible that parents are forced to fundraise, beg or go public to get access to these drugs.

Some pharmaceutical companies get large grants from the IDA and benefit from low levels of corporation tax. Big pharma has governments and patients over a barrel. The companies make vast profits. Pharmaceutical companies across the world have grown exponentially in the past 15 or 20 years because there are significant money and profits to be made from drugs.

It is probably no exaggeration to state that the public perceives the current evaluation of orphan drugs process to be unfair. I read the Oireachtas Joint Committee on Health report on evaluating orphan drugs published in February of this year and it is a really good document. Some of the documents published in the Oireachtas probably never see the light of day. I encourage Members to read this one, however. It is a really good piece of work. Some of the recommendations are bang on the money. They include changing the evaluation process, more patient participation and a review of the 2013 Act, which is what we are speaking about today. Also included are recommendations on reimbursement and pricing and compassionate use. It is recommended that the National Centre for Pharmacoeconomics QALY processes be revised and replaced. This is at the heart of the debate. It is the committee's view that unless the State

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has some involvement in the research and development element of orphan drugs, we will constantly be on the back foot with regard to funding. This is really important work by the joint committee. The committee recommended that the State have a role in drugs manufacturing, research and so forth.

This is about life and death. Nobody has a monopoly on compassion, regardless of what side of the House one is on. Everybody wants to see the best done for those we engage with, who need this medicine. It is absurd to force families to campaign to get medication. When their lives are at risk, they cannot get it because it comes down to money. To me and most people, that is absurd. Medicine has made astronomical strides for humankind but when it comes to profit it has made strides backwards. It is absurd in this day and age that one cannot gain access to medicine. Therefore, we welcome this Bill.

Deputy Ruth Coppinger: Some 300,000 Irish people are affected by rare diseases. They comprise one of the largest health groupings in the country. I welcome the fact that the Bill is attempting to deal with access to drugs, which is a major issue for those people. As has been mentioned, we have seen people having to campaign for Orkambi and Spinraza and now for pembro. It is unfortunate that the Minister is not present. He has to commit tonight that women will have access this week to pembro on an equal basis before Christmas. Women will die if it is left until the new year. We all know it will be several weeks later if it is left until the new year. Lives are literally at risk. We passed emergency laws here one night for the banks. This can be done for the affected women. We have heard the Taoiseach saying it will happen but there is a time impediment. A date must be set. I commend Vicky Phelan on giving of her time for the other women affected.

It would be wrong for us not to bring the drug companies into the equation. What an indictment of capitalism and the system that people suffer and die because vital drugs and treatment are out of their reach because private drug companies profit and thrive on rarity and need. The CEOs of drug companies were once doctors but now they are businessmen. They are paid seven-figure sums. The CEO of Merck, one of the top ten global pharmaceutical companies and the company that produces pembro, is paid \$25 million. The company's revenue is \$35 billion. The global pharmaceutical market is worth \$1.4 trillion. This is a massive business. The onus is on all the companies to satisfy the shareholders, not help humanity.

A year or so ago, Martin Shkreli told the *Financial Times* his only obligation was to shareholders. He infamously increased the price of the HIV and transplant drug Daraprim from \$13.50 per dose to \$750, representing a 5,000% increase. That is what these people can do. Nobody has a monopoly on compassion but some have a very strict attachment to an ideology that allows this to happen. Parasites are running these pharmaceutical companies. EpiPens were increased in price by 400%. As has been said, many of these are being produced in this country.

What is the solution? This Bill is making an effort to improve the current situation, which is outrageous given the length of time it takes for people to get a drug trial, a licence and so on. These drug companies should be nationalised and brought under public control. Their research should be shared. They should be forced to open their books to show us what it actually costs to produce the drugs. An antidepressant that Martin Shkreli, who put up the price of the HIV drug, was taking was 17 cent per pill, yet these parasites are allowed to profiteer beyond belief.

When we debated water charges here about three years ago, nobody in the Dáil wanted to

privatise water. How could one privatise drug companies? The drugs are life-saving medications that are produced because of the ingenuity of scientists, most of whom want to benefit humanity. We should now consider forcing the companies to share their research. We should examine patent laws. There is an example from South Africa concerning the HIV drug. The companies should be taken under public control and run in the public interest. I do not see why it would be any different from water or anything else. Health should not be a commodity.

The Minister really has to make a commitment. It has been put out on social media that the women will get equal treatment but that is not the case. There is a fear, as expressed by Vicky Phelan, that this will not happen before Christmas. That is untenable for the women involved.

