



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 19 Nollaig 2018

Wednesday, 19 December 2018

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

Paidir.
Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Illness Benefit Reform

40. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection the position in regard to the issue of medical certificates for illness benefit; the number of doctors who have accepted the new forms; the number still using the old certificates; if doctors who continue to operate with the old certificate since the changes were introduced have been compensated; and if she will make a statement on the matter. [53328/18]

Deputy Willie O'Dea: This question relates to a unilateral decision by the Department to change the certification system for illness benefit without any notification or advanced consultation. Will the Minister indicate if the situation has settled down and if the new system is operating seamlessly?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank the Deputy for his question. Illness benefit is a scheme under which people who are unable to work due to illness or injury are entitled to receive a weekly payment from the Social Insurance Fund. The basic rate of payment for a single person is €198 per week. Entitlement to the payment, which may be made for up to two years, is contingent on a person's social insurance record and certification by a general practitioner, GP, as being unfit for work.

In regard to certification, it is important to point out that when the new certification form was introduced, the Department agreed that GPs could continue to use their existing stock of old

forms until it was exhausted. While it is not possible to provide a breakdown on the number of GPs using the new forms, I can say that over 70% of the circa 9,000 certificates and claims received each day are in the new format. Currently, payments are made to GPs in respect of the old and new version of the form.

As the Deputy will know, issues have arisen in regard to the scheme over recent months and my Department has been working hard to resolve these issues and to ensure that claims are processed and paid promptly. We have made good progress in this regard, with payment levels maintained at the expected norm of in excess of 50,000 customers paid each week for almost the past two months.

Again, I reassure the Deputy that my Department has had a long and positive partnership with GPs over many years and is committed to maintaining good working relationships with our GP partners. In this regard, I confirm that discussions with GP representatives with respect to a move from paper to e-certification have just concluded successfully. I thank the GPs for their engagement. I expect e-certification to be introduced in the first half of next year. As acknowledged and accepted by the GPs, and hopefully will be acknowledged by those in receipt of illness benefit, this will significantly improve the scheme and make it much more efficient.

Minister for Employment Affairs and Social Protection (Deputy Willie O'Dea): I thank the Minister for her response but the information I am getting contradicts it to some extent. The Minister said that GPs could continue to use the old forms until such time as stock was exhausted. The information available to me is such that photocopies of certificates are being submitted, which means GPs continued to use the old forms when stock ran out and they have been paid in respect of those photocopied forms. I have also been informed that some GPs who used the new forms have not been paid and, remarkably, that some GPs have been paid for services they did not perform. I have evidence of one cohort of GPs who received a letter of thanks from the Department for operating the new system despite the fact that they are not using it. There appears to be some confusion. Is the Minister sure that 70% of GPs are using the new forms?

Deputy Regina Doherty: I am absolutely sure that 70% or in excess of 9,000 certificates coming into the Department every day are the new forms. I am also absolutely sure that we made it perfectly clear when we issued the circular to GPs on 6 August that we would pay for the new forms but we would also continue to pay in respect of the old forms until such time as all stock of the old forms in our GP offices and clinics was exhausted. Photocopies do not constitute an old form. We would have an issue paying people who submit photocopies of old forms because the Comptroller and Auditor General would not allow us to do so. Photocopies do not have the required processes and protocols that we had in the old system. They are not an original form and are not, therefore, deemed eligible by the Department. The Department receives more than 9,000 new forms each day. Some general practitioners who have a stock of the old forms are still using them and we will continue to pay them. GPs are paid quarterly. I am not sure who is suggesting to the Deputy they are being paid for work they have not carried out. If the Deputy has any names, I would be very happy to follow up on the issue. We pay GPs four times a year. The last quarterly payment was made in November.

All GPs got the same letter. We did not send a letter to specifically thank those who moved to the new forms and exclude those who continued to use the existing stock of forms. All GPs were thanked for their co-operation in moving to a new system which it is hoped will provide better efficiencies for them and even greater efficiencies for recipients of illness benefit.

Deputy Willie O'Dea: Can the Minister confirm that nobody who used a photocopied form has been paid? Is she aware of a survey done by the national GP forum in recent weeks that indicated that 70% of GPs surveyed were still using the old forms or photocopies? Is she also aware there are a number of legal cases pending against the Department in respect of this matter? I am told there are at least five such cases.

Deputy Regina Doherty: I am absolutely confident in confirming to the Deputy that we have not and will not pay any GP who has sent in certificates with photocopies. I am not aware of a survey conducted by the national GP forum but I am keen to read it. I know the statistics and they show that 9,000 certificates come in every day on new forms. They are the stock we are replenishing. We are not replenishing the old forms. I am also aware of the very successful conclusion of lengthy deliberations with the Irish Medical Organisation in recent months. I know the IMO has welcomed the position we agreed last week and I very much welcome its co-operation and look forward to working with it in the future.

I am not aware of legal cases. If there are some, we will take them in the spirit in which they are brought.

JobPath Programme

41. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection her views on the costs associated with the JobPath scheme since its introduction; and if she will make a statement on the matter. [53390/18]

Deputy John Brady: After several years of asking for the costs associated with JobPath, Turas Nua and Seetec and constantly being told that because of commercial sensitivity the figures could not be released, the figures were eventually given to the Committee of Public Accounts. Do these costs represent value for money? Will the Minister comment on the overall costs?

Deputy Regina Doherty: JobPath is a case management service that provides employment counselling and advice to long-term unemployed jobseekers with a view to improving their prospects of securing sustained employment. It complements the case management services already provided by the Department's staff via Intreo and other contracted providers such as the local employment service. JobPath operates on a payment by results basis with expenditure determined by the number of jobseekers in respect of whom a personal progression plan is prepared and subsequently, and perhaps more importantly, the number of those who secure and sustain employment. All the set-up and operating costs are borne by the service providers. The Department only incurs expenditure when a customer starts his or her engagement with the service, at which point the service provider may submit a claim for a registration fee. No further expenditure is incurred unless the client secures full-time employment for a sustained period of initially not less than 13 weeks and which results in the closure of their jobseeker's allowance claim. Notwithstanding that, and to protect the interests of the State, the fees paid to the service providers are subject to downward adjustment only based on the level of employment in the wider economy. A discount was applied to all fees payable in 2017 and 2018 and it is expected the same discount will be applied in 2019.

The provision of essential case managed employment services to long-term unemployed jobseekers costs money regardless of how, or through which medium, those services are pro-

vided. The total average cost per jobseeker using the service to date is €780. This cost is well below the average cost incurred in other similar contracted services in the State.

In terms of outcomes, the first report on the econometric evaluation of JobPath will be issued at the end of January. Preliminary results from the evaluation indicate the overall impact has been positive, particularly for those with the greatest duration of unemployment. The data confirm internal data published by the Department and also reflect the positive customer feedback from independent customer satisfaction research we undertook last year. Taking the outcomes with the lower average cost, I am satisfied that JobPath is delivering value for money.

Deputy John Brady: The Minister referred to the low cost of operating the scheme. We know €149 million has been given to private companies, Seetec and Turas Nua, since 2015 and 195,000 people have been referred. For each one of those people, an initial registration fee of €311 was paid to one or other of these two companies. I do not consider that value for money. We know that over 15,000 people have been referred a second time and the registration fee has been paid a second time. I do not consider that value for money. It is a double payment. The figures say it all. A total of 17,100 people have been in sustained employment for 52 weeks or more. I do not see how, having spent €149 million, the Minister can say this is value for money. I will ask the question again. It is like Groundhog Day with the Minister. She tries to justify the huge expense and we know the scheme is simply not working. Can she stand over what she says is value for money? The people, including me, do not think so.

Deputy Regina Doherty: It is interesting that Sinn Féin knows the cost of everything but the value of nothing. I reiterate that the average cost to the State for the tens of thousands of people who have gone through JobPath is €780 per person. That is the average payment. The average cost per person for other contracted services we use is significantly higher and there is never a peep out of the Deputy about it. More important, the average cost to the State of a person staying on the live register - apart from the psychological, emotional and well-being cost to that individual - is more than €12,000. The Deputy is asking me to take issue with an average cost of €780 to get somebody back into full-time sustained employment rather than leave that person on the live register. Is that what he is asking me? If so, we will continue to be at odds on this matter.

Deputy John Brady: There is evidence that Turas Nua and Seetec are hounding people who find employment by themselves and trying to claim credit for it so they can get the sustainment payments. That needs to be looked at. When JobPath was first rolled out it was said it was to assist people to secure and sustain full-time employment or self-employment. I received an interesting response from the Minister and the Department yesterday which stated some 43,851 people have commenced employment either on a full-time or part-time basis. We know many people who are employed part-time are referred to JobPath and are hounded to get full-time employment. As the Minister has stated time and again, the issue of underemployment needs to be addressed, yet we are getting responses saying people are ending up in part-time employment. How many of the 43,851 people who have secured some type of employment have ended up in part-time employment? We know there are many people engaged in part-time employment or working as teachers, for example, who because of the nature of their contracts are not permanent and are being hounded by Turas Nua and Seetec. If the Minister sees people ending up in part-time employment as a success, it contradicts the reasons for setting up the scheme.

Deputy Regina Doherty: I remind the Deputy that JobPath is a case management service that provides unemployed and underemployed people with advice and long-term employment

assistance to help them improve their prospects of securing full-time work. That is it in a nutshell. There is no hounding or harassing people after they find full-time work in order to get some other further payment. It is simple. It is case-managed and involves an individual expert helping people who are long-term unemployed and have not been lucky enough to find a job for 12 months or more. All the service does is help those people, very successfully, to find long-term, full-time employment. That includes people who are underemployed, namely, those who present on the live register for the days they are not working and indicate that they want to work full-time. Again, if Deputy Brady has a problem with that, we are going to disagree. The service was established because hundreds of thousands of people were unemployed in this country in 2008 and 2009. Thankfully, we now have the lowest level of unemployment since 2008. The recovery that this country has experienced in recent years is nothing short of a miracle and we were lucky insofar as it was a jobs-led recovery. JobPath has genuinely helped tens of thousands of people back into work which is why Sinn Féin has a problem with it.

Mortgage Arrears Information and Advice Service

42. Deputy Willie O'Dea asked the Minister for Employment Affairs and Social Protection if provision has been made for a dedicated mortgage advice system for MABS; the number of mortgage advisers this will include; when they are due to take up contracts; and if she will make a statement on the matter. [53329/18]

Deputy Willie O'Dea: My question relates to the dedicated mortgage advisers who have been allocated to MABS to assist people who are struggling with debt, particularly related to their family homes. I ask the Minister to provide details on the status of that programme, the numbers of advisers involved and the type of contract they have.

Deputy Regina Doherty: I thank the Deputy for his question as it gives me a welcome opportunity to put the status of this service on the record of the House. The dedicated mortgage arrears advice service which operates across the MABS network was established in 2015 as part of the Government's response to providing supports to hundreds of thousands of mortgage holders who were in arrears at that time. The service aims to ensure that borrowers in mortgage arrears have access to information on the range of supports and options available to them and, where required, negotiates with lenders on their behalf. The service operates across the MABS network with a team of 27 advisers, five relief advisers and support staff. To date, it has helped over 6,000 borrowers with mortgage arrears issues.

Since its inception, the dedicated mortgage arrears service has become an integral part of the Abhaile service, which provides access for people who are insolvent and in mortgage arrears to independent financial and-or legal advice and assistance under a voucher scheme accessed through MABS. I am acutely aware of the good work being done by the dedicated mortgage arrears service and am determined that the service will continue in line with the other services provided under Abhaile, which are set to run until 2019. If, at the end of next year, we find that there are people who are still in need, I hope the Deputy will support me in my efforts to continue the service into the future, if this Government is still *in situ*. I have secured the money required for next year. The overall allocation is €2.5 million, which will cover the cost of the service to the end of 2019. We should have a conversation about this in the middle or the third quarter of next year so that we can determine how many people still have unresolved mortgage issues.

Abhaile is under the joint remit of my Department and the Department of Justice and Equality.

Deputy Willie O'Dea: I appreciate the work the advisers are doing. They are doing tremendous work and I compliment them on that. However, there is a difficulty here. The Minister said that €2.5 million has been allocated and I presume that sum has been allocated to the Citizen's Information Board to pay the dedicated mortgage advisers. However, the advisers' contracts have only been extended until 15 February 2019, even though the sum of €2.5 million covers them for the full year. As a result, they have decided not to take on any new clients from 1 January because their position is uncertain, given that their contracts end on 15 February.

The Minister will be aware that as property values increase and vulture funds purchase more domestic loans, the pressure for repossession will increase. In that context, MABS has a vital role to play. The situation cannot continue whereby dedicated mortgage advisers who are uncertain about their status are not willing to take on new clients as and from 1 January 2019. I do not need to remind the Minister or the House of recent events in Roscommon.

Deputy Regina Doherty: The Deputy is correct in saying that the current contract runs out on 15 February. However, the service is well aware that I am bringing a report on Abhaile to Cabinet in the first or second week in January with a request to extend the service. A memorandum will be brought to Government seeking an extension of the service to the end of 2019. I am particularly proud of the staff of Abhaile and MABS who look after people. The debt cycle is changing. The people who were presenting ten years ago, five years ago and those presenting today are all presenting with different types of debt and MABS has always responded to them equally.

Abhaile was a direct response to the mortgage arrears difficulties being faced by tens of thousands of people. The number of people in difficulty is reducing and 116,000 who were in mortgage arrears have had a solution provided to them that is in line with what they can afford. However, there is still a significant number of people in difficulty who can freely avail of the services of MABS and Abhaile.

The foreign institutions to which Deputy O'Dea just referred which, in many cases, have bought debt from what we call our pillar banks are far easier to deal with and are far quicker to do deals in order to secure debt and keep people in their homes.

Deputy Willie O'Dea: I accept that the Minister is to recommend to Cabinet that Government authorises the continuation of the contract until the end of 2019. I ask her to do so immediately because there is an element of uncertainty here which has resulted in mortgage advisers deciding not to take on any new clients from 1 January. This is an undesirable situation. It is also my understanding that because many of these advisers have mortgages themselves and must pay their way, some of them are looking to the private sector for employment because of the uncertainty of their position. Would it be possible for the Minister to resolve this issue this side of Christmas?

Deputy Regina Doherty: That is not possible because the last Cabinet meeting before Christmas took place yesterday. The information that Deputy O'Dea brings to the House is news to me and I can guarantee that it is also news to the regional boards of MABS. We are certainly not refusing new clients or putting anyone's job or contract with Abhaile at risk. The service is fully aware that it has a full budget for 2019. The service providers do not have a

contract beyond 15 February but they can be assured that I will bring a memo to Cabinet and agree an extension of that contract in the first two weeks of January. There is no threat whatsoever. There is no instability in the service that is being provided and there is certainly no lack of dedication on the part of those who are providing it.

Deputy Willie O'Dea: They are not taking on any new clients from 1 January.

Social Welfare Appeals Waiting Times

43. **Deputy Bríd Smith** asked the Minister for Employment Affairs and Social Protection the action she plans to take to deal with backlogs in applications for social welfare schemes, including carer's allowance, and appeals to decisions taken by her Department; and if she will make a statement on the matter. [53444/18]

Deputy Bríd Smith: I ask the Minister to outline to the House the action being taken by her Department to deal with backlogs of applications and appeals for social protection schemes, including carer's allowance and domiciliary care allowance. I have information on backlogs in the Department that was given to another Deputy in June of this year and my question follows on from that.

Deputy Regina Doherty: I thank Deputy Bríd Smith for her question. My Department is committed to providing a quality service to those who submit applications for different schemes. This includes ensuring that applications are processed and that decisions on entitlement are made as quickly as possible. Where any scheme experiences delays, all possible steps are taken to improve processing times. This is not a static or once-a-year process. We continuously assess all schemes throughout the year and, where necessary and possible, we assign additional resources to areas experiencing delays. We continuously review our business processes to ensure the efficient processing of applications. In the case of carer's allowance, additional staff were reassigned to that area in October and November and claim processing times are improving. This is against a background of 3,500 new applications having been received in October and November. The goalposts are consistently moving but we are constantly monitoring the situation. Processing times now stand at 16 weeks, which is an improvement on the 17 week processing times we had in October. This improvement is a direct result of us putting more men and women into that particular section. However, Deputy Bríd Smith is right about delays. We have a target of a 12 week turnaround and we are a long way from reaching it. A number of new appeals officers have joined the appeals office in the past 18 months to replace experienced staff who have retired. Given the complexity of the appeals process, it takes some time for new staff to be trained up, to develop expertise in how the process works and to deal with the files as quickly as we would expect. The fact that they were in training for the last year and developing that expertise led to an extension of the average processing time for appeals.

The desire to process appeals quickly has to be balanced with the competing demand to ensure that decisions are consistent, of the highest quality and made in accordance with the legislative provisions and the general principles of fair procedures and natural justice. The chief appeals officer has advised me that appeal processing times continue to be a priority for her office and that she expects them to improve as recently appointed staff develop the necessary experience and expertise to determine appeal decisions to the standard required.

Deputy Bríd Smith: Deputies across this House will tell the Minister of numerous con-

stituents who have been waiting for months for a decision on an appeal.

11 o'clock

Other Deputies and I can tell the Minister of numerous clients who wait for months for decisions on appeals. The high level of initial refusals that are then forced to go into appeal is interesting. It is also interesting that the Department never informed people in writing that they can have a review of their case. It informed them that they have 21 days to appeal and there is a high level of appeals because there is a huge number of initial refusals. The initial wait to have the application either accepted or refused is well out of kilter with the desired target. It could be up to 16 or 17 weeks and there is the same wait again on appeal. People wait for months for their carers to be approved. It is ironic that this is for a cohort of people who are saving the State billions of euro by doing that care work at home. We discussed this already. Another cohort of people in the appeals process are those I referred to earlier. The number penalised on JobPath in 2016 was 63 and it soared in 2018 to 5,681. They are penalised and then they appeal. It is not the other way around. There is a problem with backlogs of appeal.

An Leas-Cheann Comhairle: I call the Minister.

Deputy Bríd Smith: It may sound like figures but those are people suffering from financial hardship.

An Leas-Cheann Comhairle: Take just the one minute, please, Minister.

Deputy Regina Doherty: I will. I do not know where Deputy Smith is getting her figures from. Only 1% of our applications are appealed. By any standard, that is not a huge amount. The Deputy claims that huge amounts of people are refused carers. The only people who are refused carers are those who do not reach the qualifications on the carer's application form. We do not willy-nilly say we will refuse people today and have a target of ten people to refuse next week. The only people who are refused carer's allowance are those who do not produce enough evidence to show that they reach the qualifying targets. Anybody and everybody can have their application reviewed or appealed if it is refused, and can have their appeal reviewed or their appeal appealed. The process is exhaustive. Contrary to some of the commentary here, we ensure we do everything to recognise the value of care. We go over and above to make sure that we help people who have not quite reached the qualifications. We are here to help to make sure that people get what they are entitled to get. It is not a lottery of trying to refuse people so that we reach certain numbers. Everybody who applies for any scheme gets what they are entitled to. If they have not provided full information to us, then we go out of our way with reviews, appeals and appeals of appeals to give them every opportunity-----

An Leas-Cheann Comhairle: Minister, please.