Deputy Michael Harty: I thank Deputy Brassil for introducing this Bill and applying to it his expertise in this area. It involves an amendment to the Health (Pricing and Supply of Medical Goods) Act 2013. Deputy Brassil is proposing to establish specific criteria that would be applicable to orphan medical products in regard to the HSE making decisions on reimbursement and prescription by doctors.

The health committee has had several meetings on orphan drugs, most recently last month. One of the recommendations of the committee was that there should be a review of the legislation. Recommendation No. 2 states: “The Committee recommends that a review of the 2013 Act be commenced by the Department of Health, to present a report to the Minister for Health within 6 months of the publication of this report, identifying potential legislative barriers to the reimbursement of orphan drugs and corresponding legislative amendments, as appropriate.” It was identified by witnesses who appeared before the committee that there was a legislative barrier to the consideration of orphan drugs. It was stated by representatives from the HSE and the Department that the 2013 legislation limited the examination of orphan drugs. It was stated that since it did not specify specific criteria for orphan drugs, the examination of orphan drugs was limited. It was said that if there were to be change, there would have to be a change to the legislation. That was one of the recommendations of the committee.

When the representatives of the HSE and Department were before the committee last month, however, the representatives of the Department said the Minister was satisfied there is no legal barrier to the assessment of orphan drugs because there is sufficient scope for the HSE to have regard to the special circumstances that apply to them. The legislation was introduced in 2013. It is now almost six years later and the issue of orphan drugs is far more complex than the legislation envisaged. That is why Deputy Brassil’s Bill is timely. It is introducing new, specific criteria to apply to orphan drugs. The Minister has determined and said to the committee that he sees no legal barriers but there are legal barriers because orphan drugs are different from regular drugs.

The committee made 15 recommendations. I will not go through them all. There was a recommendation that specific evaluation of orphan drugs take into account that the drugs are for rare and very rare diseases, with perhaps 5,000 and 10,000 people affected. The numbers in Ireland are small and that is an issue for patients and their advocacy groups. There was a recommendation that because of the small numbers we should look internationally at the evaluation process for orphan drugs in Europe and tap into it and avail of the qualitative information available throughout Europe. As the numbers in Ireland are small, we have to have a collaborative approach throughout Europe and Ireland has started to engage with other European countries on health technology assessment and, perhaps, on negotiating a price from the pharmaceutical companies. Orphan drugs are confined by existing legislation and what Deputy Brassil has

proposed is that the quality assessment threshold of 45,000 should not apply to orphan drugs because they are a unique niche-type of drug that apply to a very small number of people but have a huge effect on them if they are seen to be effective. The assessment process needs to be more transparent. The companies, patients and support groups feel they are left out of the assessment process. There is also a recommendation to appoint an independent expert to review the assessment process. I do not believe this has been achieved yet.

The proof of the pudding is that the number of orphan drugs available in Ireland is low compared to other European countries. This points to a deficiency in the assessment process. Ireland has approved only 22 orphan drugs whereas many European countries have approved two to three times this number. We must bring it back to the patient because there is a detachment between the assessment process and the patient. There are opportunities to have managed access programmes to negotiate a price only for those who respond to treatment, because not everybody responds to treatment, and to pay only for the responders.

Deputy Michael Collins: This is a very important Bill. The amendment to the Health (Pricing and Supply of Medical Goods) Act 2013 will establish specific grounds with regard to getting some orphan products assigned to the reimbursements list. Unfortunately, we are seeing more and more rare conditions in Ireland and it is vital those receiving medication for rare conditions are entitled to get it reimbursed through the State. Some of these medications are extremely expensive and most people would not be able to afford these life-changing medicines.

At present, the HSE does not differentiate orphan medicinal products from other medicines in assessing their cost effectiveness when making a decision in respect of whether a medicine should be reimbursed. The problem with this is the HSE is looking at medicines that affect the highest number of the population and taking this into consideration when deciding whether a medicine will be reimbursed. Orphan medicinal products are for a minority of people. If this is the HSE's method of deciding then people with a serious condition who are in the minority have no chance of getting reimbursed even though their conditions are so serious and the orphan medicine can be life-saving for them. The HSE still bases its decisions on the percentage of the population affected and does not take into account how life saving a particular medicine could be to a person. The HSE's method of making decisions on reimbursement needs to be addressed as a matter of urgency.

I cannot stand up here tonight when we are speaking about rare conditions and not mention the hardship Vera Twomey and other families in Ireland have had to endure. Deputy Gino Kenny has been a champion for these causes down through the years. It is a disgrace these families have had to go to the lengths they did to get medicinal cannabis for their children. Earlier this month, a Cork based mother travelled to Barcelona to access medicinal cannabis for her son, Michael, who was born with a rare disease that causes him to suffer seizures. This lady was stopped at the airport on the way home and the medicinal cannabis was confiscated from her. I have pleaded that medicinal cannabis should be made available in Ireland for cases such as that of Vera Twomey's daughter, Ava. We could introduce medicinal cannabis safely into our country, whereby it would be available only through our pharmacies and under strict regulations. Medicinal cannabis has been legalised in more than ten European countries, Canada, Australia and 30 US states. We need to step up to the plate and stop innocent children who have rare conditions from suffering any more than they already do.

Another massive letdown is the increase in the VAT rate to 23% on food supplements, vitamins and minerals. A total of 80% of people use health food supplements, including vitamins,

minerals, omega 3, probiotics and super foods. The Government will increase the VAT rate on these products from 1 January. A total of 84% of the population disagrees with this increase. When will the Minister for Health listen to the people who elected him? I ask him to reverse the VAT increase. It is his duty as Minister for Health to do all he can to encourage the people of Ireland to live as healthily as they can but instead he is putting financial obstacles in the way of the people when it comes to their health.

Another example of this is the FreeStyle Libre device for people with diabetes to replace the current method by which diabetics check their blood levels. The device has a small sensor that automatically measures and continuously stores glucose readings day and night. The device is particularly useful for children and the elderly and can be used while the person sleeps. The device costs €120 to buy and an additional €120 a month for 16 patches. Since 3 April, the FreeStyle Libre system has been reimbursed for some patients between the ages of four and 21. I very much welcome this decision but many of our elderly diabetic patients struggle with the cumbersome old method of using lancets to draw blood. As a diabetic I fully understand the constraints this chronic condition places on a person's life. The risk of diabetes increases with age and it is estimated that 15,600 people over the age of 80 suffer from diabetes.

Deputy Anne Rabbitte: I thank my colleague, Deputy John Brassil, for bringing forward the Bill and I welcome the opportunity to speak on it. I do not profess to be a member of a health committee but a couple of weeks ago I sat in the audiovisual room where Deputy Alan Kelly hosted Vicky Phelan and two other ladies, Áine Morgan and Tracey Brennan. To my dismay I could not believe what I was hearing, which was that Vicky was in receipt of pembro but the other two ladies were not. They are at advanced stages of cervical cancer. Their only ask on the night was to have access to this orphan drug. This is something for which we should press really hard, as was done successfully with Orkambi and Kalydeco. They brought immense relief to all the families involved. For those ladies, who are sitting at home at this moment in time, their ask is with regard to pembro. On that evening, a consultant was with them. Fewer than 50 people are looking for access to it. The Bill is a response to a medicine crisis faced by Irish patients suffering from a rare disease.

The Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2018 seeks to reform the HSE's current reimbursement process by establishing for the first time a unique process for assessing an orphan drug for reimbursement in Ireland. The Bill brings a long overdue and credible solution to the ongoing crisis surrounding access to medicine. I compliment Deputy Brassil. When he spoke earlier he said that on 27 September 2017 he listened to a response from the Minister and has returned with a solution. I hope the Government will support him.

Deputy Eamon Scanlon: I commend Deputy Brassil on introducing the Bill to reform the HSE's reimbursement process by establishing a unique process for assessing orphan drugs for reimbursement in Ireland. There are around 7,000 rare or orphan diseases for which no authorised or satisfactory method of treatment exists. Orphan drugs treat, diagnose or prevent diseases that affect fewer than five in 10,000 people. Many are life-threatening or debilitating, and they particularly affect the very young, who often do not survive beyond adolescence. Without treatment, the quality of life of these patients is seriously affected and their lives may be shortened. This represents the grim reality they and their families are facing.

There have been great advances in developing orphan drugs but at present they are assessed under the same guidelines and procedures as standard drugs despite the clear differences between the two.

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Other EU countries have adapted their processes for this very reason. It is time we did so.