Deputy Regina Doherty: -----to provide the information that will give a satisfactory outcome for whatever scheme they are on.

An Leas-Cheann Comhairle: Please, Minister.

Deputy Regina Doherty: Sorry, Leas-Cheann Comhairle. I know it is not in the question-----

An Leas-Cheann Comhairle: We are not making progress this morning.

Deputy Regina Doherty: -----but the Deputy raised JobPath. The only people who are charged a penalty relating to JobPath are those who do not show up and engage with the programme that they have signed up for. In exactly the same way, anybody who engages with the live register through our Intreo offices who does not show up and present himself or herself as being available for work does not qualify for this scheme. One has to be on the live register-----

An Leas-Cheann Comhairle: I ask for some co-operation, please. I call Deputy Smith.

Deputy Regina Doherty: -----and available freely for work full-time to satisfy the criteria.

Deputy Bríd Smith: The Minister's angry tone at my questions indicates a certain defensiveness. My point about the jobseekers is the rate at which penalties are soaring, from 63 on JobPath in 2015 to 5,681 in 2018. I get my figures from the Minister's Department. The figure for 2017 for the number of disallowed carer's applications is 8,599. On appeal, 1,270 were allowed. That is quite high. It means that many people are initially refused and then forced to wait months for the appeal to come through. There are people sitting at home today who are still waiting for an answer. They are hurtling towards Christmas, suffering from financial hardship because of that. What action does the Minister plan to take to deal with the backlog of appeals and applications in the system? The answers the Minister gave in June to another Deputy were about trying to get more staff in, new targets that she was setting to be achieved and a redesigned application form. We are now in December and the Minister has failed to achieve those targets.

Deputy Regina Doherty: It is all about perspective. Somebody has only failed when he or she has stopped or given up. The Department will never stop or give up looking after the people who are most in need. To put it in context, there are currently 78,681 people who applied for carer's benefit last year. Fewer than 1,000 were refused on appeal. That is a tiny number by anybody's standards. There is a marked difference between the answer to the Deputy and the one in June, though I do not know who I gave that answer to in June. The question asked in June is the same question that the Deputy is asking me now except that we have recruited the extra staff that I said we would recruit in June. We have the new carer's application form that I said we were designing in co-operation with the Care Alliance and Family Carers Ireland that is ready to go live, with our general practitioners and medical assessment, for applicants for and recipients of carer's allowance from next year. All of the advances we said we would do have been done and the carer's application time is coming down. It was 18 weeks at the beginning of this year. It went to 17 weeks in the middle of the year and is thankfully now 16 weeks. I am sorry if the Deputy does not like my tone but it is nowhere close to the 12 weeks-----

Deputy Bríd Smith: I do not mind what tone the Minister uses.

An Leas-Cheann Comhairle: We will move on. I have given more than ample time.

Deputy Regina Doherty: -----which is why we will keep working to improve the service, not only the applications but the appeals process.

Illness Benefit Payments

44. **Deputy Thomas Pringle** asked the Minister for Employment Affairs and Social Protection the status of issues which resulted in delayed payments of illness benefit; if compensation

will be provided to those that experienced financial losses as a result; and if she will make a statement on the matter. [53267/18]

Deputy Thomas Pringle: This is a follow-up question from a Topical Issue debate that we had in November about delays and problems for people in receipt of illness benefit in getting paid through the Minister's Department. That is ongoing many months later and we are in the jaws of Christmas. What is happening with this?

Deputy Regina Doherty: The Department transferred administration of the illness benefit scheme to our new core business objects IT platform in August 2018. Although the system worked effectively for over 80% of illness benefit customers, significant difficulties arose following implementation for a large number of recipients. My Department took three main steps to resolve the issues impacting on payments. It deployed additional resources to process work and respond to inquiries. It developed some new system processes that addressed the payment gap issues and to ensure a faster flow-through of payments. It continued to review the design rules in the system to afford greater flexibility in processing of claims and certificates. As a consequence of the steps just described, people who are due a payment and whose certificates and claims are in order are thankfully receiving their full payment entitlements. In excess of 50,000 payments are made every week, which is the same number that we would have had before we made the changes on 6 August.

Telephone helpline and call handling performance has also been addressed and is now back to normal levels. The staff in the illness benefit section are particularly pleased about that. People who are due a payment and whose certificates and claims are in order now receive their payment entitlement promptly. In stating this, it is important, since I am sure Deputies will know of various instances where people are still not receiving payment, to say that there are always cases where people do not receive what they might expect to get in a specific week. That is true today for a variety of reasons but it also existed prior to 6 August when we moved to the new system. We will endeavour to keep those to a minimum but it is inevitable that some errors will be made in illness benefits, given that we have over 9,000 transactions per day. Human beings receive those transactions and work on them every day.

Deputy Thomas Pringle: I do not know where the Minister is getting her information from. Maybe her Department is not telling her the full story. I have a litany in my office of people who have had problems and who are constantly getting payments, though they have told the illness benefit section that they are not required since they are back at work. Some people have never been paid for the times they have been off. Some people were off for a couple of weeks in August and still have not been paid for it. Talking to other Deputies, I hear a litany of complaints from them. One person who was off sick for two weeks in August, only just this week, after going in five or six times himself to tell the Department that he is back at work and not entitled to the money, is still being sent money. It cancelled it and then sent him a cheque for €1,600 after him cancelling it again. He had to go to a Deputy to get it cancelled the second time. Other people are getting money on haphazard days of the week. They have no way of planning and cannot do anything about it. They might get €200 this week and €99 next week. There is a litany of such issues and any Deputy in this House will have the same problems. I do not know where the Minister is getting the information from. The Department is obviously telling her the good story, which is fair enough, but there is another side which the Minister needs to look at.

Deputy Regina Doherty: I tell the Deputy again that I can only deal in the facts. I have

received a daily report on illness benefit since the proverbial hit the fan during the summer. It was an incredibly stressful time for the thousands affected in exactly the manner the Deputy has just described. I apologise sincerely again to all those recipients who were mucked around on foot of our attempt to change things to make them more efficient. It went on for far too long and the goalposts kept moving. When we fixed a problem, we created another one. I acknowledge and accept completely that it was not handled well. At the time, my office and our social welfare offices were inundated. There was no day on which I did not have a queue of Deputies approaching me with lists of individuals in their constituencies who were receiving services like the one Deputy Pringle has just described. Since we made the changes a number of weeks ago, we have gone back to reflecting on the fact that we received 9,000 applications every day which is why people get paid every day. We do not do a payment run on a Friday and pay 55,000 people. People get paid on the day they present for services. They are paid on Monday, Tuesday, Wednesday, Thursday and Friday. It may be different every week for a person who presents his or her certificate on a different day every week. That is how the system is run. I have not had the lists and queues of people outside my door.

An Leas-Cheann Comhairle: I call Deputy Pringle.

Deputy Regina Doherty: Calls to our helpline are back down to normal levels. People have all but ceased to send me individual representations from constituencies.

An Leas-Cheann Comhairle: Please, Minister. We are making no progress today.

Deputy Regina Doherty: If Deputy Pringle has people who are still distressed, I ask him to give me the details and I will resolve matters immediately.

An Leas-Cheann Comhairle: There are other Members. I call Deputy Pringle.

Deputy Thomas Pringle: We have a litany of people who are distressed. That is the problem. This is still going on. We do not want to be dealing with this every day in our office when we could be doing much more useful work. This is down to mistakes the Minister's Department made in the changeover in the system. We are only getting a percentage of the people involved. While we do not, admittedly, get the people who are happy, people with problems are still coming to us. As such, it must still be happening. It is not acceptable to say it is the normal percentage of people who will never be happy because we did not have this before the system was changed. If it was normal, it would have been going on all the time. These people need timely, prompt decisions so that they can manage, which they cannot do at the moment. The length of time it is taking to make decisions is causing major harm to people. The Department must recognise that.

Deputy Regina Doherty: I do not mean to split hairs or fight with the Deputy, but anyone who comes to me with an issue and a personal public service number will see that resolved on the same day. I appeal to the Deputy that if there are people living in Donegal who feel they are still experiencing difficulties and he provides me with their personal public service numbers, I will have the matters resolved today. I am not splitting hairs with the Deputy when I say the statistics speak for themselves. We receive 9,000 applications every day and we pay in excess of 50,000 claimants every week. It is nowhere close to where we were when we were in the middle of the wars, trying to make the system more efficient and cocking up in the months of August, September and October. However, the system is working now. Any system receiving a volume of 9,000 applications every day will experience human or IT error. It is nothing close to

what it was during the previous period and it is being resolved. If the Deputy wants to provide the personal public service numbers of people in his constituency experiencing difficulties, I will have them resolved today.

Ceisteanna Eile - Other Questions

Commencement of Legislation

45. **Deputy Richard Boyd Barrett** asked the Minister for Employment Affairs and Social Protection if she has considered in the absence of commencing Part 9 of the Children and Families Relationship Act 2015, publishing a stand-alone Bill to correct the technical errors in Part 9. [53414/18]

69. **Deputy Richard Boyd Barrett** asked the Minister for Employment Affairs and Social Protection when the amendments needed will be progressed to commence Part 9 of the Children and Family Relationships Act 2015; and if she will make a statement on the matter. [53207/18]

73. **Deputy John Brady** asked the Minister for Employment Affairs and Social Protection the status of the commencement of Part 9 of the Children and Family Relationships Act 2015; if the amendments required in Part 9 in a stand-alone Bill will be expedited; and if she will make a statement on the matter. [53332/18]

79. **Deputy Louise O'Reilly** asked the Minister for Employment Affairs and Social Protection the reason for the delay in the commencement of Part 9 of the Children and Family Relationships Act 2015; the steps she has taken to date to address the issue; when this Part of the Act will be commenced; and if she will make a statement on the matter. [53440/18]

Deputy Richard Boyd Barrett: The Children and Family Relationships Act was enacted in 2015. It is now 2018 but Parts 2, 3 and 9, which is the one involving the Minister for Employment Affairs and Social Protection, have not been commenced. This has very serious implications for couples who are having children through donor-assisted human reproduction, in particular same-sex couples, as there is no proper facility for the registration of parents and children. People are at their wits' end wondering why the Government has not commenced these sections.

Deputy Regina Doherty: I propose to take Questions Nos. 45, 69, 73 and 79 together.

I thank the Deputy for raising this issue which it is particularly important to address now that so many people have been waiting for so long for ratification. I am aware of the pressing need to make technical amendments to the Children and Family Relationships Act 2015, including those sections of Part 9 which provide for the registration and re-registration of the birth of a donor-conceived child and, in particular, make possible the registration of details of "parent", "mother" and/or "father", where required. I want to make these necessary amendments at the earliest possible opportunity, which is why it is my intention to bring forward a stand-alone Bill very early in 2019. Commencement of the amendments is dependent, however, on the commencement of Parts 2 and 3 of the 2015 Act, which is the responsibility of the

Minister for Health.

Sequencing is perhaps the most important matter here. If I commence my Part before Parts 2 and 3 are commenced, there will be unintended outcomes of the sort neither Deputy Boyd Barrett nor I wish to see. It is therefore important for the Department of Health to put in place the administrative and operational arrangements necessary to facilitate the implementation of Parts 2 and 3 of the 2015 Act. That includes the establishment of a national donor-conceived person register and the appointment of authorised persons under the Act. It is the Minister for Health's intention to implement these provisions at the very beginning of 2019. As such, officials from my Department are working with the Civil Registration Service and the Department of Health to ensure that the appropriate legislative, regulatory, and operational mechanisms will be in place to permit the earliest possible commencement of all of the relevant legislation, including the relevant provisions of the Social Welfare, Pensions and Civil Registration Bill 2018, to provide for the birth registration of donor-conceived children and the right legal status.

Deputy Richard Boyd Barrett: I am glad to see the Minister is focused on this and that there is a plan. However, there is a great deal of frustration out there. One woman wrote to me in the following terms:

I am facing a particularly difficult situation where I am seven months pregnant and as it stands my wife will not be recognised as the parent of our child as certain Parts of the Child and Family Relationships Act have not been commenced. Whilst I acknowledge that some matters take time to be sorted out and implemented, it should not take years. I am extremely dismayed, horrified and disheartened by the repeated neglect and push-back on the implementation and enactment of this Bill.

That is the human reality of this situation. In June of this year, it was promised that Parts 2, 3 and 9 would be commenced by October, but it has still not happened. There were amendments to the children and family relationships legislation. I understand that it is a complex, interdepartmental issue, but the Minister can see the frustration that exists. People want a definitive timeline to ensure commencement takes place very soon.

Deputy Regina Doherty: The Deputy does not need to read me his letters because I get them myself, although it is valuable to read them into the record of the House to demonstrate to people the frustration being experienced. I might not get them every day but certainly I receive them every second day from families who just want to have their legal status recognised. I appreciate their frustration. I am not sure who gave the commitment to have this done by October, but I hope to God it was not me. The only commitment I can give to the House today is that I am bringing forward a stand-alone Bill to make the amendments required from my Department to facilitate the commencement of Part 9 of the 2015 Act at the beginning of next year. I will be seeking the support of the House to pass the Bill in a speedy manner, given that we all want the same thing, and I will take it through the Dáil and Seanad as quickly as possible. That is contingent, however, on the administrative actions of the Department of Health. Those actions are a priority of that Department in the period immediately after Christmas. To be fair to the Department, the team of people who will be looking after this are the same people who have been here every night for the past couple of months until 11 p.m. or midnight working on another matter. We cannot split ourselves to make nine people, but that does not discount the frustrations of those who are waiting on this commencement. My commitment to them is that my Part will be addressed at the beginning of next year. The Minister for Health, Deputy Harris, shares that commitment equally.

Deputy John Brady: While I welcome the fact that a stand-alone Bill will be brought forward to deal with the typographical errors in Part 9 of the 2015 Act, that Part and others were supposed to have been implemented within 12 months of enactment. It has taken three years to identify those errors and a further six months to rectify them. It has left hundreds of people feeling very vulnerable and at a loss as to what exactly is going on. I understand the Minister intends to bring a memorandum to Cabinet on 3 January and that the Bill will be brought forward then. We need a commitment that it will be brought forward as quickly as possible, as the Minister has indicated. We need a commitment that it will be passed as quickly as possible. The Minister needs to give that commitment here and now to the many hundreds of people who have been left feeling very vulnerable because of these mistakes.

Deputy Regina Doherty: At the risk of repeating everything I have just said to Deputy Boyd Barrett, and in case Deputy Brady was not listening, I will reiterate exactly what I have just said. I plan to bring a memo to Cabinet at the beginning of next year. Deputy Brady obviously knows more about my schedule than I do given that he has a date and I do not. It will be the beginning of next year. With the co-operation of every Member of this House, we will get it passed very quickly.

An Leas-Cheann Comhairle: Are there any supplementary questions?

Deputy Richard Boyd Barrett: Yes. Can we hold the Minister to that? I do not know who made the promise but I believe it was made in the context of the amendments in June, so it probably was not the Minister. It was said nonetheless and that is a frustration for people. I hope we can be sure on this.

Deputy John Brady: The date I was given was 3 January-----

Deputy Regina Doherty: By whom?

Deputy John Brady: It was through our team. We put in many parliamentary questions on the issue and it was indicated that it was due to come to Cabinet on that date. I may stand corrected and I do not claim to have any inside knowledge into the Cabinet. The Minister can rest assured that she has Sinn Féin's total support to ensure the Bill passes as quickly as possible. I take it that a genuine mistake was made but it needs to be rectified as quickly as possible.

An Leas-Cheann Comhairle: The Minister has clarified. We will move on.

Carer's Allowance Delays

46. **Deputy Joan Collins** asked the Minister for Employment Affairs and Social Protection the reason there are prolonged delays in processing payments for successful applicants of carer's allowance such as in the case of a person (details supplied); and the steps she is taking to eliminate these delays. [53445/18]

Deputy Joan Collins: Why are there prolonged delays in processing payments for successful applicants for carer's allowance? At the time of my submitting this question, a constituent who had won an appeal on 25 September 2018 had still not received payment. She called in on Monday and told us that she has been paid eventually. This woman is looking after her grandmother and she only got paid this week after an appeal decision on 25 September. I put it to the Minister that this kind of serious situation requires redress.

Deputy Regina Doherty: The social welfare appeals office functions entirely independently to and separately from the Minister for Employment Affairs and Social Protection and the Department. It is responsible for determining appeals against decisions in relation to social welfare entitlements. All decisions taken by my Department's deciding officers and designated persons are appealable to the chief appeals officer. About 85% of all claims are awarded in the first instance when the application is made, and just 1% of the applications are appealed annually. The Department is concerned that these cases are dealt with as quickly as possible.

Where an appeals officer decides that a person is entitled to a social welfare payment, the case is returned to the Department to implement that decision and initiate payment to the person as soon as possible. Every effort is made by the Department to implement appeals officers' decisions as quickly as possible. I appreciate, however, that there are probably far too many people who experience extended delays. We are doing our best to make sure they get reduced by adding extra personnel to the management of the cases and by bringing on board extra adjudicators with expertise in the medical decision-making process, which does not come when one has just arrived in a job. Perhaps the Deputy is not aware that earlier we had referred to this issue during another question. A number of people have retired from that particular section of the Department within the past 18 months. Although they have been replaced, things would not have come to them as quickly without the experience of dealing with appeals. That expertise has been developed over the past 12 to 18 months. We are seeing our numbers coming down from 18, to 17 to 16 weeks, and it is the same for the appeals decisions. We are not finished and we do not accept that where we are is an acceptable position . The target is 12 weeks and we are an awfully long way from that.

In the case referenced by the Deputy, an appeals officer allowed the appeal for carer's allowance, subject to the discharge of the care recipient from hospital which, I am glad to say, has happened. I wish them well in the recovery and that the carer giving the care will mind and look after herself also. I offer good wishes from my Department.

Deputy Joan Collins: I accept the Minister's address on this but the fact was that the appeal was cleared and the applicant won the appeal on 25 September. It then went to the carers section for payment. It took from 25 September until now for the payment to come through. I accept that the appeals office is separate to the Department but how could it be more linked in with the Department and is there a way to deal with that successfully? I do not accept that someone has to wait that long to get a payment that had been cleared. The Minister said that the carers' application form is to be introduced in the new year. This will be a good and helpful measure because when people made their first application, many were not too sure about what information exactly was being sought to make the claim and to have a successful claim.

Deputy Regina Doherty: Notwithstanding the difficulty in the length of time for processing an initial claim and then for a claim to go from review to appeal or from appeal to the deciding officer, it is genuinely unexplainable and unacceptable that when an appeal is made and the deciding officer decides in the positive for the carer, a carer would have to wait as long as the Deputy's constituent has. I am not justifying the delay in any way, shape or form, but applications or appeals go back to departments and are put on a pile with other applications and are dealt with chronologically. When a person's application is deemed successful, however, we should find a different way of doing it. I will certainly make it our intention to look at that in January.

Dáil Éireann
Illness Benefit Waiting Times

47. Deputy Thomas Byrne asked the Minister for Employment Affairs and Social Protection if her attention has been drawn to the burden imposed on those who were denied rightful entitlement to illness benefit at various points during 2018; and the way in which she plans to address same. [53255/18]

Deputy Thomas Byrne: I raise this question in relation to the scandalous recent and ongoing delays in illness benefit payments. The introduction of the new IT system platform launched in the summer was very poorly handled. Constituents cannot understand how the most vulnerable citizens, those who are working and have had to leave employment because of serious illness, are left in a completely penurious state. It is unacceptable. What is the Minister going to do beyond simply words of apology? If it was a bank, we certainly would not simply accept an apology from them.

Deputy Regina Doherty: I thank the Deputy for bringing up this issue, although he might be late to the party. We have had a number of discussions on this issue over recent-----

Deputy Thomas Byrne: It is an outrageous statement that I am late to the party.

Deputy Regina Doherty: My Department-----

Deputy Thomas Byrne: This is no party for my constituents. I have been in touch with the Minister's office over this. It is not a party.

An Leas-Cheann Comhairle: I wish to make it clear that all Deputies of the House are not expected to be here. I am sure they are expected to be in the House for their own questions. I do not think a Deputy should be reprimanded for not being here earlier.

Deputy Regina Doherty: I certainly was not reprimanding anybody about their presence. I was-----

An Leas-Cheann Comhairle: Well, whatever the word is. A reminder, if you will.

Deputy Regina Doherty: I mean no disrespect to the Leas-Cheann Comhairle but there is no need to remind me. I was referring to-----

An Leas-Cheann Comhairle: The Minister said "late to the party".

Deputy Thomas Byrne: We are talking about people who have cancer.

An Leas-Cheann Comhairle: I ask the Minister to continue. We will not solve problems by splitting hairs.

Deputy Regina Doherty: No. We certainly will not. I thank the Leas-Cheann Comhairle. My Department transferred the administration of the illness benefit, IB, scheme from a legacy IT platform to its newer core IT platform in August 2018. Although the system change has worked effectively for more than 80% of illness benefit customers, significant difficulties arose for a number of customers following the implementation. This was a matter of great concern and genuine regret to my Department and to all of the people in the illness benefit section.

My Department took three main steps to resolve the issues impacting on payments. First,

it deployed additional staff to process work and respond to the customer enquiries, which were in the thousands. Second, it developed some new IT workarounds to address the payment gap issues and to ensure a faster flow-through of payments to illness benefit recipients. Third, we continue to review the design rules in the new system to afford greater flexibility in the processing of claims and certificates. I believe we have made good progress in this regard, with payment levels returned to and maintained at the expected norm of more than 50,000 customers paid each week for the past two months. Arrears payments have also been made to customers whose payments were delayed. Telephone helpline and call handling performance has also been addressed and is now, thankfully, back to normal levels.

Currently, people who are due a payment and whose certificates and claims are in order receive their payment entitlement promptly. It is important to note that there are always cases where a person makes an application and expects to receive a payment but the payment is legitimately stopped or paused for a variety of reasons.

Additional information not given on the floor of the House

In addition, there will always be cases where errors are made that impact on payments to individual customers. While we endeavour to keep these to a minimum, it is inevitable that some errors will be made in an illness benefit scheme that processes more than 9,000 transactions per day. To ensure we learn from the lessons of the transition of the IB system onto a new platform, I have arranged for an independent review into how the changes to IB were planned, implemented and - importantly - communicated to customers. I expect this work to be completed early in 2019. Finally, I sincerely apologise again for the difficulties and burden experienced by customers earlier this year and believe the action taken to address these issues has worked and is continuing to work to ensure customers receive a good standard of service.

An Leas-Cheann Comhairle: For the benefit of the House, I am sure Members are aware that if there is another question, it cannot be linked with a priority question. This is the rule of the House and I want to make it known to those who may not be aware. Deputy Byrne may now ask his first supplementary question.

Deputy Thomas Byrne: I am certainly not late to this issue. On one day in recent months my office handled 17 separate complaints, including one from an individual from an estate within walking distance of the Minister's office who was not able to get any satisfaction from that office. Another case the Minister describes as a party is that of a lady with breast cancer who initially came to me through a pharmacist and who could not get a medical card. She told me that the reason she could not afford her medicine was because her illness benefit had not been paid. We took that on as a separate issue. That is what the Minister describes as a party. It is no party for my constituents. If a bank were to do this to these constituents, if it were to deprive them of money through negligence, not only would the money be repaid but interest and compensation would be paid. The Department of Employment Affairs and Social Protection needs to look at itself extremely carefully. For the Minister to describe this as a party is absolutely devastating for the constituents affected. We have raised this on numerous occasions. I thank the staff because when a Deputy's office rings there is a mechanism with the Department to sort these issues out relatively quickly once that call is made. I feel sorry for those constituents who did not think to ring a Deputy's office or who could not get through on the phone lines. I thank the staff but the Department must come up with better than criticising the Opposition and describing the issue as a party.

Deputy Regina Doherty: I probably owe Deputy Byrne an apology if he thinks I was criticising him or the Opposition. The Opposition from all sides of this House has been nothing but incredibly helpful with regard to this process in recent months. I have acknowledged this on so many occasions that I have forgotten how many, but I will do it again. When we changed over in August, we upset a system with the premise of trying to make it more efficient for the more than 50,000 recipients who receive illness benefit, to which they are absolutely entitled. They get it because they pay into the Social Insurance Fund and they get it every single week. When we tried to introduce efficiency to the system we cocked up. We made an entire balls of it. We messed up. We have apologised profusely, and I will do it again. To all of those people who for far too many weeks and months were ill-affected by the changes in the Department I sincerely apologise.

We have done three things in recent months to ensure that the efficiencies which were originally anticipated are brought to the system. We have co-operated with our GPs who, in fairness, have worked with us tirelessly in recent months to make sure that the system is efficient. Initially it was efficient for 80% of the people. The GPs have worked incredibly effectively and hard with us in recent months for the 20% who were maligned by the new system. I am happy to say we have reached a new agreement with the IMO and all of our GPs with regard to the new systems and certification to start next year.

With regard to the phone lines, the number of calls is right back down to a manageable amount. As I said here earlier, although I know we should not be linking old questions with different questions and for that I apologise, the number of people who have been coming to us through Deputies' offices has significantly reduced in recent months. As I said earlier to all of the Deputies here, if anybody, including Deputy Thomas Byrne, has any constituency issues they would like to bring to the attention of the Department, I would be very happy to take them and have them resolved immediately.

Deputy Thomas Byrne: My colleague, Deputy O'Dea, tells me that it is not correct that all GPs have signed up. In fact more than 70% of GPs have confirmed that they are still using the old form. As recently as yesterday we were on to the Department about a constituent who religiously and routinely sends in her certificates weekly but who has been deprived of payment. We do not want apologies. We have heard the apologies. We want practical help for the people who have been put in really difficult situations, the consequences of which are still affecting them. This is no party for anyone on illness benefit. Illness benefit is a payment people get when something tremendously bad happens in their life which prevents them from continuing to work. Only people in the most serious of cases get illness benefit. I accept the Minister's apology, but to describe it as a party really shows the attitude of the Minister and within the Department which led to this situation festering over the summer and recent months. I contend that it is still affecting some constituents of which I am aware.

Deputy John Brady: I have been told that a fix has been put in place in the illness benefit section which will mean that all medical forms will be certified to cover the Christmas period. I see that as trying to put off any negative press for the Department and for the Minister. I am told that there will be a litany of problems come January because of this blanket certification which is being put in place over the Christmas period. Will the Minister give us categorical assurances that there will be no further problems with the automated system come the new year?

Deputy Regina Doherty: The Department is not employing any blanket certification currently. Deputy Brady will see in every single local and regional newspaper throughout the

country that we have spent a significant amount of money to inform people as to when their payments will be made over the Christmas period. There will be no changes to effective illness benefit whatsoever. People who get paid on a Monday will be paid on a Monday, and it will be the same for those paid on a Tuesday, Wednesday or Thursday. There is no blanket certification.

I am not sure what Deputy Byrne means by his claim. The 9,000 certificates we receive every single day come in on the new forms. There are some old forms still in existence in our GP services. We have agreed with our GPs that claims on these forms will still be paid until all of those old forms are exhausted and they move on to the new forms. For the record of the House I will say for the third time that the IMO and the Department successfully concluded negotiations last week. I look forward to a continued prosperous relationship between the two.

Question No. 48 replied to with Written Answers

International Agreements

49. **Deputy Bernard J. Durkan** asked the Minister for Employment Affairs and Social Protection the extent to which her Department has direct contact with other jurisdictions with which a bilateral arrangement for social welfare exists with particular reference to the need to ensure a smooth and expeditious process in dealing with claims particularly in circumstances in which contributions in two or more jurisdictions arise; and if she will make a statement on the matter. [53447/18]

Deputy Bernard J. Durkan: This question relates to the countries with which we have bilateral arrangements in respect of pensions or entitlements for which contributions have been paid in more than one jurisdiction and to the need for the Department to play a leading role in this area. If it does not, it may take a long time for the constituents falling into this category to have their cases processed.

Deputy Regina Doherty: I thank the Deputy for this question in particular as it is an issue on which we exchange correspondence weekly. In addition to the general EU regulations governing interoperability of social welfare between the 28 member states of the EU, Ireland has concluded ten bilateral agreements on social security with jurisdictions including Australia, Canada, New Zealand, Quebec, Switzerland, USA, South Korea and Japan. The agreements are limited to certain social welfare benefits and are mostly pension related.

In considering the need to negotiate a bilateral social security agreement, priority is given to countries with which there are the highest levels of worker migration and countries in which Ireland has greatest economic interest. The nature and scope of the social security system in operation in that country is also another significant consideration. The main purpose of these agreements is to protect the pension rights of people who have worked and paid social security contributions in Ireland and the countries with which Ireland has such agreements. This is achieved by allowing reckonable social security contributions paid in one or more of these countries to be aggregated with Irish full-rate social insurance contributions for the purposes of qualifying for certain contributory payments in Ireland or in these countries. Liaison arrangements are in place with the relevant authorities of the countries with which Ireland has social security agreements for the transmission of, or request for, information in order to compile the full extent of a claimant's insurance record. These agreements are underpinned by legislation.

If the Deputy is referring to a particular case, he might give me the details and we will see if we can resolve any existing issue.

Deputy Bernard J. Durkan: I thank the Minister for her reply. The Department previously pursued applications for such benefits abroad, particularly in the UK, as if they related to this jurisdiction. That was very satisfactory. In the current circumstances the Minister might consider ensuring that our Department plays a lead role and pursues applications for entitlements to a satisfactory conclusion. Particularly in cases where entitlements arose in two jurisdictions, and where responsibilities and entitlements were divided, the attitude of the other jurisdiction seems to be arbitrary. We need to contest that vigorously because the people concerned made pension contributions in the UK and are entitled to recompense by way of pension.

Deputy Regina Doherty: I believe the Deputy is talking about preparations for Brexit and the security of the common travel area in particular. For the record of the House, I met with Esther McVey MP at the beginning of 2018 when she was the UK Secretary of State for Work and Pensions. Both of our Departments have subsequently been in constant negotiations and discussions with regard to preparations for the variety of possible outcomes of the negotiations between the United Kingdom and the EU 27 which may take effect in March. I have recently been in contact with Amber Rudd MP who, as the Deputy will know, is the new Secretary of State for Work and Pensions. We are working together with a view to establishing a bilateral agreement under the auspices of the common travel area. That will replace the current working relationship we have enjoyed under EU Regulation No. 883/2004. It is anticipated that the existing rights and arrangements we have enjoyed for many years will continue to be enjoyed by the Irish and the British living in one another's countries.

Working Family Payment Data

An Leas-Cheann Comhairle: Deputy Penrose will ask Question No. 50 on behalf of Deputy Burton.

50. **Deputy Joan Burton** asked the Minister for Employment Affairs and Social Protection the number of civil and public servants, respectively, in receipt of the working family payment; the number of payments made and estimated amounts paid in 2017 and to date in 2018; and the number of payments made in respect of members of the Defence Forces in 2017 and to date in 2018. [49208/18]

Deputy Willie Penrose: Significant concern has been expressed about the number of civil and public servants who must resort to relying on the working family payment. Does the Minister agree that this is a significant indication of the inadequacy of the current wage levels and structures?

Deputy Regina Doherty: The working family payment, WFP, is an in-work support which provides an income top-up for employees on low earnings who have children. The WFP is designed to prevent in-work poverty for low-paid workers with children to offer them a financial incentive to take up employment.

Our latest figures, which are from the end of November 2018, show the WFP was in payment to 3,239 civil and public servants, although the information available to the Department does not allow a distinction between the two groups. Some 86 members of the Defence Forces

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were in receipt of WFP at the end of November. In total, the WFP was in payment to 53,384 employees at the end of November 2018, supporting more than 120,000 children, and expenditure on the scheme to that date was €380 million. The estimated total expenditure for 2018 is €411 million.

At the end of 2017, the WFP was made to 57,745 employees and expenditure for 2017 was an estimated €415 million, which was almost the same as for 2018. At the end of last year, some 104 Defence Forces employees were in receipt of WFP. The number is, therefore, reducing. The number of Defence Forces families in receipt of the WFP at the end of December 2017 was 104, whereas some 86 Defence Forces families were in receipt of the WFP at the end of November 2018.

Deputy Willie Penrose: That 3,239 civil and public servants had to resort to this payment indicates the inadequacy of their current wage levels and structures. Thankfully, the payment is available to them. The Minister mentioned expenditure of more than €400 million for the whole cohort of people who rely on the payment, but how much of that is devoted to the civil and public servants who must rely on it?

On the 86 members of the Defence Forces to whom the Minister referred, she will be aware of the significant campaign against the abysmal level of pay for the Defence Forces. The pay is insulting to those who give their lives and put themselves on the line to protect their country, doing excellent work abroad. If not for the overseas payment they receive, Defence Forces families would often fall below the poverty line. This is an important issue. The Minister said only 86 members of the Defence Forces have applied but, as has been made clear to me and other Deputies, a larger number than that qualify for it. While the low number of applications is some relief, it cannot disguise the fact that members of the Defence Forces, with whom I am very familiar, have suffered a great deal both through pay and allowances, which is why they must resort to this payment. In that context, how much has the Minister provided for these payments for 2019? Is she satisfied that the number of applications will continue to reduce?

Deputy Regina Doherty: I am not sure that more than 86 families applied. Although I may have given the impression that other people applied for but did not receive the payment, that was not what I intended to say. Rather, my point was that some 86 members of the Defence Forces were in receipt of the payment at the end of November.

The rates of pay in any public sector occupation are not set by reference to the size of the employee's family, whereas the working family payment is a scheme specifically designed to help people with their families, especially those with larger families. It is not the case that every job at every level is designed to provide sufficient remuneration to sustain larger families, even though it potentially should be. If it was, labour costs, not least for public services, might become prohibitive.

I do not have the exact number for the fund for 2019 but I expect it to be higher than this year given that we introduced extra disregards and changes in the budget. I will revert to the Deputy later with the exact figure for what is in the Estimates for 2019.

Deputy Willie Penrose: I take the Minister's point. It is great to have a family payment because, as the eldest of ten children, I remember there was no safety net like this and, therefore, I welcome it.

Is it not indicative that if people cannot rear a family on their level of wages, they will have

no chance of securing or paying a mortgage or anything else? It is a circular argument and it must be recognised that, as the economy improves, the pay and conditions of public and civil servants, particularly the Defence Forces and their allowances, will have to be addressed in any forthcoming negotiation and review of payments?

Deputy Regina Doherty: I agree with the Deputy that in a world where any man or woman goes out to work, he or she should be able to earn enough to sustain a family. My point, which may have been made clumsily, was that when we sit down for negotiations with the public sector, we do not decide what a nurse should be paid if he or she has two, four or ten children. The salary is the salary, which is why it is more important we have payments with added disregards such as the working family payment.

The payment, which was established by the former Fianna Fáil Government and then modified in the past number of years, is definitely a worthwhile support. We wish we did not need it and that everyone went to work as much as necessary to provide for himself or herself. Until that day of utopia, however, the working family payment is important in all its guises.

An Leas-Cheann Comhairle: Sula mbogaimid ar aghaidh go dtí an cheist eile ón Teachta O'Dea, ba mhaith liom fáilte a chur roimh na daltaí atá anseo ó Phobalscoil Chloich Chionnaola i nDún na nGall in éineacht lena múinteoirí. Tá súil agam go mbainfidh siad sult agus sásamh as a dturas anseo go Baile Átha Cliath, agus go háirithe anseo go dtí Dáil Éireann. Tá fáilte rompu.

Budget 2019

51. **Deputy Willie O'Dea** asked the Minister for Employment Affairs and Social Protection her views on a recent ESRI report which found that as a result of budget 2019, lower income households will face proportionately greater losses than higher income households that benefit more from cuts to the universal social charge and an increase in the higher rate threshold for income tax; and if she will make a statement on the matter. [53321/18]

Deputy Willie O'Dea: My question relates to the recent Economic and Social Research Institute, ESRI, report on the effects of overall income distribution of the budget. Will the Minister comment on the report?

Deputy Regina Doherty: The ESRI report assesses the impact of the tax and social welfare measures in budget 2019, using SWITCH, the ESRI tax and benefit microsimulation model. As the Deputy will be aware, my Department also uses SWITCH to produce an annual social impact assessment of the main tax and welfare budgetary measures every year. In general, SWITCH analysis shows that households at the lower end of the income distribution benefit from increases to welfare payments while income tax measures are more beneficial for those who earn much higher salaries.

There is a difference between the conclusions reached by the ESRI and my Department's assessment. This is because the ESRI analysis benchmarks the budget measures against a scenario where all social welfare payment rates, tax bands and tax credits are increased in line with a forecast 2019 average wage inflation rate of 2.9%. Therefore, rather than comparing changes against the reality, or the "as is" situation, the ESRI compares the changes with an anticipated future state, but that is often not achieved. The ESRI report states that the budget 2019 mea-

sures will result in household incomes being 0.66% lower than estimated in this projected future state, with households at the lower end of the income distribution being more affected than those at the higher end of the income distribution.

By contrast, my Department's social impact assessment provides a straightforward year-on-year comparison which shows an increase in the average household income of 0.7%, with households at the lower end of the distribution showing above average gains. The main welfare rate increases of €5 per week announced in budget 2019 are well ahead of the forecast inflation of 1.2% next year, resulting in increases of between 2.5% and 4.6% for people of working age and 2.1% for pensioners compared with 2018 rates.

My Department will publish the budget 2019 social impact assessment before the end of this year.

Deputy Willie O'Dea: There are different ways of measuring income, and there is no rule that says one way is better, more equitable or correct than another. The ESRI, using its measurement system, concluded that the budget represents a small net loss for households on average, with larger than proportional losses for lone parents, retirees and lower income households. Page 14 of the report states:

losses of disposable income are on average largest for the third lowest income decile (0.94 per cent) and smallest for the highest income decile (0.37 per cent). With the exception of the very lowest income decile, households in the bottom half of the income distribution ... lose by more than those in the upper half ...

Is that not a very compelling case for the budget to be poverty proofed, or equality proofed? Various commitments were made publicly that it would be done. What is the position in that regard?