The purpose of the Bill is to put in place a structure for the HSE to appropriately assess orphan drugs when making a relevant decision regarding adding an item to the reimbursement list. The Joint Committee on Health recommended considerable change to the evaluation process of orphan drugs. It agrees that the current assessment is not effective and that this process neglects to ensure the best outcome for patients. Reforming the process for assessing the impact and benefit of orphan and rare drugs would be a fairer way of ensuring people get the treatment they need and deserve. Much-needed orphan drugs would reach and benefit patients with rare fatal genetic diseases sooner. It is not acceptable that citizens suffering from severe illnesses are forced to take to the streets or go public in the media to have their voices heard.

We read daily about or meet patients who suffer from severe, often life-threatening, rare diseases who cannot secure access to medicine. Some notable examples of orphan drugs, on which we have all made representations previously, include Orkambi for cystic fibrosis, CF, Vimizim, which overcomes the deficiency causing mucopolysaccharidosis type IV, or Morquio syndrome, and Respreeza, the life-changing drug for emphysema caused by Alpha-1. Orkambi is a game-changer because it is the first drug to treat the underlying cause of CF in over half the CF population in Ireland. The successful funding of Orkambi will result in more research and development into rare disease drugs, not just for those with CF but also for those with other rare diseases.

In short, the funding of Orkambi will save more lives and not only within the CF community. Vimizim is by no means a cure for the rare Morquio disease but it has increasingly enhanced the quality of lives and ensured people have more energy and improved health. The disease causes lifelong problems including heart disease, skeletal abnormalities, vision and hearing loss and respiratory issues. Vimizim is the only medicine available to treat the condition. It replaces the enzyme that the body is missing. Finally, Respreeza is the only therapy clearly shown to slow the progression of emphysema caused by Alpha-1, resulting in a reduction in the frequency and severity of chest infections and associated hospital admissions, and, therefore, increased life expectancy. This Bill brings a long overdue and credible solution to the ongoing crisis surrounding access to medicine for patients with rare diseases in Ireland. I again commend Deputy Brassil on his work in respect of this Bill.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): The Minister is unable to respond because he can only speak once in the debate. That is unusual and it happens on Tuesdays and Wednesdays. He can speak twice on a Thursday. It is bizarre but that is the way it is. He has listened carefully to what has been said. He has informed me that he will take note of this debate. It has been sincere and important. I commend my colleagues on the quality of the debate, to which I have listened. I thank Deputies on all sides for their contributions to this important debate on the Health (Pricing and Supply of Medical Goods) (Amendment) Bill 2018. I welcome the opportunity to contribute.

I appreciate that this Bill represents a well-meant endeavour on the part of Deputy Brassil to allow patients timely access to new and innovative orphan medicinal products. I acknowledge the considerable work which Deputy Brassil and members of the Joint Committee on Health have done in recent months in respect of orphan drugs. In February, the joint committee published a report - cited on a number of occasions this evening - on evaluating orphan drugs. The

Minister and the HSE have given detailed consideration to the recommendations contained in that report. As a result, a number of recent changes have been introduced to the assessment and reimbursement process within the confines of the Health (Pricing and Supply of Medical Goods) Act 2013. This provides a greater balance and transparency to the assessment process where orphan drugs are concerned.

As every Deputy is aware, a rare disease diagnosis poses particular difficulties for patients who are affected and for the people who care for them. Living with a rare disease is a constant daily challenge which places enormous pressure on patients and their families. Deputy O'Reilly mentioned people outside of the gates of Leinster house and we can understand why they are there. It is vital that these patients receive the best evidence-based, cost-effective treatments our health service can provide. I completely understand that access to potentially beneficial medicines for the treatment of rare diseases is a crucial issue for these patients and their families. I join Deputy Gino Kenny in stating that nobody has a monopoly on compassion. The Deputy is correct and we feel that on all sides of the House.

The Minister is aware of campaigns by parents and advocacy groups for access to orphan medicinal products and he wishes to assure them that he, his Department and the HSE continuously work to address issues around access for patients to new and innovative medicines. The Government will be opposing this Bill on the basis that the statutory process for assessing medicines as contained in the Health (Pricing and Supply of Medical Goods) Act 2013 is fit for purpose where orphan drugs are concerned. In 2013, following on from substantial deliberations, Members of the Oireachtas put in place a thorough legal framework in the 2013 Act. The latter accords full statutory powers to the HSE to assess and make decisions on the reimbursement of medicines, taking account of a range of objective factors and expert opinion as appropriate. The Act specifies the criteria to be applied, including the clinical effectiveness and cost-effectiveness of the product, the opportunity cost and the impact on resources that are available to the HSE. While the Health (Pricing and Supply of Medical Goods) Act 2013 did not establish specific criteria to be used by the HSE in reaching decisions on the reimbursement of orphan medicinal products, the HSE and the NCPE consider issues such as the small patient numbers and the rarity of the condition to be treated when evaluating these medicines. There is an acute awareness of the vulnerability of these patients and the chronically debilitating or life threatening nature of many of these rare diseases. It is the Government's view that the criteria that apply to the evaluation process allow ample scope for the HSE to consider the particular circumstances that pertain to orphan drugs including that oftentimes there is a high level of unmet need for these rare disease conditions.