Deputy Regina Doherty: The budget is poverty proofed every single year because the aim in giving back workers more of the tax the Government takes out of their pockets is to improve their financial status. The aim in increasing financial payments under every single scheme in the Department of Employment Affairs and Social Protection is to improve the financial status of those who are entirely reliant on social welfare. When we look at the recent poverty data from the 2017 survey of income and living conditions which was published in recent weeks, they show significant reductions in the two main poverty rates. The consistent poverty rate for 2017 was finally down, which I was not expecting because I felt the qualified child increases and the changes we had made to payments for lone parents in last year's budget would not have had as much of an impact as they did. We have moved from a consistent poverty rate of 8.2% to 6.7%, which is nowhere close to the targets we have set for 2020, but given that we increased significantly the qualified child increases in this year's budget, I am hopeful that next year's figures will be even better. The deprivation rate is 18.8%, down from 21% in 2016. We have a long way to go, but what is most important is that there is a continuing downwards trend in the rates of consistent and persistent poverty and that there is a continuing upwards trend in employment, which is the single and most effective route out of poverty for any person or family.

Deputy Willie O'Dea: I have also studied the recent figures and what the Minister did not say was that some of the movements were extremely slow, while others have moved in the opposite direction. However, I do concede that the position is generally improving. Nevertheless, I put it to the Minister that many people have still been left behind. One in five children is liv-

ing below the poverty line. Some 10,000 people, 4,000 of whom are children, will be forced to spend this Christmas in emergency accommodation. The Society of St. Vincent de Paul tells us that it is receiving 1,000 calls per day in the run-up to Christmas. Is the Minister optimistic that she will achieve her stated targets to reduce the rates of consistent poverty and child poverty? When is it proposed to publish the national action plan for social inclusion 2018 to 2021?

Deputy Regina Doherty: I am especially mindful of the draw on people's pockets at this time of year, not just of the people about whom the Deputy is talking who are entirely reliant on social welfare, and it was the main driver of my seeking an increase in the Christmas bonus, a term I do not like. We should call it something else. The extra payment given to families who are entirely reliant on social welfare payments was increased to 100%, having been drastically cut in recent years because we did not have the money to make it. That is a small indication of the Government's intention to try to address the extra costs people face at this time of year.

The funny thing about statistics is that different people read and interpret them in different ways. The only way I can determine the survey of income and living conditions, SILC, and the ESRI's determinations is that the levels of consistent and persistent poverty for families, especially children, are reducing. They might not be reducing as fast as the Deputy and I would like, but they are definitely reducing, which is incredibly positive.

The small increase in qualified child increases to which we agreed in this House last year in budget 2018, in addition to the changes in employment practices and circumstances, the income disregards introduced for both the working family payment which has been designed to help people with families who are in employment and lone family and working transition payments, have had a significant impact on the rate of consistent poverty which has reduced from 8.2% to 6.7%. Given that we have introduced multiple disregards and increases this year, I hope they will have a significant impact on the figures at the end of 2019, but we will not know that until next year. However, I am genuinely positive. For me, the single biggest driver and the fastest route out of poverty for a person or family is a job. That is the reason I fight with Deputy John Brady week in and week over JobPath-----

An Ceann Comhairle: I am afraid the Minister's time is up.

Deputy Regina Doherty: -----because it is the most significant and impactful scheme we have ever had in the history of the State in helping those who are long-term unemployed to get back into employment. I am sorry, a Cheann Comhairle.

State Pensions

52. **Deputy Martin Heydon** asked the Minister for Employment Affairs and Social Protection the status of the ongoing review of those in receipt of contributory pensions since 2012; when the reviews will be completed; and if she will make a statement on the matter. [53388/18]

59. **Deputy Martin Heydon** asked the Minister for Employment Affairs and Social Protection when women on reduced contributory pensions since 2012 owing to time spent caring in the home can expect to hear the results of their reviews; and if she will make a statement on the matter. [53438/18]

61. **Deputy Thomas P. Broughan** asked the Minister for Employment Affairs and Social

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Protection the status of the review of pensions affected by the social insurance band changes in budget 2012; the number contacted to date for assessment; the number of assessments completed; and if she will make a statement on the matter. [52802/18]

87. **Deputy Aindrias Moynihan** asked the Minister for Employment Affairs and Social Protection when the entire review process for those affected by the 2012 contributory pension changes will be completed; and if she will make a statement on the matter. [53416/18]

Deputy Martin Heydon: Will the Minister update the House on the ongoing review of those in receipt of contributory pensions since 2012? When does she expect the review to be completed? As people throughout the country have received the letters about it, it would be good to receive an update on its status.

Deputy Regina Doherty: I propose to take Questions Nos. 52, 59, 61 and 87 together.

I might attempt to finish on a positive note. I thank Deputy Heydon who has had a particular interest in recent months in representing women in the main from his constituency until we get this over the line.

In late September, following the phased recruitment of more than 70 temporary staff, the examination of approximately 79,000 individual social insurance records of pensioners identified for review commenced. The work will continue until the end of the year. Given that we are close to that time, I expect the review to come to an end at the end of this week. The number for review will increase weekly, as new non-maximum rate contributory State pension claims are awarded. Information letters have issued to the 79,000 pensioners to let them know that their social insurance records are being examined. Once the legislation is enacted which happened yesterday, my Department will commence the reviews and calculate their pension entitlements using the interim total contributions approach, TCA. As the reviews are processed, the pensioners involved will be notified of the outcome of their review, or if it is not obvious to us owing to gaps in payment records, they will be asked to provide further information to allow the review to be concluded. Where the review results in a rate increase, their weekly payment will be adjusted and arrears owed will be backdated to 30 March 2018, or the pensioner's 66th birthday, if later than 30 March 2018. Where an increase is not awarded, their personal rate of pension will remain unchanged.

Given the numbers involved, I expect it to take my Department a number of months to work through all of the claim reviews and give a final award settlement to those who are successful. Work on the reviews will continue until all identified pensioners have been notified of their review outcome. I hope that brings the Deputy up to date.

Deputy Martin Heydon: When does the Minister expect the first decisions to be made? I accept that the entire process will take some months to complete and that it will be some time before the final payments are made. Difficult cases in which information must be provided will take longer to complete. Can some people expect to receive confirmation of decisions in January or February? Does the Minister expect a significant number of payments to be made in the early part of the year? I continue to ask about this issue because there is significant interest in it. Up to the point when letters arrived people probably doubted that anything was happening. It is important for them to be reassured that the payments will be backdated to March 2018. Will the Minister give a broad outline of when she thinks the first decisions will be made and how many cases will be processed in the first few months of 2019? I accept that 79,000 is a

significant number of cases for the departmental officials to examine.

Deputy Regina Doherty: The Deputy should not apologise for asking questions. I doubt that there is any Deputy in the House who does not meet women who ask the same questions at the weekend. I certainly do. Of the 79,000 who received a letter, we have completed a review of social insurance records for approximately 55,000. Therefore, there will be no need for us to interact with that cohort as the system is automated. However, one cannot automate everything on day one. The process will start in January and people will begin to receive notification, week by week, as we go through and complete cases.

Where people have gaps in their records, they are also very clear and obvious to us and they will receive a letter asking them to log on to the *mywelfare.ie* page to fill in the gaps or contact the local office to give it the information. It will be evident early in 2019 that people will start to receive not only their increased payments but also their backdated payments to March 2018. Those who have gaps in their records will be contacted where we cannot find an obvious explanation, for example, for missing contributions in 1972 or 1979 because we cannot match them with the PPS number of a child who was born in the same year. We have done all of the preparatory back-office work with individuals where we can. That is how we have been able to provide complete records for approximately 55,000 people.

12 o'clock

Where we do not have those complete records, we will contact people very early in the new year and ask them to come forward. The Deputy will see movement. If somebody is at home and does not get a letter or payment by the middle of February, he or she should not worry. We took on 70 new staff to do this but there are 79,000 individual records. We have allocated for January, February and March.

Ceisteanna ó Cheannairí - Leaders' Questions

An Ceann Comhairle: This is the last Leaders' Questions of 2018 so I express my thanks to the Taoiseach, the leaders of the parties and all Members for their co-operation throughout the year and the courtesy they have shown to everyone who has occupied this chair. I thank Mr. Peter Finnegan and the staff of the Houses right across the service as they look after all of us very well and are unfailing in their support of us. I thank the press corps for being assiduous, keeping an eye on us and holding us to account. I wish everybody a happy and blessed Christmas. I ask people to enjoy the time with family and friends. I hope people take the time to recharge the batteries as all the indications are that we will back in January facing pretty momentous challenges that will have to be addressed.

Deputy Micheál Martin: On my behalf and behalf of my party, I thank the Ceann Comhairle for his forbearance, generosity of spirit and indulgence of our good selves, the Members of the House, and for his fairness at all times throughout the year. I wish you and your family a very well-deserved break. I wish the same to all Members in the House, as well as to the staff of the House, including Mr. Peter Finnegan, his team and all the ushers, who make life so agreeable to us all. We genuinely thank them. We thank members of the media as well for their very fair and rigorous scrutiny of Dáil proceedings. They keep us on our toes at all times. We had a

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very agreeable evening last night on this side of the House with members of the press corps. It all augurs very well for 2019. I wish everybody concerned a very happy Christmas and a good break over the holidays.

Having said that, and while wishing the Taoiseach a happy Christmas, it is the end of the pleasantries. It is with some regret that I must state that the Taoiseach is treating the Dáil in a very shabby and dismissive manner when it comes to Brexit preparedness. What has happened this week and in the weeks prior to this is simply not good enough. The Taoiseach has acknowledged that potentially up to 45 pieces of legislation could be required in the event of a hard Brexit, including some statutory instruments, regulations and primary legislation. Deputy Howlin yesterday asked a reasonable question on the Order of Business when he inquired when a comprehensive briefing would be provided to the Dáil on this legislative proposition. The reply was basically that a Member could turn up tomorrow at the stakeholders' forum if he or she wants to find out more. Since when has the stakeholders' forum take precedence over Dáil Éireann in matters of legislation? The Tánaiste and Minister for Foreign Affairs and Trade reiterated the point in his newspaper article this morning by stating the stakeholders' forum "would be the first to know".

Deputy Lisa Chambers asked a very legitimate question yesterday on infrastructure, port facilities and airports etc. and the impact on those from Brexit in general. These are precise and reasonable questions but she was told the Office of Public Works had been in extensive discussions with various Departments and almost everybody else but at the end there was a dismissive line, as it was argued it would be premature to release any details. Why is that? On 20 November, Deputy Chambers asked a basic question of the Minister for Justice and Equality concerning any potential legislative changes arising from Brexit. In fairness to the Department and the Minister, his reply would have been applauded by Sir Humphrey in that great television series, "Yes, Minister", as it was a comprehensive answer that did not answer anything. It simply indicated that there was ongoing analysis but there would be no revelations.

There are only 29 scheduled sitting days between our return and 29 March. Journalists were told last weekend that the Cabinet would be updated on Brexit preparedness and the Taoiseach has indicated there will be a package of measures revealed tomorrow, with legislators welcome to attend the public forum and put up their hands to ask questions on these matters. Why is the Government not willing to inform the Dáil in a timely manner about all of this? Surely detailed briefing papers concerning the legislative measures should be published and presented to the House. Will the Government publish the details of the legislative requirements in the event of a hard Brexit today and present them to the House? Will it publish updated budget projections taking into account a hard Brexit? Will the Taoiseach provide updated and transparent answers on the requirements concerning port and airport infrastructure to the House? Will he send papers on all those points to the leaders of the political parties before the end of the session today?

The Taoiseach: I join the Ceann Comhairle and the Leader of the Opposition and take this opportunity to wish all Members of the Dáil and Seanad a very happy and peaceful Christmas. In particular I thank those who work here, including all the staff in the Oireachtas and members of the press corps, without whom we could not do our work. Their professionalism makes it a pleasure to come here every week.

Deputy Mattie McGrath: The Government could not spin without them.

The Taoiseach: I would like to spare a moment to think of those who are no longer with us, including those who passed away in the year gone by and those who have retired. We are thinking of them today. I hope that everybody over the break will have the opportunity to spend time with families, friends and those who are dear to them. Perhaps Members will rediscover their constituencies, and I look forward to doing that myself. A new year always brings new challenges and I look forward to being back here in January. I wish everyone a very happy Christmas.

It is reasonable to say - it is an absolutely correct statement - that Brexit is a major threat for Ireland. It is a potential major threat to our economy and our rights and freedoms as citizens. It could of course have major implications for peace and security on our island. Preparing for Brexit is a work in progress; it is a work in progress this week and it will still be a work in progress in January. It is appropriate to allow the European Commission to produce its notices today, as it will, and anything we do must follow what is done by the European Commission and European law. Later today the European Commission will publish a series of notices regarding plans for a no-deal scenario and this evening the Cabinet will be given a copy of a document on our plans, essentially, following from that.

Tomorrow there will be a briefing with Brexit stakeholders and Opposition parties. I have briefly spoken with the Tánaiste and we have no difficulty organising this in any way people feel appropriate. We can deal with spokespersons first and stakeholders second or whatever people feel is appropriate. It has been the case all the way through that briefings have been available to spokespersons whenever they have asked for them. That will not change now. Further information will be produced in mid January. We should bear in mind that Commission seminars continue all the way through January and further information will be provided as this is a work in progress.

Our major and overriding objective is to ensure we do not end up with a no-deal scenario. That is why we are continuing to work with European partners to secure the ratification of the withdrawal agreement both by the European Parliament and by Westminster. I understand a vote will happen in Westminster in perhaps the second or third week of January. This is a work in progress and a dynamic matter. We are very happy to update spokespersons tomorrow and we will update the stakeholder group as we always do. As I have stated, the Commission documents will be out today and we will have a document this evening. We propose to publish it tomorrow and we are of course happy to share it with spokespersons and the stakeholders' group in the morning.

The Deputy asked about the budget and it stands. The budget was written with Brexit in mind and it was written to be Brexit-proofed. We do not have the final or end-of-year figures yet for this year but it may well turn out that we will record a budget surplus this year, which is ahead of schedule. That will have the knock-on effect of having a slightly larger surplus next year than we projected on budget day. The budget is, therefore, balanced and, in fact, it might be better than that. It could be in surplus. We have established the rainy day fund and provided in the budget for a 25% increase in spending on infrastructure, including transport, energy and housing, all those areas where it is so important we make sure we are Brexit-proof. It is not intended that we would need to revisit the budget or introduce a mini-budget or anything like that in 2019.

Deputy Micheál Martin: This is a parliamentary democracy and there are times when the Taoiseach shows scant regard for that basic fact. What he just said is incredible. This is a

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work in progress but the Dáil is the last place to know about it. It seems that events have been choreographed to prevent the Dáil from having any meaningful debate on Brexit preparedness, particularly in the context of a hard Brexit. That is scandalous and it is disgraceful treatment of the Dáil. The paper given to the Cabinet meeting this evening should be sent to Deputies. Does the Taoiseach have any respect for Parliament? Tomorrow's meeting is not a parliamentary forum and the Dáil will not be sitting at that point in January. There is talk about emergency legislation being required and the Taoiseach does not even have the basic courtesy to give us a detailed paper on what that might entail. What is the big deal? Why the secrecy? Is it about controlling the message? Talking about the European Commission is nonsense.

Deputy Simon Coveney: There is no secrecy.

Deputy Micheál Martin: There is.

An Ceann Comhairle: The Tánaiste is not involved in Leaders' Questions.

Deputy Micheál Martin: This is Dáil Éireann. The Dáil is scheduled to sit until 11.30 p.m. this evening. There is no reason this material cannot be given to Deputies before close of business this evening. It is a matter of basic respect for the House, the Parliament and the institutions of our parliamentary democracy. That is what it is about. The Taoiseach should stop treating people here with disrespect. The Dáil has been consistently fair to the Government on Brexit and deserves a bit of reciprocal respect in terms of very basic matters pertaining to Brexit. It cannot always be about the Government wanting to control the message.

The Taoiseach: This is about sequencing. It is not about secrecy. The European Commission will produce its papers today and we will have a paper this evening. It is a paper I have not seen yet because it is not yet finished precisely because we must have the European Commission paper first. I hope or expect to get it between 5 p.m. and 6 p.m. today. Once I have read it and shared it with Cabinet, I have no difficulty making it available to Members of the House tonight but it is not ready yet. There is no secrecy here. There is a sequence at play and the European Commission must be allowed to produce its papers. It will do so today and we will produce our paper this evening. Assuming it is ready this evening and I get a chance to read it, I will be very happy for it to be sent to all Deputies tonight.

Deputy Micheál Martin: Of course it will be ready this evening.

The Taoiseach: It is not ready yet.

Deputy Pearse Doherty: Ba mhaith liom beannachtaí a rá ar son Pháirtí Shinn Féin agus Nollaig mhaith a ghuí leis an Taoiseach fén agus leis na Teachtaí Dála agus leis na Seanadóirí agus le foireann ionmlán Thithe an Oireachtas a thug cúram maith dúinn i rith na bliana agus leis na meáin forsta agus d'achan duine atá ag obair sa Teach seo. Tá súil agam go mbeidh Nollaig mhaith acu uilig agus bliain úr faoi mhaise agus go mbeimid uilig ar ais anseo, slán, sábháilte in 2019.

A Cheann Comhairle, ba mhaith liom an cheist seo a ardú inniu leis an Taoiseach. Yesterday, the liquidators of IBRC, the successor to Anglo Irish Bank and Irish Nationwide, confirmed that unsecured and unguaranteed junior bondholders at Anglo Irish Bank who gambled during the banking collapse will be paid in full a sum of €270 million in the coming weeks. The payment of hundreds of millions of euro of taxpayers' money is a betrayal of the Irish people who bailed out Anglo Irish Bank and Irish Nationwide to the tune of €35 billion. This issue was first

raised in 2015. A line should have been drawn at that stage but it was not. We were assured by the former Taoiseach, Deputy Enda Kenny, that it would not happen. The former Minister for Finance, Deputy Michael Noonan, told us it would not happen, as did the then Tánaiste, Deputy Joan Burton. At the time, the current Taoiseach also said it would not happen. Lo and behold, three years later, we all know that these unguaranteed and unsecured junior bondholders are to be paid in full. It is an early Christmas present for the bondholders while the rest of us are left picking up a tab of €30 billion for a bank that should never have been bailed out in the first place.

The former Governor of the Central Bank, Professor Patrick Honohan, argued strenuously against paying these bondholders. In 2015, he told officials of the Department of Finance that there was a moral case for making sure that any money recovered from the liquidation of IBRC was returned to the taxpayer and not to junior bondholders. In one of his emails to the Department in March 2015, he stated: “The more I think about it, the more I am convinced that the State should take further steps to ensure that unexpectedly strong asset disposals by the IBRC liquidator return to the State and not to subordinated debt holders”. Instead, under the Taoiseach’s watch, bondholders are in line for a bumper payout. This is scandalous stuff but hardly surprising given his track record.

A fortnight ago, a senior banker at Irish Nationwide, who was responsible for all commercial lending originating in this State, was given a minimal penalty for reckless lending. When pressed, the Taoiseach refused to back our call to make reckless lending a crime, despite it being a criminal offence in the UK and despite the Central Bank’s support for our call for it to be made a crime. The ongoing prioritisation of the banks, bankers and vulture funds continues under the Taoiseach’s watch while mortgage holders and taxpayers are left picking up the bill.