Deputies have correctly identified that increasingly orphan medicinal products are being developed to target very rare conditions. In view of the small number of patients affected by rare diseases, the pharmaceutical industry has been reluctant to invest in the research and development of medicinal products to treat them. In 2000, the EU introduced new legislation with the aim of providing incentives for the development of medicines for rare diseases. This intervention has proven very successful and has stimulated the development of many orphan drugs. The Government is fully aware and appreciative of the potential which these new orphan medical products can have in creating better health outcomes for Irish patients living with a rare disease diagnosis. We, of course, want all of our citizens to have access to the newest, most innovative medicines out there and as quickly as possible. Increasingly, the orphan medicinal products being developed to target very rare conditions are coming with extremely high list prices, prices which in many cases go well beyond what our health service can afford.

Health financial systems throughout the developed world are grappling with the challenges which these new and very often expensive orphan medicinal products pose. In many cases, the main driver of the price is an estimate of the maximum amount that health care systems can pay and is not connected to the health benefit of the treatment. Deputy Kelly is correct. It is expected that the trend will be towards more applications for orphan drugs in the years ahead. It is estimated that in the region of 45 new molecules, many of which will be orphan drugs, are due to receive market authorisation in Europe each year over the next five years. There is, therefore, no end-point whereby the pressure on the system to fund new products will abate. That is why it is essential that Ireland retains a threshold incremental cost-effective ratio so as to ensure that decisions in relation to the reimbursement of medicines are made on an objective and scientific basis, recognising the health needs of the entire population and other factors.

Affordability and sustainability remain major challenges for the health service in the context of our budget-limited health service. A less rigorous set of rules for orphan products will not change this. The HSE is required under the 2013 Act to consider the funding challenges that orphan drugs represent. It does this by drawing on the criteria contained in the Health Act including the potential or actual budget impact of the drug in question and the cost-effectiveness of meeting health needs by supplying a particular item rather than providing other health services. These are difficult decisions that must be made in the context of the availability of finite resources in the face of ever-competing demands. Since the signing of the four-year framework agreement on the supply and pricing of medicines in 2016, a significant number of orphan drugs have been reimbursed by the State.

In terms of the availability of orphan medicinal products in Ireland, the 2013 Act is delivering and patients with rare diseases are receiving access to new and innovative medicines. The Government is opposing this Bill because it is satisfied that the current criteria contained in the Act are fit for purpose when assessing orphan drugs. There is sufficient flexibility contained within the current legislation to allow ample scope for the HSE to consider all relevant evidence that pertains to orphan drugs. The Government is of the view that the 2013 Health Act is delivering on its objectives to provide new and innovative medicines to Irish patients, including those with a rare disease diagnosis.

The Bill as drafted would disregard any threshold incremental cost-effective ratio in the assessment of orphan medicines, thereby removing an accepted, validated economic evaluation system for assessing medicines. In doing so, it would dilute considerations around affordability and sustainability. The health service must look to care for the entire population. Accordingly, every decision, including the reimbursement of orphan medicinal products, must be based on scientific assumptions, clinical evidence and cost-effective analysis as provided for by the 2013 Health Act.

The Minister for Health is aware of the human side of this entire process. Patients who are living with a rare disease diagnosis face enormous challenges in their day-to-day life. Such a diagnosis has significant repercussions for the whole family. These diseases can be acute or chronic in nature. While there has been remarkable progress in advancing innovation for rare diseases, there still remain significant challenges in that there are many rare conditions which still do not have a treatment option.

It is right that Deputies assess and question the way that we deliver health services to our citizens. The Minister for Health and I appreciate the conviction and sentiment behind the Bill. The Minister for Health looks forward to further positive engagement with Deputies in seeking

solutions to address the challenges which we all face around securing more timely access to new and innovative medicines for all our citizens in an affordable and sustainable manner. I will bring the Deputies' comments this evening to the Minister's attention. This is an important and sincere debate. It is one which will add to our thinking and progress in the future. I thank Deputy Brassil for the work he has done on this matter. The Minister is looking forward to continuing to engage on this important issue.