We should not forget that the architects of all of this were Fianna Fáil and the bankers at that time. This is a figure of €270 million being paid to unguaranteed and unsecured junior bondholders who gambled on a bust bank and cannot believe their luck with this Government. What steps will the Taoiseach take to make sure he delivers on his promise in 2015 that these bondholders would not be paid or will it be more of roll-over Leo?

The Taoiseach: Never mind roll-over Leo, I am starting to wonder where Mary Lou is these days.

Deputy Pearse Doherty: She is in Palestine.

The Taoiseach: That clearly indicates the priorities of Sinn Féin during the busiest and most important week of a Dáil session. To answer the question, the special liquidators of IBRC announced yesterday that they will shortly commence the payment of the final dividend of 50% to admitted unsecured creditors of IBRC. This payment represents the final instalment of amounts owed to this class of creditors of which the State - the Irish Government and the Irish people - will be the single largest beneficiary. As a result of this transaction and this liquidation, the State is now in line to receive €600 million in the coming weeks. This is €600 million out of the liquidation of IBRC that we - the State and Irish people - never thought we would see again.

The joint special liquidators of IBRC also confirmed yesterday that it is their expectation that further funds will be available for return to the State following the expected repayment of other creditors, including subordinated bondholders. The joint special liquidators have given no timeframe regarding the commencement of any payments to subordinated bondholders who

are owed €267 million, which is less than half of what the State will get. The outcome of the liquidation has far exceeded expectations at the time of the liquidation in 2013. Not only has the State recovered the full amount in guaranteed payments incurred as part of the transaction, we now stand to receive further funds in the coming years.

Despite extensive liability management exercises, LMEs, undertaken by IBRC in 2010 and 2011, which significantly reduced the cost of the bailout to the State by €4 billion, approximately €267 million of subordinated debt remained in the bank when it was liquidated in February 2013. This debt remained *in situ* following LMEs due to legal issues impacting the success of those exercises. Under the rule of priority, the distribution of assets under the Companies Acts, these creditors are now entitled to repayment as the next class of creditor in the liquidation. The Department of Finance has received legal advice that indicates that any move to change the priority of distribution would be open to successful legal challenge.

Deputy Pearse Doherty: It is a case of more roll-over Leo. The promise given by the Taoiseach, the previous Taoiseach and the then Minister for Finance is now gone. We knew about the legal challenge but even after these junior bondholders went to the courts, the argument was made by the then Governor of the Central Bank that this was a legal battle that was worth having. He impressed on the Department that it enlist debt restructuring lawyers to take on these bondholders. The Government has no problem with the State taking on victims of cervical cancer, those whose cancer diagnoses were missed in County Kerry, or those who are going to the State to ensure their children will have an assessment of needs and the courts to ensure their children can fulfil their full potential, yet unsecured bondholders who were not guaranteed are being paid in full under the Taoiseach's watch. The taxpayer has been left with a debt of €33 billion. That is the cost of the disastrous policies of Anglo Irish Bank and the Irish Nationwide Building Society which was captured by Fianna Fáil and Fine Gael. Is the Taoiseach going to do anything about this? Are his promises to the people in 2015 not worth the paper on which they were written? He needs to take a legal challenge and the bondholders can fight it in the courts, if they so wish, but the people are sick and tired of the Government continually rolling over when it comes to bankers, bondholders and vulture funds.

The Taoiseach: It is important to recall what happened. Anglo Irish Bank was a bad bank that went bust and caused enormous damage to the country. It was bailed out by a previous Government of Fianna Fáil and the Green Party to the tune of €30 billion and we will not see very much of that money ever again. The Fine Gael-Labour Party Government that replaced that Government adopted a different approach. It liquidated the bank which was at the time called the Irish Bank Resolution Corporation because the Irish Nationwide Building Society had been merged with Anglo Irish Bank. We pursued the different policy of liquidation. A pot of money is usually left after a company is liquidated that has to be distributed and the Revenue Commissioners, workers and secured creditors receive preference. It all goes down the line. In this liquidation, however, it turned out that a lot more money was left over than people had expected. As a consequence, a relatively small number of junior bondholders will receive about €260 million back. The people and the State will receive back more than twice that amount, or €600 million. That is welcome and positive.

Deputy Pearse Doherty: The State should get all of it back.

Deputy Brendan Howlin: On behalf of the Labour Party, I thank the Ceann Comhairle for his stewardship of the House during the year. I thank all of the staff of the Houses - the clerks, catering staff, ushers and everybody who makes our task doable. I also record the Labour

Party's appreciation of the work of the media. In a world where the media are under stress in many places, the fair presentation of the workings of democracy is really important. I wish all of my colleagues in this and the other House a very happy Christmas.

There are 100 days until Brexit and the United Kingdom and the European Commission are stepping up preparations for a no-deal Brexit, but the Government does not appear to be as equally prepared. Irish ports handled 53.3 million tonnes of goods in 2017, of which 29%, or 15.5 million tonnes, were carried on roll-on, roll-off trucks and trailers. Only three ports in Ireland handle roll-on, roll-off ferries - Cork, Dublin and Rosslare Europort. Rosslare Europort handled just under 12% of all freight vehicles and trailers entering Ireland in that year. Additionally, it handled one third of all passenger cars entering and leaving Ireland last year. The national ports policy designates five ports of significance. Dublin, Cork and Shannon Foynes are tier 1 ports, while Waterford and Rosslare Europort are classified as tier 2. Shannon Foynes and Waterford ports deal in bulk goods, but higher value imports and exports tend to arrive in lorries, which is why roll-on and roll-off ferries are so important.

In the context of Brexit, the need for an upgrade of Rosslare Europort is even more obvious and urgent, a point I have been stressing for the past two years. The previous Government improved motorway access to the port, but we now need to invest an awful lot more. For more than two years, I have argued that we need to make Rosslare Europort a tier 1 port. There is a significant risk associated with putting all of our eggs in one basket, with Dublin Port catering for the vast bulk of trucks and lorries. A single incident in the Dublin Port tunnel could block Dublin Port and stop it from operating. Traffic congestion in Dublin and on the M50 is already problematic. A storm with adverse winds for an hour or two could close the port.

In today's globalised economy we rely on just-in-time imports for manufacturing and construction. Exports are vital to the survival of the economy. It is essential that we expand our port strategy in order that we will be ready to weather the storm that a potential no-deal Brexit could visit on us. There is every likelihood of delays and extra costs in using the British land bridge in any Brexit scenario but particularly in a no-deal scenario.

Irish Ferries has announced that it may not provide services to Rosslare in 2019 which, frankly, in the context of all I have said, is unbelievable. The Dublin-Cherbourg route adds four hours to the crossing time and, as we know, time is money for hauliers. Will the Government undertake to ensure Rosslare Europort is enhanced, not diminished, as a strategic asset in the context of Brexit? What, specifically, will it do to ensure ferry operators from the port of Rosslare are enhanced and not diminished in 2019?

The Taoiseach: Our Brexit contingency planning for both the central case scenario of a deal and the no-deal scenario requires upgrading works to be carried out at Dublin Airport, Dublin Port and Rosslare Europort in recognition of the fact that Rosslare Europort is a major national asset as a port that can be used as an alternative to Dublin Port and one through which there is a lot of trade between Ireland and the rest of the European Union and the United Kingdom. We will I hope in the next couple of days be able to disclose more information on our particular plans for Rosslare Europort and its surroundings in planning for both possible Brexit scenarios. The Deputy has acknowledged the major investment in road infrastructure which has been of benefit to the port.

Deputy Brendan Howlin: I know something about it, yes.

The Taoiseach: The N11 has been improved and the new Enniscorthy-New Ross bypass will be completed in 2019. The Oilgate to Rosslare Harbour project has not yet been done, but it is going to plan and the Government is continuing the work which the Deputy helped to initiate in improving road access to Rosslare and County Wexford more generally.

Irish Ferries' decision to consider moving the *WB Yeats* to the Dublin-Cherbourg route, as opposed to the Rosslare-Cherbourg route, in 2019 is disappointing for the south east of the country. The Minister of State, Deputy Griffin, is in contact with Irish Ferries, as other Ministers will be. We are asking it to reconsider its decision to move the route because of Brexit, the negative impact on tourism in the south east and the Government's decision to support and develop Rosslare Europort. We acknowledge that it is a commercial decision and that Irish Ferries claims it can grow the numbers travelling between Ireland and France with this change. Decisions are driven by demand and the company argues that there is greater demand for a Dublin rather than a Rosslare route. The ship, and its capacity, will still be operating between Ireland and continental Europe, albeit from Dublin instead of Wexford. The route from Rosslare has, to date, been seasonal, with three services a week and the majority of traffic being tourist cars, with some freight.

Deputy Brendan Howlin: Will the Taoiseach accept that we need diversity in port access to the Continent? We need to strengthen direct links between Ireland and continental Europe in the context of Brexit. I asked the Taoiseach, after publication of the Project Ireland 2040 document, why not one cent had been allocated to Rosslare Europort when a €1 billion investment was expected in Dublin Port, €140 million was to be invested in Shannon Foynes Port and more than €80 million in Cork Port. His response was that Rosslare Europort had not asked for money. Subsequently, Irish Rail has indicated that it will invest €15 million, a pale sum compared to the investments in other ports. Will the Taoiseach ensure we will have diverse access points to ensure that for goods entering and leaving the State, in the context of Brexit, there will be a choice and variety and that we will not have to depend on a potentially congested port in Dublin that will be dependent on traffic using the M50 and the Dublin Port tunnel?

The Taoiseach: I absolutely agree that we need diversity in port access. We have a very successful and well performing port in Dublin, but there are others too and they are expanding. For example, the Port of Cork has major expansion plans under way, as do Shannon Foynes deep water port and Rosslare Europort. It is important and factual to point out that the investment happening in Dublin Port, Shannon Foynes Port and the Port of Cork is not being funded directly by the taxpayer or the Exchequer. They are commercial semi-State companies which borrow money to develop and repay loans from the charges for using the ports.

Deputy Brendan Howlin: Why is Irish Rail not doing so?

The Taoiseach: That is how it works. It is not the case that taxpayers' or Government money is being given to Dublin, Cork and Shannon Foynes ports and not to Rosslare Europort. It is that Dublin Port, the Port of Cork and Shannon Foynes Port are so commercially successful that they can fund infrastructural developments from the fees they charge port users. The same applies to Dublin Airport, for example. The position at Rosslare Europort is complicated. As the Deputy knows, a €15 million upgrade is planned. It is run by Irish Rail which is, of course, predominantly a railway company, not a port operator. It is suboptimal, but it is not actually owned by Irish Rail; rather, it is owned by a very strange entity-----

Deputy Brendan Howlin: They solved it in Fishguard and it can be solved here.

The Taoiseach: -----the name of which I forget, but it would require primary legislation here and at Westminster to change it.

Deputy Bríd Smith: Guím Nollaig shona ar an Cheann Comhairle agus ar gach duine sa Teach seo, go háirithe ar na hoifigigh a thugann tacaíocht dúinn gach lá agus uaireanta istoíche freisin. I also wish a very happy Christmas to all of the nurses, midwives and emergency staff across the State who provide us with a wonderful service. No doubt they are all reeling in horror today at the news that the bondholders are being bailed out. The Taoiseach said:

Anglo Irish is not getting another cent of our money and any bank coming looking to us for more money is going to have to show how they are going to impose losses on their junior bondholders, on their senior bondholders, and on other creditors before they come looking to us for any more money. Not another cent.

Later, when speaking at an event, ironically in Beaumont Hospital, he described the bondholders as being “At the bottom of the pile.” I bet him that the nurses who voted yesterday, by a figure of 94% or 95%, to take strike action after Christmas believe they are at the bottom of his pile. As we hurtle towards Christmas, people who have worked an extra shift a month for the past ten years for nothing and who have given up pay, hours, promotion and pensions in order to bail out Anglo Irish Bank to the tune of €30 billion are sick of it. The money did not fall from the sky; somebody paid it and it happened across the public sector. The nurses are sick of it because not only does it hurt them, their families and careers, it also hurts the people whom they look after because they cannot retain and recruit the staff who are necessary. I ask the Taoiseach to please not give me an answer that nurses are on €70,000 a year because I do not know at what pay scales he is looking. I am looking at the pay scales the Irish Nurses and Midwives Organisation, INMO, submit in its weekly magazine to its members, in which it describes exactly what it is looking for in taking strike action 24 hours at a time in the new year. Most nurses are still paid less than gardaí and teachers when they reach almost the top point of the scale after ten or 15 years. It is nothing like €70,000 and they still work. It sticks in their craw that they still have to work a shift every month for absolutely nothing, as the Taoiseach must know because members of his family are in the service. None of us in this House do that and none of the visitors in the Visitors Gallery do so; therefore, why are nurses expected to do it and why are they being left at the bottom of the pile in this way to take strike action?

The Taoiseach has just announced that the State will benefit to the tune of €600 million, but instead of giving it to the nurses to sort out their pay claim and taking them seriously instead of forcing them out onto the streets to take strike action, the Minister for Finance, Deputy Donohoe, has said he will use the money to reduce the Exchequer bill even further and take more back from the money with which we bailed out the bondholders. I make the point to the Taoiseach that the general secretary of the INMO believes - she does not say this lightly - the reason it is taking strike action is they cannot get other nurses to take up jobs across the board, from general nursing and midwifery to psychiatric nursing. How does the Taoiseach go home from here and tell everyone to have a happy Christmas, except nurses, midwives and psychiatric nurses who are looking forward to having to take strike action after Christmas?

The Taoiseach: Anglo Irish Bank was not bailed out by a Fine Gael-led Government but by a Fianna Fáil-led Government. We did not give it any extra money; we did not give it a red cent. In fact, we liquidated it, or the Irish Bank Resolution Corporation, as it was called at the time. At the end of the liquidation there was, unexpectedly, money left over, which now goes to the creditors, including the State. The State is getting €600 million which we will use to reduce

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the national debt. Ireland still has one of the highest national debts per head of capita of any country in the western world and it is appropriate that we pay down that debt in order that we will not be badly exposed if we run into trouble into the future and in order that we will never have to get back again to pay cuts or tax increases, as occurred during the recession.

I am aware of the results of the ballots by the INMO and the Psychiatric Nurses Association, PNA. Of course, the Government regrets the decision taken, but it represents the depth of feeling among nurses and midwives about their pay and conditions. We understand this and hear it and I have no doubt about their willingness to strike if it is not possible to come to an agreement before then. However, we have a pay deal, not just with nurses and midwives but with all public servants. That pay deal runs until 2020 and the Government will honour it. It provides for pay increases for all public servants in 2019 and, in some cases, multiple pay increases. There is an extra increase for those earning under €30,000, an extra increase in March for new entrants recruited after 2012, increments for most staff and pay restoration for those earning more than €40,000. Pay restoration for those earning under €40,000 has already occurred. This is well deserved because public servants across the country work extremely hard.

As the Deputy said, average nursing salaries in Ireland, including pay and allowances, are not €70,000. They are just over €50,000-----

Deputy Bríd Smith: That is what the Taoiseach said a few weeks ago.

The Taoiseach: -----but it is well deserved and they work very hard for it. They are very professional. It is, however, less than the figure for gardaí, for whom the average salary is about €70,000. We have a real difficulty with the current pay claim and need to be honest and upfront with the country about it. The claim is for a 12% increase in pay, parity with physiotherapists, occupational therapists and speech and language therapists. It would cost about €300 million to deliver. Understandably, physiotherapists, occupational therapists and speech and language therapists would not accept this and there would be a series of knock-on claims across the public service. We estimate that they could cost €600 million or €900 million and it would not be once off but recurring every year. Over the course of four or five years the cost to the taxpayer could be €4 billion or €5 billion and we just do not have that kind of money.

Deputy Ruth Coppinger: We do.

The Taoiseach: We would have to borrow it. When we start to borrow money to fund pay increases, we go back to where we were before. We do not want to make those mistakes again.

Deputy Bríd Smith: I want to correct the record. When Fine Gael took office, it was on the promise of burning bondholders, but it capitulated when the European Central Bank, ECB, made a threat that a financial bomb would go off in Dublin. The Government then pulled back from its position. Not only did Fine Gael impose austerity but it also escalated it. In recent years many people have suffered from it but particularly public sector workers. The Taoiseach has just given us the figure of €300 million as being the cost. Ironically, it almost mirrors the amount of money the junior bondholders are about to be paid. The figure is €367 million versus €300 million and we will get back €600 million. We could settle with the nurses, but making a bland statement that physiotherapists, occupational therapists and speech and language therapists would not accept it is just bizarre. The Taoiseach is not the negotiator and cannot make that statement in a bland way. The Government needs to sort out the problem, not just because it is a problem in the lives of the nurses and their families but also because it is a problem for

every citizen who has to use the health service, given that we cannot recruit and retain nurses. Children also cannot avail of the psychiatric service because, as the PNA will tell the Taoiseach, it is haemorrhaging psychiatric nurses who are leaving the State because they can do better elsewhere. This has to be sorted, and sooner or later the Taoiseach will have to face up to it. He should not tell me he will sort it after he forces nurses out onto the streets in the month of January when the health service is creaking at its worst in terms of the crisis.

The Taoiseach: The Deputy is offering a false and bogus solution, and that is wrong. It is disrespectful to nurses and midwives to offer a false and bogus solution.

Deputy Bríd Smith: The Taoiseach is offering nothing.

The Taoiseach: A pay rise is not just one-off. A pay rise is recurring and has to happen every year. The Deputy is suggesting is to settle it this year but then take the money back off them next year. That would be wrong.

Deputy Bríd Smith: I did not say it should be taken back next year.

The Taoiseach: It would not just be a case of settling this claim. There would certainly be knock-on claims. We had that indication already from other unions. The Deputy's policies are so obviously a return to austerity. She does not want us to pay down our debts. She wants us to borrow more money-----

Deputy Richard Boyd Barrett: They are not our debts. They are Anglo Irish Bank's debts.

The Taoiseach: -----to finance pay increases. It was those kind of mistakes that caused the situation seven or eight years ago in which people could not even imagine the possibility of pay rises and we were talking about pay cuts.

Deputy Bríd Smith: The Taoiseach should stop digging. He sounds ridiculous.

The Taoiseach: The kinds of policies the Deputy pursues, namely, increasing debt and financing pay increases through borrowed money, are exactly the types of policies that land us in austerity.

An Ceann Comhairle: That concludes Leaders' Questions. Before proceeding with questions on promised legislation, I understand the Government Chief Whip has a business proposal to put to the House.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed, notwithstanding anything in Standing Orders and the Order of the Dáil of yesterday, that the amendments from the Seanad on the Employment (Miscellaneous Provisions) Bill 2017 shall be taken immediately following the statements post the European Council meeting and shall be followed by the suspension of the sitting under Standing Order 25(1) for one hour. The Dáil shall adjourn on the conclusion of Private Members' Business or at 11.30 p.m., whichever is the earlier.

An Ceann Comhairle: Is that agreed? Agreed.

Ceisteanna ar Reachtáiocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: I note the European Commission has published its preparedness document on Brexit so there can be no excuses.