Deputy John Brassil: I must remind the Minister for Health of his statement on 27 September which can be summarised as, "I think it is broken too." His comment then was accurate. However, his reply tonight denies the fact that the current system is not sufficient to allow for access to orphan drugs on reimbursement programmes.

The Minister of State and his officials have heard the debate and support for the Bill is evident. I am acting in good faith and request the Minister of State to work with me with a view to improving the process whereby orphan drugs can be made available in a more timely manner and which will ensure value for money for the HSE. Speaking on value for money, I have pointed out many times that savings of up to €300 million can be made on biosimilar products available to the HSE if it goes after it. At the Oireachtas health committee last month, the point was made that biosimilar products are not interchangeable. However, as the Minister of State knows as well as I do, if physicians are directed to prescribe biosimilar products, then the original brand will match the biosimilar price in order to maintain market share. That is simple economics. I am asking that part of the savings made with biosimilar products be ring-fenced for new orphan drugs every year. This I believe is practical, cost-effective and doable.

The history in this area is not good. Respreeza for Alpha-1 took the death of two people before it was sorted. Orkambi would never have been approved were it not for the protests and public outcry over it. Pembro, which did not even go through the National Centre for Pharmacoeconomics, NCPE, process, would not be available if it were not for Vicky Phelan. It is obvious the current system is not fit for purpose. Unless we amend the Act to give further direction and clarification to the HSE and NCPE, the current cycle will go on.

The PKU Association of Ireland has been exemplary in its approach in getting reimbursement for Kuvan. Last month we were told at the Oireachtas health committee that Kuvan was approved on a limited access basis. To my knowledge, it is still delayed and will only work among a small subgroup of patients. However, a newer product, Palynziq, which has FDA approval, should work for up to 85% of Irish sufferers. Are we to spend another two years waiting for this drug to go through the same process as we did for Kuvan? Similarly, for Spinraza for spinal muscular atrophy, this drug is needed now and has been proved to work specifically for type 1 sufferers.

I want to work with the Minister and the NCPE to improve the Act. My Bill will in no way oblige the HSE to reimburse any medicine which it does not believe represents good value for the State. Section 4, detailing the criteria which the HSE must consider when making a decision on reimbursing the drug, would ensure it weighs up the potential budget impact of the proposed medicine, as well as the resources available to the HSE at that time. It will place on a statutory footing the key criteria which should be assessed in reaching a timely decision on orphan drugs, including clinical and cost effectiveness, unmet need, the relevant views of patient organisations and the availability of the medicine in other European countries.

The HSE is doing good work in securing value for the State. However, the time it takes

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to reach such agreements for orphan drugs is unacceptable. Very often these medicines are available across Europe but not in Ireland. If patients are fortunate to be given access to such a medicine, it can take up to two years which in many cases is often too late. We need a system whereby value is secured in a timely manner, that is not undermined and, at its very foundation, affected by a flawed assessment process. Increasing the availability of orphan drugs would undeniably result in more cost. However, it is important to remember that rare diseases only affect a small patient population, between 5,000 to 10,000 people. Often one will hear about expensive medications per patient. However for rare diseases, the actual budget impact, namely, the cost of the drug multiplied by the total number of applicable patients, is typically small. Licensed orphan drugs only exist for a fraction of rare diseases. Any cost incurred will be viewed in the context of Ireland catching up with European countries where these medicines are already available. Every country in the world is faced with the decision to not purchase medicines and save money in the short term. However, this approach results in a widening gap in patient outcomes in Ireland versus the rest of Europe. In my view, this stance is morally wrong.

Will the Minister of State retract his opposition to this Bill and work with me through Committee Stage? The Bill will get the support of the rest of the House. I am trying to improve access and not break the HSE. I am aware of the constraints but there is a workable solution. I am asking the Minister to work with me on this.

Question put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 17 January 2019.

Messages from the Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Consumer Protection (Regulation of Credit Servicing Firms) Bill 2018 without amendment, the Irish Film Board (Amendment) Bill 2018 without amendment, and the Social Welfare, Pensions and Civil Registration Bill 2018 without amendment.

The Dáil adjourned at 11.20 p.m. until 10.30 a.m. on Wednesday, 19 December 2018.