As we discussed yesterday, the cost overruns for the new national children's hospital are of great concern to us all. The Taoiseach said yesterday towards the end of Leaders' Questions that the costs could be higher and it seems the Cabinet was advised the costs could be higher. I ask the Taoiseach to be honest and transparent in that regard. What kind of figures are we talking about? The International Monetary Fund published a public investment management assessment report on Ireland in November 2017 in which it criticised Ireland and said the country pays more for its infrastructure than other countries and uses it less efficiently. It specifically flagged cost problems with the national children's hospital at the time, stating that discussions with Departments, including the Department of Public Expenditure and Reform, "did not reveal any instances of fundamental review having been undertaken, even though there seem to have been instances where this would seem to have been appropriate, eg in the case of the National Children's Hospital." Will the Taoiseach outline the real story with the costs of the hospital and indicate when the investigations he spoke about yesterday will commence?

The Taoiseach: I am not sure where this question fits in with promised legislation.

Deputy Micheál Martin: It relates to the programme for Government.

The Taoiseach: It is probably an issue that should be raised by way of a special notice question to the Minister for Health. The cost of the project is €1.433 billion. I gave that figure to the House yesterday, but there are caveats to that, particularly in regard to construction inflation. The programme for Government commitment is to build the hospital and we will build the hospital.

Deputy Mattie McGrath: It is in the wrong place. The Taoiseach was told that but would not listen.

An Ceann Comhairle: Please, Deputy.

The Taoiseach: The three hospitals - Temple Street, Crumlin children's hospital and Tallaght children's hospital - will come together as a single hospital on three sites on 1 January, which is only two weeks away. The satellite centre in Blanchardstown is almost finished and children will attend that by the middle of next year. Enabling works have started in Tallaght and the facility will be open in 2020. The main piece, the central campus in St. James's Hospital, will be open in 2022.

Deputy Pearse Doherty: As we look forward to spending Christmas with our families, there are many people who will not have the type of Christmas they wished for. For many, it will be the third year they will have spent Christmas Day in emergency accommodation as a direct result of the Government's policies. We see today from the Central Bank report that banks in this State hold in excess of 3,200 properties. When vulture funds are included, the

figure increases to 3,715. The majority of these are family homes held by banks in which this State has a majority shareholding. For example, Permanent TSB told us last June that it had 2,000 properties. In anybody's books, it is an absolute scandal and a travesty that State-owned banks have so many empty properties when so many children and adults are in emergency accommodation, so many people cannot find rental accommodation and the property market is out of reach for so many individuals. What will the Government do about this? It is not a new phenomenon but one that has gone on year after year and there has been no action from the Government in that regard.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for the question. It is a very difficult time for families in emergency accommodation. The policy responses we are putting in place are to try to get families out of hubs and into homes as quickly as possible. My Department and the Housing Agency are engaging with the banks to take possession of their vacant stock. Almost 1,000 homes will come in through the acquisition programme being led by the Housing Agency, and more on top of that through local authorities. I will have details on that at the start of next year.

Deputy Brendan Howlin: My question is for the Taoiseach and perhaps the Minister for Justice and Equality. It is a matter I have raised many times but I am very conscious of it coming into the Christmas period. Many people, young people in particular, will be subject to online harassment and bullying over the Christmas period. It is a fact that will make life miserable for them. We had hoped in this House that the Harassment, Harmful Communications and Related Offences Bill 2017 would be law by now. This is an important issue. I had occasion to meet a constituent of Deputy Eoin Ó Broin whose daughter committed suicide after vicious online harassment and who asked that the House name the harassment Bill "Coco's law" in her daughter's honour. Will the Minister for Justice and Equality indicate where that Bill now stands and when he envisages that we will be able to deal with this pernicious and vicious crime?

Minister for Justice and Equality (Deputy Charles Flanagan): I thank Deputy Howlin for the question. I agree with him regarding the priority nature of this legislation. I acknowledge a group within my Department that is working closely with Deputy Howlin and others to ensure the legislation, as drafted, can be fit for purpose. I expect progress on this issue early in the new year and I assure Deputies, in particular Deputy Howlin, that I will keep them fully informed of developments. I expect to be in a position to report progress early in the new year.

Deputy Richard Boyd Barrett: The programme for Government states the Government would be tested by the way in which it dealt with the housing crisis. As we face into Christmas, the Government's failure to deliver on its promise to address the housing crisis rings particularly poignantly in our ears. All of us were very moved by the case of Amanda and everybody was delighted to see Amanda and her family get keys to her house. The problem is that there are thousands of Amandas. There is Mohammed who has four children, one of whom has autism. Mohammed's wife has just had a very difficult birth and the family has been in emergency accommodation for two years. Gemma, who has two children aged two and five, has been homeless for a year. Ciara and her children have been in temporary accommodation for a year and a half. Elaine, who I mentioned previously, is facing possible eviction before Christmas. There are thousands more like them. Does the Taoiseach not believe he owes them an apology before Christmas for putting them through that and failing to deliver on the promises he made when he came into Government to address the hardship and crisis they and thousands of others face?

Deputy Eoghan Murphy: I thank the Deputy for the question. I am very sorry that fami-

lies have to spend this Christmas in emergency accommodation. I have been meeting many of them this week. This is a very difficult time for parents with children, particularly at this time of year. That is the reason we brought about Rebuilding Ireland, which is a five-year plan. I wish we could get return the housing sector to a functioning state more quickly but the plan is making progress. That is the reason people are able to get keys to new homes, as has been happening throughout this year. Next year, 10,000 more homes will come into the social housing stock. Those will be real homes for families. That will not be enough in one year, but it will be progress and will help 10,000 more families, including children, over the course of next year. As we bring those homes into the stock of social housing, we will continue to help families in hubs and other families in need to find other solutions such as the housing assistance payment.

Deputy Mattie McGrath: On behalf of the Rural Independent Group I too wish to be associated with the good wishes and thanks to the staff and your good self, a Cheann Comhairle, as well as to all the Members and the press for their efforts during the past year. I wish them all a happy, peaceful and holy Christmas.

I acknowledge the support of the Taoiseach in principle for the creation of a taskforce for Tipperary town and area. The jobs for Tipp group and I have suggested consideration of an N24 corridor similar to the Atlantic corridor. The Minister for Rural and Community Development, Deputy Ring, will be aware of that project as well as the task force for Westport. We are hoping to get this developed and to develop the infrastructure to attract Irish and multinational investment. We also want to create jobs and wealth in vibrant communities. The *modus operandi* of jobs for Tipp and myself is to get people, enterprises and communities pulling together in pursuit of common goals. We hope we can do that. Those involved are concerned in case it becomes a task force similar to the task forces for Inchicore or Blanchardstown. They are different places, as the Taoiseach is aware, especially with the investment in Dublin. We would appreciate consideration of a N24 corridor similar to the Atlantic corridor, including the towns, especially Tipperary town, along the corridor.

The Taoiseach: I think the Deputy is entirely right to call for upgrades to the N24 but the Atlantic corridor is not built yet, and we can only do so many roads at a time. Tipperary already has reasonably good motorway access, whereas other parts of the country do not have motorway access at all. The priority has to be the Atlantic corridor first. It will run from Cork to Limerick and connect Sligo and Mayo to the high-quality road network.

Deputy Mattie McGrath: I accept that but the Taoiseach is missing the point.

Deputy Catherine Connolly: Maidir le hobair an Rialtais, an féidir leis an Taoiseach nó leis an Aire Stáit a dheimhniú do thaifead na Dála cad atá i ndán don aersheirbhís do na hoileáin Árainn? Cad iad na socruithe? Tá a fhios agam go bhfuil socruite déanta ach níl a fhios againn cad iad agus ba mhaith liom na socruite sin a fheiceáil ar thaifead na Dála.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Bhí an spriocdháta don phróiseas tairisceana do na seirbhísí éigeandála go dtí na hoileáin Árainn ag 10 a.m. maidin inné agus níl mé chun aon phlé a dhéanamh ar an gcomórtas sin go dtí go bhfuil toradh air.

Deputy Catherine Murphy: The Taoiseach told us recently that the national broadband plan is being evaluated currently. We know that it is a critical project in terms of cost and roll-out. We have seen that where there is an inadequate process, there can be problems. One

example I can highlight is the national children's hospital and the associated ballooning costs. If we are to avoid something similar with the national broadband plan, can the Government still stand over the Peter Smyth report knowing now how deferential that report was? Does the Government intend to return to the Dáil in advance of the granting or awarding of any tender to tell us what the cost will be and to address the certainty of the roll-out?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I assure the Deputy that great care will be taken in evaluating the tender that was submitted on 18 September to provide a national broadband plan. As the Deputy knows, the Government regards the delivery of high-speed broadband to every home and premises in the country as a high priority. We recognise that the process, as a result of the findings of Mr. Peter Smyth, is robust. Concerns were raised but Mr. Smyth has made it clear that the then Minister was not in a position to influence, and did not influence in any way, the procedure under which the contract proceeded and was evaluated.

We are in a position now to bring to Government as soon as possible a detailed assessment of what is being proposed. This will allow the Government to examine whether it represents value for money, whether the governance is robust and whether the technology is sufficiently robust so that we will be in a position to deliver what has been set as an objective. I assure Deputy Murphy that great care is being taken in this.

Deputy John Brady: The programme for Government commits to an increase in ambulances and paramedics every year as well as to improving response times. I wish to raise with the Taoiseach the case of a local constituent of mine in Bray. The case involves young man with cerebral palsy who was involved in an accident yesterday in his wheelchair. He received a serious leg injury. He ended up on the ground and he waited for 56 minutes for an ambulance to arrive to treat him, even though the ambulance base is located in Loughlinstown, some 5 km away. For 56 minutes he lay on the ground waiting on an ambulance.

I do not believe that is acceptable. Does the Taoiseach think it is acceptable that a young disabled man lay on the ground waiting for care or treatment for 56 minutes? This is not an isolated incident. It is happening day in, day out across Wicklow and the State. What is the Taoiseach doing to address this situation?

The Taoiseach: I am very sorry to hear that Deputy Brady's constituent had to wait 56 minutes for an ambulance but, as I am sure Deputy Brady will appreciate, the national ambulance service has to prioritise calls. Perhaps the paramedics were out taking another call from someone who was at risk of dying or someone who had cardiac arrest or a stroke. The service has to prioritise. No matter how many ambulances the service has, there will be multiple calls at any given time and the ambulance service has to put priority on life-saving calls and prioritise according to clinical need.

Deputy Brady asked what we are doing to improve the ambulance service. The service plan for next year will provide additional funding for the ambulance service, as it did this year and last year. An extra €4 million will be provided for next year. Obviously, it will be up to the national ambulance service to decide how best to allocate that.

Deputy Niamh Smyth: On Monday, Fr. Peter McVerry confirmed that the housing crisis is worse this Christmas than last Christmas and that the Rebuilding Ireland plan is not working. Those were his words. Cavan County Council held an annual meeting with the chief executive

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on Monday. Those at the meeting confirmed to me that the council target for new houses for 2019 is 25. This is against a backdrop of hundreds of people waiting for houses. They have been waiting for years in some cases.

What is the Government plan for next year to facilitate our local authorities? They do not seem to be able to deliver. They seem to need help and support. How is the Government going to facilitate them? The total of 25 new houses for 2019 is abysmal.

Deputy Eoghan Murphy: I thank the Deputy for the question. We have given local authorities the resources, policy and funding to increase dramatically the stock of social housing. That is happening in some local authorities, but not every local authority is working to the same speed. We have not yet met with Deputy Smyth's local authority to agree the targets for next year. We are in the process of doing that currently.

In the beginning of January I will publish what was achieved this year by each local authority and set the target for 2019. We will be ambitious with the targets because we have the funding for next year. More money will be spent next year on housing than has ever been spent by a Government in one year. We will do that next year with each local authority.

Deputy Aindrias Moynihan: We discussed the commitments in the programme for Government for public transport last October, specifically the 220 and 220X bus services for Ballincollig. At the time we understood from the Taoiseach that there would be improvements within weeks on the five buses per hour schedule. That was last October. Although the late evening aspect has come through, a large part of the plan has not materialised. People are still standing and waiting for buses in Grange Cross, Rosewood, on the main street and up along the Model Farm Road.

Every agency is seeking to make this happen, including the National Transport Authority and Bus Éireann. I am pursuing them. The Taoiseach has a particular interest in making this happen too. Is there anything that can be said to people who are now standing at those bus stops waiting for an improved bus service? We are hearing of dates in January and possibly even later. Can we give assurance that there will be no further slippage?

The Taoiseach: My understanding was the same as that of Deputy Moynihan. I understood that the service was to be upgraded before Christmas. I know there have been some improvements in the evening service but not the main improvements that we had anticipated. I will certainly follow up on the matter. I hope it will be January and not any later.

Deputy Tony McLoughlin: My question is perhaps for the Minister for Education and Skills, Deputy McHugh, as it relates to the summer works scheme. Several schools have benefitted in my constituency of Sligo-Leitrim, which includes south Donegal, but I am keen to know the opening date for the new summer works scheme.

Minister for Education and Skills (Deputy Joe McHugh): We announced the summer scheme, something I committed to doing before Christmas.

1 o'clock

I also committed to doing minor works before Christmas to give schools a better lead-in time. We announced €307 million for both primary and secondary schools. I want to give a better lead-in time so we are planning for the summer 2020 works. Applications for both internal

and external categories, which cover categories 7 to 10, inclusive, will be open for schools to apply for early in the new year.

Deputy Ruth Coppinger: I also wish a happy Christmas to all the workers in the Dáil. The ushers and catering staff are fantastic and supportive workers.

For only the second time in the union's hundred year history the Irish Nurses and Midwives Organisation, INMO, has voted to take strike action in the new year. The 95% vote in favour was a hugely resounding result, through which they join teachers and psychiatric nurses. It is an inevitable result of the financial emergency measures in the public interest, FEMPI, legislation and other legislation that this Government and its predecessors maintained.

The choice before young public sector workers is one of emigrating or staying here to live a life of very little hope because they cannot pay rent on the wages that young teachers and nurses are being asked to accept. I know somebody who is just qualifying as a psychiatric nurse and her job is already booked in Britain. That is the reality. The Taoiseach has asked where the money will come from. Nurses should take note of what happened today with bondholders but also-----

An Ceann Comhairle: The time is up.

Deputy Ruth Coppinger: -----that the 18 wealthiest people in this country have €60 billion between them. The corporation tax receipts which the Taoiseach-----

An Ceann Comhairle: We cannot get into a debate on all those matters.

Deputy Ruth Coppinger: It is very important to point it out.

An Ceann Comhairle: It is, but we still cannot get into a debate.

Deputy Ruth Coppinger: Is it not the reality that determined strike action is what is needed to force the Government to pay nurses and teachers?

The Taoiseach: As I outlined earlier, we have a pay deal with all public servants, not just teachers and nurses, which runs to 2020 and provides for pay increases next year, including across the board pay increases, a special pay increase for those earning less than €30,000, and we have negotiated with the Irish Congress of Trade Unions a further special pay increase for those recruited after 2012. That is the deal that we have done and where things stand.

There are limits to taxation. There comes a point where taxes can be raised so high that no further revenue is gained and wealth is lost. That should be borne in mind.

Deputy Martin Ferris: On 27 November, Deputy Pearse Doherty raised the fact that half the positions in child and adolescent mental health service, CAMHS, teams throughout the State are vacant and have been for some time. The Taoiseach accepted that CAMHS was not up to scratch in many areas and said he would look for a report on a comparison of its resources, staffing and outcomes. Has the Taoiseach received that report? If so, what are its contents, will he publish it and what action is being taken to ensure the adequate resourcing of CAMHS?

Minister of State at the Department of Health (Deputy Jim Daly): I am not sure of the specific report to which the Deputy referred. I have said that on 25 January, the clinical directors of all the CAMHS teams nationally and the chief executives of the community healthcare

organisations, CHOs, will convene at my invitation at the Department of Health. They will review the operation of CAMHS and examine several initiatives on which we have worked during the year to make it more efficient. The issue is not funding, as I have noted before. There are disparities in the list throughout the country where some CAMHS teams are working very effectively and others are not. We are trying to get to the bottom of the anomalies.

The Deputy referred to recruitment. One initiative, which the Deputy's party is not very supportive of, is telehealth which offers a way of providing access to medicine which is used across the world. I am eager to bring that to Ireland in the coming year so that teenagers who require assistance can access the necessary healthcare.

Deputy Róisín Shortall: A review was recently undertaken on the area of delayed discharges, the role of homecare and the underfunding of homecare packages. Will that report be published? Will the Government consider revisiting community-based homecare services? Much of the longer-standing, smaller homecare services, which are community based, are being driven out of the sector by the overcommercialisation of homecare service provision. In my constituency there is a service that has operated for 25 years. It does not meet the size criterion for the tendering process, however, which means a very good service with very good people is being driven out of business. Is the Government prepared to revisit that?

Deputy Jim Daly: The review was published two or three weeks ago and is on the Department of Health website. I share the Deputy's concern about the community-based services where the new tendering arrangement has proved challenging. We are midway through a complete overhaul of the homecare service. We have taken a great deal of consultation on it during which this issue has been raised often. It is something we are aware of while we are trying to devise the new arrangements and a new plan which I hope to publish early in 2020. That should give us a clear roadmap for a service somewhat similar to fair deal, guaranteed by statute and funded in full so that everyone who needs it will get it.

Deputy Anne Rabbitte: There is a reference in page 6 of the programme for Government to making our older years better years and another reference on pages 38 and 39 to a just and fair society and a more inclusive prosperity. Chapter 4 is on jobs and rural development, while there is a reference on page 46 to protecting local services. Eighteen post offices have been designated for closure in County Galway, of which only one has a serious issue. Those involved with this post office have met the review team, but it has failed to consider that the post office is located in a rural settlement and that a decision on it cannot be based on the parameters such as the population within a speed limit area. I am sure that the Taoiseach's Independent Minister has already made many representations on this as there has been public meeting after public meeting on it. The closure of the post office is contrary to the county development plan as it requires people to leave the county to go to Banagher in County Offaly.

An Ceann Comhairle: That beats Banagher.

Deputy Richard Bruton: An Post has undertaken a restructuring programme, under which there was an agreement with postmasters, as a result of which a number of post offices will close. It set out a protocol under which it seeks to maintain an adequate level of service and, as the Deputy observed, there is an independent review when post office closures occur. That is entirely independent of my responsibility because An Post is a commercial body. It has suffered a very sharp decline in the amount of business going through the post office network, which has been part of the problem. It is seeking to diversify and expand that. I will bring this case to the

attention of those involved but it is an independent process. It works on the basis of seeking to be fair to everyone in how it is administered.

Deputy Caoimhghín Ó Caoláin: The programme for Government claims, and the Minister for Health has repeatedly stated, that addressing waiting lists in our health services is a priority for Government. However, there is no waiting list more distressing than that of children who await approval for access to a drug that will help them secure a longer life. As we meet on this last day before the Christmas recess, this morning I have received further communication from parents relating to their distressing circumstance, recounting how their child continues to deteriorate physically from spinal muscular atrophy.

Different Deputies have raised this issue but it is very important that, in the month of Christmas, some real hope is provided rather than there being a notion that it will be addressed in the coming year. Each year that passes is further torment for the parents and children involved.

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

Deputy Caoimhghín Ó Caoláin: There are only 25 children who can possibly benefit from the approval of Spinraza. They are also a small adult population of no more than 50. Could the Taoiseach make a statement on this last sitting day before Christmas to give these families some hope?

The Taoiseach: I am afraid I cannot give the Deputy any information on the approval of that particular drug. As Members know, which drugs are licensed, which drugs are prescribed and which drugs are reimbursed are not political decisions, nor should they be. For very good reasons they have been taken out of the political process. So far this year the HSE has approved 23 new medicines. That is done based on the efficacy of the medicine and whether the cost matches the benefits.

Deputy Robert Troy: The most challenged legislation on the Irish Statute Book is the Road Traffic Act 2010. The Judiciary, accident victims, advocacy groups and legal representatives have all called for that body of law to be consolidated into one Act. I understand it is a promise contained in the programme for Government. I understand that the Minister for Transport, Tourism and Sport, Deputy Ross, made a commitment to bring forward a new consolidated road traffic Bill, but through the work of RTÉ and a freedom of information request we realised that no work on consolidating that Act has started. Instead, the Minister wishes to complicate this Act further by introducing new and disproportionate penalties. First, can the Taoiseach say when we will see the new consolidated road traffic Bill? Can he also confirm that no further amendments of a disproportionate nature will be inserted into the Act until such time as the new road traffic Bill is brought before the House?

The Taoiseach: We do not have a date for the publication of the heads of the road traffic consolidation Bill. I agree that it is necessary. We have consolidated company law, tax law and social welfare legislation. Road traffic legislation is among the most highly litigated in Ireland and it would make sense and eliminate a lot of loopholes if we were to consolidate it. I understand that very little progress has been made on that particular project to date. The priority has been on updating legislation. Yesterday Cabinet gave the Minister approval to draft his Bill. However, we decided that two aspects required further consideration, namely the issue of graduated speed limits and the issue of people driving without having their driver licences on them. We acknowledge that the law needs to be tightened in these areas. We want to do it in a

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way that is appropriate and not draconian. We do not want to deny any citizens the freedom of the road or drive anyone off the road, provided they are driving safely.

Deputy Willie O'Dea: When will an inquiry be established to enable the victims of the cervical cancer controversy to have their cases heard and determined by a judge in private? Can the Taoiseach reassure the House that the mandatory disclosures Bill will be before the House early in 2019, so that doctors will no longer be able to withhold information from patients?

The Taoiseach: Cabinet yesterday endorsed the Meenan report and approved the establishment of a tribunal. The Minister for Health hopes to be able to appoint the judge who will chair that tribunal very soon. It seems that because primary legislation will be required to set up the tribunal it will take a number of months before it is actually established on a statutory basis and is able to operate. We will need the co-operation of the Houses to make that happen.

Deputy Willie O'Dea: It could operate on an *ad hoc* basis.

The Taoiseach: The Minister for Health is probably best placed to answer that, but we will do everything we can on a non-statutory basis while the statutory work is being done. The Attorney General informs me based on previous experience in establishing tribunals that it can take many months to get it done. I am concerned that this is the case.

Estimates for Public Services 2019: Referral to Select Committee

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I move:

That Revised Estimates for the Public Services for the year ending 31st December, 2019, be presented to the Dáil and circulated to members and be referred to Select Committees, as appropriate, pursuant to Standing Orders 84A(3)(c) and 182(3).

Question put and agreed to.

Sittings and Business for Joint Siting on 21 January 2019: Motion

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

That Dáil Éireann shall be enjoined with Seanad Éireann to constitute a Joint Sitting of the Houses of the Oireachtas on Monday 21st January, 2019, in order to commemorate the centenary of the first meeting of the first Dáil Éireann, and the following arrangements shall apply:

(1) the Joint Sitting shall be held at 4.15 p.m. in the Round Room of the Mansion House;

(2) the Ceann Comhairle shall be the Chairman of the Joint Sitting, shall make opening remarks and shall adjourn the Sitting at the conclusion of the proceedings;

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(3) the Cathaoirleach of the Seanad shall make closing remarks prior to the adjournment of the Joint Sitting;

(4) the proceedings at the Joint Sitting shall otherwise consist of:

(a) a Centenary Declaration which the Ceann Comhairle is hereby empowered to make on behalf of both Houses of the Oireachtas, and

(b) a statement by a representative from each party or group in the Dáil on the Centenary Declaration, in accordance with the following arrangements:

— Government – 10 minutes,

— Fianna Fáil – 8 minutes,

— Sinn Féin – 6 minutes,

— the Labour Party, Solidarity-People Before Profit (Sol-PBP), Independents 4 Change, the Rural Independent Group and the Social Democrats-Green Party Group – 4 minutes each; and

(5) the overall programme and protocols for the day shall be agreed by the Dáil Business Committee.”

Question put and agreed to.

Ceisteanna (Atóigáil) - Questions (Resumed)

Cabinet Committee Meetings

1. **Deputy Micheál Martin** asked the Taoiseach when Cabinet committee F (National Security) last met. [50478/18]

2. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee F (National Security) last met; and when it is scheduled to meet again. [51727/18]

3. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee F (National Security) last met; and when it next plans to meet. [52100/18]

4. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee F (National Security) last met. [53141/18]

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

The committee last met on 8 February this year. The meeting was attended by Ministers and senior officials from the Departments of Finance; Public Expenditure and Reform; Foreign Affairs and Trade; Justice and Equality; Health; Communications, Climate Action and Environment; Transport, Tourism and Sport; Housing, Planning and Local Government; and Defence. Arrangements are being made for the next meeting of Cabinet committee F but a date is not yet

finalised.

The role of Cabinet committee F is to keep the State's systems for the analysis of, preparation for, and response to threats to national security under review and to provide high-level co-ordination between relevant Departments and agencies on related matters. At its meeting yesterday the Government endorsed the report of the Commission on the Future of Policing in Ireland. We have accepted all 157 key recommendations of the report, 136 in full and 21 in principle but requiring further work. The report provides a clear vision for a modern, highly professional, human-rights-based police service. The core focus is on a Garda organisation working closely and collaboratively with communities and other agencies to keep communities safe and to prevent harm to vulnerable people. This is the right vision for Ireland to maintain and enhance public trust in policing, to meet current challenges and enable An Garda Síochána to tackle future challenges.

Our focus must now turn to implementation. I have established within my Department a policing reform implementation programme office which will track implementation. Together with the Garda Commissioner, the Minister for Justice and Equality, Deputy Flanagan, published a high-level implementation plan yesterday. The plan was prepared with the input of the implementation group on policing reform chaired by Ms Helen Ryan, who was herself a member of the commission, and has been endorsed by every Minister and Department. It sets out an ambitious but realistic four-year plan for the implementation of the recommendations. This timescale is in line with the commission's own recommendation for the work to be complete in time for the centenary of the establishment of an Garda Síochána.

Deputy Micheál Martin: I thank the Taoiseach for his reply. During the last seven years we have heard intermittent statements from Government claiming to have reformed the workings of An Garda Síochána. Of course, that did not turn out to be the case. The O'Toole report of the Commission on the Future of Policing in Ireland, which we asked for and proposed, is comprehensive. All Members of the House and leaders of different parties co-operated with the commission's work. We need a detailed timescale and funding proposal before we can be sure that this will actually mark a significant departure in policing in Ireland and that it will have the same impact as the Patten commission had on policing in Northern Ireland.

One ongoing problem has been the need to hire people with specialist skills, especially concerning language, technology and difficult legal areas linked to white collar crime. In particular, the education and training dimension is extremely important. A radical change from the Templemore model is required to meet the future needs of An Garda Síochána. The structure and organisation of the interaction between civilian and uniformed elements is lamentable. This all needs to be accelerated. Can the Taoiseach explain what efforts are now to be taken to speed up efforts to tackle these issues, in particular the shortages of specialist skills?

Finally, I wish to raise the overall co-ordination of security matters across the Government. There is to be a new official report to the Secretary General of the Department of An Taoiseach. Can the Taoiseach outline the specific role of the new co-ordinator and the staffing which will be put in place to support him? Moreover, can he elaborate on what he has said about a task force within his own Department overseeing the implementation process within the Department of Justice?

Deputy David Cullinane: Yesterday the Minister for Justice published his implementation plan for the report of the Commission on the Future of Policing in Ireland, which the Taoise-

ach discussed earlier. I believe it was also discussed at Cabinet yesterday. While many of the report's proposals are very positive and must be implemented, which we support, we are concerned about the retrograde step proposed in respect of Garda oversight. We are especially concerned about the proposal to merge the Policing Authority with the Garda Inspectorate to form a new policing and community safety oversight commission, and the plan to remove some of the Policing Authority's powers. The Policing Authority has begun to show some strength and an ability to hold An Garda Síochána to account. Its meetings are held in public and it has some real powers. It has responsibility for the recruitment of senior gardaí and its approval was required for policing plans. However, under the Minister's implementation plan, the appointment of senior gardaí would be returned to an internal Garda board and the Garda Commissioner. Ultimately, we see that as a shift in power and an element of oversight away from external bodies back to Garda headquarters.

The Taoiseach will be aware that there was agreement right across this House that we would move away from that, that we would try to have some independence in terms of oversight, and that we would challenge what was bad culture and bad practice within An Garda Síochána. While we see positive elements in the report that we would support being implemented, we have some concerns, especially about the merger of the Policing Authority and the Garda Inspectorate into this new body. I would welcome the Taoiseach's thoughts and opinions on this issue.

Deputy Brendan Howlin: I raised yesterday with the Taoiseach my strong welcome for the vast bulk of the report on the reform of policing. I have discussed it with members of the review team who explained their views, both the minority and the majority views, on the role of the internal board. I placed on record yesterday my views on that. The implementation of the report will be transformative but it would be a major mistake to hand back the appointment of senior personnel to an internal board and the Garda Commissioner. The single most important move we made was to take that away from An Garda Síochána and to have an external appointments procedure. I hope that has been reflected upon. I took heart from the Taoiseach stating yesterday that there will be a long time and much debate before these measures are put into force.

There is a national security co-ordinator to be appointed. Is that a civilian position? Is it to be somebody from within the Defence Forces or An Garda Síochána or has the Taoiseach an open mind? Will the co-ordinator be sited in the Department of the Taoiseach or in the Department of Defence, or where will he or she be sited? Will the co-ordinator have his or her own staff?

On a separate issue, did the Cabinet committee have any views on the announcement as part of the Brexit preparations in the UK that it would deploy 3,500 troops to support the British Government on Brexit? Have we any idea where they will be stationed? Will they be stationed in Ireland? They hardly will be deployed to Liverpool. Why would they want 3,500 troops to be on standby as part of Brexit? Has the Taoiseach any explanation of that?

Deputy Micheál Martin: To get people to vote for the withdrawal treaty.

Deputy Joan Burton: The issue the Government faces is that confidence in the Garda is at a very low ebb following all that has happened, particularly in respect of former Sergeant McCabe. People are glad to see the end of that but their confidence is badly shaken. It has been clear that what people want to see is a force, the organisational structure of which ordinary people can understand and the members of which they can see and have contact with in their

communities.

While much of the material in the report is quite positive, I get the feeling from the Taoiseach's statement that he will undo all the work that we did in government on the Policing Authority modelled on what happens in neighbouring jurisdictions and learning from the Patten report and the changes in the PSNI. At one fell swoop, for some unexplained reason, the Taoiseach has decided to hand back the business of promotion, which is a very deep issue in the force. Understandably, in a force of 15,000 members where there are regular and routine promotional opportunities, members need to have confidence that those promotional opportunities are based on merit and not on some kind of old boys' act. Will the Taoiseach reflect seriously on what I presume is a tentative decision at this point to hand back to the Commissioner the job of promotion of members? That is potentially a very poor decision which will wreck much of what is good in the report. In terms of how the Garda members themselves, especially at lower ranks, and the public perceive it, the decision is something that should be reflected on and thought about.

The Taoiseach: Gabhaim buíochas leis na Teachtaí as a gcuid ceisteanna. On the Commission on the Future of Policing in Ireland, there is an implementation plan with a timescale, as it should have, in terms of funding and resourcing. That is something that has to be dealt with during the annual Estimates round but there certainly is funding in place for 2019 to do that.

I note that the Garda Commissioner has taken a decision to recruit differently next year, actually slowing recruitment a little. Instead of recruiting 800 next year as planned, we will recruit 600 new gardaí instead but many more civilians as part of the civilianisation process. It is an innovation in the public service the acknowledgement that simply recruiting does not necessarily solve problems and that recruiting correctly is what can help to solve them. It is an interesting example, perhaps, for other parts of the public service to follow, not to cut numbers but to slow recruitment and do it correctly.

In terms of my Department, I have set up a number of small units within the Department of the Taoiseach to oversee the implementation of a small number of key Government strategies: policing reform, Sláintecare and, of course, Brexit planning. It will follow the model of the Action Plan for Jobs, which does not involve my Department doing the work of other Departments for them but makes sure that they do not correct their own homework. The role of the units within my Department will be to ensure that these strategies and plans are implemented over the next couple of years.

I disagree with Deputy Burton. I do not believe that confidence in the Garda is at a low ebb. Notwithstanding the recent scandals, the public continues to have strong confidence in and high regard for the Garda. Members of the public respect the Garda. They admire gardaí for their work. The public has enormous confidence in the men and women who serve in An Garda Síochána.

On the role of the Policing Authority, I am conscious of some concern that the proposal risks diluting the current level of external scrutiny. Following detailed considerations of the concerns, I am satisfied that the proposals are a coherent response to a system of external oversight that is complex and confused and acts to the detriment of accountability on the part of individuals and the Garda organisation itself. Taken as a whole, the suite of proposals will ensure that the complimentary objectives of strong internal governance in line with best practice and effective external oversight of policing are achieved.

The Government is also satisfied that it is appropriate that the Garda Commissioner and the Garda Síochána board be given responsibility for senior appointments, subject to normal public service recruitment and promotion standards being applied. The Government accepts the commission's view that the Commissioner must be empowered to act as the CEO of An Garda Síochána, and making appointments is clearly within the remit of the board and CEO of any large organisation.

Deputy Brendan Howlin: Not true.

The Taoiseach: I am conscious of the experience and expertise of those who serve on the existing oversight bodies and the Department of Justice and Equality. We will consult them as we develop the new legislation and we will listen to the views of others in the Oireachtas and what people have to say.

It is not anticipated that the new framework would be in place until 1 January 2021 and we will use the intervening period to tease this out. The existing oversight bodies will continue their important work during that period - for at least two years - in accordance with their statutory remit.

I was asked about the strategic threat analysis centre, STAC, which will be headed by the national security co-ordinator. There are ten principles underpinning the recommendations contained in the O'Toole commission report. The second principle is that: "Policing and national security are not the responsibility of the police alone." The commission recommends changes to take account of the changing nature of threats to the country, including the increased threat from international terrorism and cyber attacks on Government institutions, infrastructure and companies, the increased importance of international co-operation and intelligence sharing, and the important role that other Government agencies have in protecting the security of the State. It makes several recommendations in this area, including the establishment of a permanent structure in the form of a centre for intelligence collation and analysis known as the strategic threat analysis centre, STAC, which would be headed by a national security co-ordinator, and an independent examiner of terrorist and serious crime legislation. It is our intention to have the first national security co-ordinator appointed in the first quarter of 2019 and to establish the STAC with a small staff. The national security co-ordinator will report to me through the Secretary General of the Department of the Taoiseach and have a co-ordinating role. Several bodies collect intelligence, namely, the Garda and Army intelligence sections and the cybersecurity centre in University College Dublin. The strategic threat analysis centre is not designed to take over that work but, rather, to co-ordinate it better nationally and internationally.

An Ceann Comhairle: The next 13 questions are being taken together. I am conscious that they relate to the European Council meeting, on which we will hear statements for two and a half hours when Question Time concludes. I expect these questions to be dealt with within 15 minutes.

European Council Meetings

5. Deputy Micheál Martin asked the Taoiseach if he will report on the December 2018 EU Council meeting. [50860/18]

6. Deputy Michael Moynihan asked the Taoiseach if he will report on the December 2018

EU Council meeting. [51835/18]

7. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the December 2018 EU summit. [51851/18]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the December 2018 EU Council meeting. [52194/18]

9. **Deputy Joan Burton** asked the Taoiseach if he will report on the EU Council meeting held on 13 December 2018. [52849/18]

10. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent telephone conversation with the President of the European Council , Mr. Donald Tusk. [53005/18]

11. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the December 2018 European Council meeting. [53029/18]

12. **Deputy Michael Moynihan** asked the Taoiseach the contact he has had with other European leaders since the vote on the draft withdrawal treaty was deferred. [53148/18]

13. **Deputy Micheál Martin** asked the Taoiseach if he will report on the discussions he and EU leaders had at the December 2018 EU Council meeting; and if the backstop was discussed at length. [53186/18]

14. **Deputy Micheál Martin** asked the Taoiseach if he will report on his telephone call with the President of the European Commission, Mr. Jean-Claude Juncker, on 12 December 2018; and the issues they discussed regarding the reassurances sought by the British Prime Minister, Mrs. Theresa May, on the draft withdrawal treaty. [53428/18]

15. **Deputy Micheál Martin** asked the Taoiseach if he will report on the December 2018 EU Council meeting; and the bilateral meetings he attended. [53429/18]

16. **Deputy Micheál Martin** asked the Taoiseach if he spoke to or met President Macron of France before or during the EU Council meeting on 13 and 14 December 2018. [53431/18]

17. **Deputy Michael Moynihan** asked the Taoiseach if he will report on the discussions at the December 2018 EU Council meeting regarding the multi-annual budgetary framework. [53435/18]

The Taoiseach: I propose to take Questions Nos. 5 to 17, inclusive, together.

I attended meetings of the European Council in three formats in Brussels on Thursday, 13 December and Friday, 14 December. In advance of the European Council, I spoke by telephone to the President of the Council, Mr. Tusk, on Monday, 10 December and the President of the Commission, Mr. Juncker, on Wednesday, 12 December. In each call we discussed the situation regarding the Brexit negotiations and they reiterated their strong support for Ireland's position and their view that the EU-UK withdrawal agreement could not be reopened.

We discussed Brexit in Article 50 format on Thursday evening having heard a presentation by the Prime Minister, Mrs. May, in which she updated us on recent political developments in the United Kingdom and the state of play regarding the withdrawal agreement. I also had a bilateral meeting with the Prime Minister earlier that morning. There was very strong consensus at the Article 50 meeting that the withdrawal agreement agreed to on 25 November and

endorsed by the UK Government could not be renegotiated in substance. We all agreed that the backstop, which is an integral part of the protocol in Ireland and the withdrawal agreement, is necessary to give us a cast iron assurance that there will not be a hard border on the island of Ireland, a state of affairs which underpins the Good Friday Agreement and the totality of relationships between Britain and Ireland. It is also crucial to protect the integrity of the Single Market and the customs union by ensuring the open border on the island of Ireland does not become a back door to the Single Market. The backstop is intended as an insurance policy to apply unless and until it is replaced by alternative arrangements that make it no longer necessary. We have consistently said we will work to provide clarifications and reassurances for the United Kingdom. In that context, the European Council agreed some important reassurances in its conclusions.

We reiterated that we would like a very close, comprehensive and ambitious future relationship with the United Kingdom, reaffirming the position outlined in the political declaration. We confirmed our determination to start negotiations on the future relationship as soon as possible after the UK withdrawal, with a view to concluding and implementing the new arrangements by the end of 2020, thus ensuring neither an extension of the transition period nor the invocation of the backstop would be required. We also agreed that preparations for all possible outcomes should be stepped up, including for a no-deal scenario.

Of course, we discussed many other important issues at the European Council. The agenda included the EU multi-annual financial framework for the period 2021 to 2027, the Single Market, migration, external relations, the fight against racism and xenophobia, security and defence, dealing with disinformation, climate change and citizens' consultations on the future of Europe. We also welcomed the positive vote in the European Parliament on the EU-Japan economic partnership agreement, which should come into force very soon. On the new multi-annual financial framework, I outlined Ireland's approach, which is to ensure it brings added European value and that core Irish priorities, particularly the Common Agricultural Policy, are protected. On the Single Market, an issue on which Ireland has been very active, we called for a forward-looking approach and decided to have an in-depth discussion on achieving a fully functioning Single Market, particularly in services, at our next meeting in March. At the Euro summit we endorsed the outcome of discussions by Finance Ministers in recent months, including on economic and monetary union. This is important in strengthening the architecture of the eurozone for all circumstances.

In addition to my bilateral meeting with the Prime Minister, Mrs. May, I had a bilateral meeting with Prime Minister Costa of Portugal on Friday morning. I did not have a formal bilateral meeting with President Macron of France last week, but I did informally speak to him and other EU counterparts on the margins of the European Council.

I will report on the European Council in greater detail in my statement to the House this afternoon.

Deputy Micheál Martin: I will reserve most of my comments on the Brexit discussions for the upcoming statements on the European Council meeting.

On no-deal planning, the European Commission has regularly published details of presentations on no-deal plans which have been made to governments. The evidence suggests the Government has been briefed in great depth over a long period on everything contained in the guidelines issued today. Is that the case? Is the Commission correct to state it has kept govern-

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ments fully informed well in advance of today's launch?

The Commission's press release was published on its website during Leaders' Questions this morning. The Taoiseach was somewhat disingenuous about the Government decision not to keep the House properly informed on this matter. I genuinely think the House has been treated shabbily by the Taoiseach and the Government on Brexit preparedness and particularly a no-deal scenario. I cannot comprehend why arrangements were not made for a debate and full presentation on this issue before the House rose for the Christmas recess. That is incomprehensible on any reasonable objective assessment. We need a proper explanation, rather than what has been said so far because I have read the guidance and press release of the Commission in that regard. It is an important issue that merits debate in the House. The Government's response to this scenario and whatever document will be put before the Cabinet this evening should also be made available to all Members of the House because they are of direct relevance to us as parliamentarians and legislators.

The Taoiseach referenced a proposal concerning exemptions to state aid rules to help businesses badly hit by Brexit. Fianna Fáil first proposed that measure and raised it with the Government and the Commission over two years ago; therefore, we welcome the fact that it is being progressed. When does the Taoiseach intend to discuss the details of the proposal with Members of the House? As public funding will be required, will a special Supplementary Estimate be introduced to cover the cost?

Agreement to continue current policy on the common travel area was reached between the Taoiseach's predecessor, Deputy Enda Kenny, and the British Government early in the process. In recent months the Taoiseach stated the common travel area should be protected in the withdrawal agreement. I ask him to explain the status of the common travel area in the event that there is no withdrawal agreement. Given that the formal legal basis for many reciprocal rights will disappear when the United Kingdom leaves the European Union, when will the Government publish detailed plans to protect the common travel area in a no-deal scenario?

Deputy Brendan Howlin: I agree with the remarks of Deputy Micheál Martin about the shabby treatment of the House in failing to provide a proper briefing on what is parliamentary business. Although the Brexit forum has been a valuable instrument in the past 12 or 18 months, it is not a parliament. We need to have the scope and time to reflect properly on the business we must undertake.

From his interactions with the Prime Minister, Mrs. May, what is the Taoiseach's understanding of what the United Kingdom wants? For what did Mrs. May ask? A report in the UK press claimed that if Ireland and the Taoiseach budged by 5%, a deal could be done. What does that mean? On what matter does the British Government want the Taoiseach to budge? What changes, if any, were tabled to the withdrawal agreement by the United Kingdom in order to allow Mrs. May to meet the wishes of those, in her own party in particular, who were obstructing its passage?

Did the Taoiseach formally veto language in the agreed statement issued after the EU summit? Has he had discussions with the DUP, Ms Arlene Foster in particular, in the aftermath?

Deputy Richard Boyd Barrett: I suspect the British Government wanted to water down the backstop.

Deputy Brendan Howlin: I want to know the specifics of what was sought.

Deputy Richard Boyd Barrett: There should be no question of us giving an inch on the question of the Border and the assurances given.

We often focus on the very immediate and important question of the debacle in Britain and what the implications might be in terms of a crash-out Brexit in the event that there is a deal or no deal. However, over the Christmas period it would be worthwhile reflecting on the wider picture of what is happening in Europe, given events in Hungary and recent events in France and what underpins the bigger crisis within the European Union which was, to some extent, the reason people in the United Kingdom voted for Brexit. The Orbán Government, a pretty obnoxious, racist, right-wing Government, is now facing unprecedented protests against a shocking attempt to impose what is called a slave law, whereby workers are being asked to work 400 hours' compulsory overtime and get paid three years later for it. I could not believe it when I heard it. Orbán sent in private security, which echoes something that happened in Ireland this week, and police to attack Members of Parliament who were protesting in the state broadcaster. This is on top of attempts to dismantle the free press and interfere with freedom of education and so on. This is very dangerous authoritarian stuff. The background involves considerable resistance regarding issues such as pay, poverty and inequality. This is what we see in France with the yellow vest movement. People are angry over how the vulnerable and working poor are being attacked by a system that does not seem to care very much about them. This is something the European leaders should reflect on. The British Prime Minister, Ms Theresa May, should certainly reflect on it but I do not believe she is capable of much reflection on that front. European leaders and the Taoiseach should be reflecting on it, however. The social and economic inequalities I mention are generating a lot of anger across Europe.

Deputy Joan Burton: At the Taoiseach's meeting, was the future EU budget discussed, particularly with the departure of the United Kingdom now seeming inevitable, unless Article 50 can be utilised in some way or another? Could the Taoiseach give us his view on that? I refer to the multi-annual framework that the Taoiseach referred to.

Owing to the immense amount of intellectual property being counted in Ireland, our GNP and versions of it have grown substantially. Does the Government have a calculation of the likely additional amounts we will have to pay in contributions to the European budget? Has this formed part of the Taoiseach's discussions with his European Union counterparts? The departure of the British could impose a very significant extra burden. We know already the Government is in big trouble over capital projects, such as the children's hospital.

In the context of Rosslare, we have been told and assured by the Taoiseach and others that planes will continue to land at and depart from Dublin Airport in the context of a no-deal Brexit. At that point, unless a further agreement is entered into, the United Kingdom will be outside the single aviation space. Is the promise of no disturbance to our airports, whether in Dublin, Cork, Shannon, Kerry or Mayo, one that should give rise to concerns? Is this one of the areas that the Taoiseach has specifically examined with his Government?

Was cybersecurity discussed at the meeting as a matter of urgency in the context of the forthcoming European elections, which are due to be held next May? The campaigns are happening against the background of the rise of ultra-populists in Europe.

Deputy David Cullinane: It is quite incredible for most people outside the United Kingdom that we are 100 days away from it leaving the European Union, if it does leave. We have a withdrawal agreement on the table that took a year and a half of painstaking negotiations, yet a

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hard-crash, no-deal scenario, however unlikely, is a live prospect because of the failure of politics in Britain and a division in the Tory Party. Obviously in that context we have to consider what it will mean for Ireland. We want the withdrawal agreement. We want the deal in place and all the hard-fought gains and protections that have been achieved and which we supported to ensure we do not have a hardening of the Border. It is paramount to protect the Good Friday Agreement.

In the event of a hard crash, however unlikely it is in the eyes of the Taoiseach or others, the prospect of a Border poll has to be put to the people in the North. I have said this before and it has been said by my party leader. It is not just Sinn Féin that is saying this. If the Taoiseach is watching what is happening north of the Border — I hope he is — he will note all the opinion polls over recent months show that a majority, including some unionists and a majority of nationalists, would vote for a united Ireland in the context of a hard Brexit because it would mean the North staying in the European Union. I believe that should also be the position of the Government. I seek a response from the Taoiseach on this today.

We do not believe the Government is Brexit ready. We will see proposals published by the Tánaiste tomorrow. There is a meeting of the Brexit stakeholder forum, at which I will be present. We have said we need to build up our defences and infrastructure. Part of this involves the consideration of ports, yet we hear that one of the main gateways to France for goods and people from the south east will cease. I refer to the Irish Ferries route. We are seeing this happen in the mouth of Brexit. The Taoiseach needs to understand the impact it will have on businesses and the tourism sector, on which the south east has built part of its economy. I appeal to the Taoiseach to have a conversation with the Minister for Transport, Tourism and Sport if he can, and he in turn should talk to Irish Ferries. This is a serious issue. It speaks to the lack of preparedness of the Government when it comes to these types of issues, especially in the regions.

An Ceann Comhairle: We have already eaten into the time for the third group of questions. If we allow a comprehensive response from the Taoiseach, we will see what time remains thereafter, if that is acceptable to Members.

The Taoiseach: I have not yet had a chance to see the European Commission's guidance and documents on a no-deal Brexit. They were published only in the past couple of hours. Once I get out of the Chamber I will have a chance to study them.

Deputy Brendan Howlin: They are referred to in this morning's newspapers.

The Taoiseach: I did not have prior sight of them-----

Deputy Joan Burton: It is just unbelievable.

The Taoiseach: -----but I have had some verbal briefings. I would like to see the documents for myself. Other Ministers and officials might have seen them where it was relevant to their line Department.

The common travel area is protected in the EU treaties and also in the withdrawal agreement. In the absence of those, it is a mix of national law, European law and conventions. There has been some substantial work done bilaterally between the United Kingdom and Ireland on the common travel area and how that can continue to operate after Brexit. Both Governments are determined to ensure it does. The European Union has no objection to that.

I understand there is a European Commission notice on aviation but I have not had a chance to see it yet.

Deputy Brendan Howlin: On a temporary basis.

The Taoiseach: Deputy Howlin asked me on a number of occasions to explain what other people mean. I am afraid I cannot do that. I can explain to him only what I mean.

Deputy Brendan Howlin: I asked what the British Prime Minister asked the Taoiseach for.

The Taoiseach: Many people are telling me what I mean but I have never had the ability to tell other people what others mean.

Deputy Brendan Howlin: I asked the Taoiseach what Mrs. May asked for.

The Taoiseach: Among the UK requests was one that the joint political declaration on the future relationship be attached to the withdrawal agreement. The advice from the EU legal services is that this would not be possible and that the withdrawal agreement and protocols attached to it are legal documents in our treaties whereas the joint political declaration is a political declaration. To be called a treaty, it would have to be substantially rewritten.

The second request was for the European Union to give the United Kingdom a legal guarantee that the future relationship treaty, the trade deal, would be in place and operable by 2021, and that even if it were not ratified by all the member states in parliament, it would still be implemented, at least in part. Unfortunately, it was not a commitment that the European Union was able to give. We will make every endeavour in good faith to negotiate the future relationship treaty and a good trade deal between the United Kingdom and the European Union. We will start those talks as soon as the withdrawal agreement is ratified by Westminster but we could not give a legal commitment to say it would be done by any particular date because the nature of the negotiation is that one has to negotiate. Of course, because it will be a mixed agreement, a mixed treaty, it will require the ratification of the treaty by 28 member state parliaments, and perhaps provincial parliaments in some cases. What was sought was a legal guarantee that we were not in a position to give. If we were to give it, the European Union could find itself in breach. The responsibility for avoiding a hard border in that scenario would potentially shift to the European Union rather than the United Kingdom, which would be a bit unfair. It would potentially render the backstop inoperable, which is why there was no traction for that suggestion at the European Council meeting.

I did not veto any language in communiques. I do not know from where that reportage comes, but I can only ever assume it comes from people who do not follow European affairs because it is just not the way the European Council works. We have never had a vote in a year and a half and do not wield vetoes. It is done by consensus. That is good sometimes and not at other times, but it is how the European Union works. There is no need to use a veto and I never have done so. There was a draft point No. 5 that has caused some commentary in the media as there was a reference to future reassurances. The reference to future reassurances was not included in the final conclusions because points Nos. 3 and 4 were added and they are the assurances. They are the assurances the European Union was happy to give; therefore, it was not necessary to refer to future reassurances. On deleting the particular language used, I did not propose or lead the charge on it, as I did not need to do so.

I have not had any direct contact with the DUP in the past two weeks.

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We had a lengthy discussion on the MFF. It was an opportunity for the Heads of State and Government to outline their priorities. It was really a first round in which people outlined what their priorities were. As is always the case in an estimates process, everybody wanted to see lots more spent in every area imaginable but not many wanted to come up with the money to pay for it or savings in other programmes. It is an estimates process writ large at European level and it is really only getting started. I will speak a little more about it in my contribution later.

On our GNI, the Department of Finance does have estimates which show how our contribution will increase in the coming years. It is, of course, dependent on how much GNI increases and what our contributions will be. However, they are only estimates. The truth is our contribution to the EU budget will increase a lot, not so much because the United Kingdom is leaving but because of our GNI and the fact that the economy is growing so much. It is linked with the size of the economy. We have become a net contributor to the EU budget and will very much be a net contributor to it in the next MFF period. I really hope we will not become one of those countries that sees it as how much we pay in and how much we get out in funding, including under the CAP. We have to remember what the real value of European membership is - access to a single market of 500 million consumers. It is the freedom of Irish citizens to live, work, study, travel and access education anywhere in the European Union. One of the big mistakes made in the United Kingdom - perhaps one of the reasons it is leaving - is that it saw it in that way, that it pays this much in and gets that much out, that, therefore, it should leave and give the money to the NHS or some other worthy cause. People never really talked about the value of being in the European Union. Some in the United Kingdom are perhaps now starting to understand this. The membership fee is very cheap when we consider the access to a market of 500 million people and the enormous rights and freedoms citizens gain as a consequence of being part of the European Union.

Cybersecurity and disinformation were discussed, as was the issue of election interference. There was some concern there might have been foreign involvement in encouraging the gilets jaunes protest in France. A difficulty when it comes to all of these things is that while we can raise our concerns about disinformation, interference in the electoral process and the use of social media to do it, few people are able to come up with workable solutions as to what we can actually do to stop or prevent it. We always need to bear in mind the concept of free speech because one person's disinformation might be another's opinion. We need to be careful that people do not use any of these things as a pretext to crack down on democracy or freedom of speech.

I responded to questions about Rosslare Europort earlier in response to Deputy Howlin.

Departmental Budgets

18. Deputy Micheál Martin asked the Taoiseach if he will report on the budget allocation for the Vote for his Department in 2019. [50863/18]

19. Deputy Brendan Howlin asked the Taoiseach if he will report on the budget allocation for the Vote for his Department in 2019. [53006/18]

The Taoiseach: I propose to take Questions Nos. 18 and 19 together.

My Department's gross budget in 2019 will be €35.266 million, as set out in the Revised

Estimates for Public Services published yesterday, which represents a 3% increase on the figure for 2018. The allocation is divided between administration and programme expenditure. The administration allocation covers the running costs of my Department, including staff and office expenses. The remainder of the budget covers programme expenditure which relates to the work of the National Economic and Social Council and a number of independent bodies and inquiries funded by my Department.

The 3% budget increase relates to an additional provision to meet the cost of a new Citizens' Assembly in 2019. The 2019 administration budget for my Department amounts to €22.52 million and is broken down as follows: pay amounts to €16.046 million; travel and subsistence amount to €730,000; training and development and incidental expenses amount to €3.59 million; postal and telecommunications amount to €360,000; office equipment and external IT services amount to €1.41 million; office premises expenses amount to €366,000; and consultancy services and value for money policy reviews amount to €18,000.

The balance of the budget allocation of €12.75 million relates to programme expenditure which funds a number of independent inquiries, including the Moriarty tribunal, the Cregan commission and the Cooke commission, at €8.8 million. Programme expenditure also funds the National Economic and Social Council to a total of €2.1 million and the proposed new Citizens' Assembly to a total of €1.85 million. A detailed breakdown of each of these programme subheads is outlined in the Revised Estimates.

The Department will use its budget allocation in 2019 to assist me in my role as head of Government to develop a sustainable economy and a successful society and to pursue Ireland's interests abroad. In 2019 the Government will continue its work on Brexit and Northern Ireland, advancing the ambitious investment under Project Ireland 2040, reform of the justice and health sectors, climate change, broadband and housing. All of this work will involve the central and co-ordinating role of the Department of the Taoiseach to ensure policies are developed and implemented in an integrated and strategic manner.

As part of the normal scrutiny of Dáil Voted expenditure, in early 2019 I will appear before the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach to discuss the details of the Estimate for my Department.

Deputy Micheál Martin: Yesterday the Taoiseach was asked about the proposal concerning a single Government portal, for which funding had been allocated this year, but it has not yet materialised. Directly linked with this is the research that was supposed to be undertaken to ask people if they actually wanted a single Government portal and establish current attitudes to Government online services. The Taoiseach will remember that in the extremely limited survey of practice in this area carried out by his staff the one consistent learning was that all changes should be led by public demand, not by political proposals. I remind him that there is significant evidence that the move to a single site for all Government information can significantly undermine the level and accessibility of information available on public bodies. Will he explain to the House what has happened to the survey of public opinion, for which we voted funding? The contract was awarded well over a year ago and we were told that it would be completed, even when the marketing unit was stood down. We were also given repeated assurances that we would be consulted on the content of the research before it was carried out. I would like answers to these questions.

Deputy Brendan Howlin: The Taoiseach has said there are three units in the Department

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looking after the specific issues of Sláintecare, policing reform and Brexit. How many staff are in the Brexit unit and does the Taoiseach have plans to beef it up in the event that there is a no deal Brexit?

In a previous reply the Taoiseach spoke about the strategic threat assessment centre. I was not clear on the issue of the new security co-ordinator. For the purposes of clarity, will the Taoiseach tell us if it is a new post to be advertised externally or if it is to be an internal appointment from the Defence Forces or An Garda Síochána?

The Taoiseach: Deputy Micheál Martin asked about the public attitudes survey. I do not believe it was ever carried out. I will have to double check, but I think because of everything else that was going on, it was de-prioritised and never carried out. I had forgotten about it until the Deputy reminded me of it.

Deputy Micheál Martin: It was done away with silently.

The Taoiseach: Forgotten about, rather than done away with, is the answer to the question.

On the national co-ordinator, we have not decided yet whether it will be an internal appointment or whether the post will be advertised. It is to be determined in the first quarter of next year.

2 o'clock

Regarding the new Brexit contingency unit, it is being set up to augment the work of my Department's international, EU and Northern Ireland division on Brexit. This unit was recently established to work on Brexit preparedness and contingency planning. It supports the Secretaries General group which oversees ongoing work on Brexit national preparedness and contingency planning. The unit is focused on cross-Government co-ordination, planning and programme management. It is headed by a principal officer and has a staffing complement of six.

Written Answers are published on the Oireachtas website.

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 Michael McGrath - to discuss the impact of the failure of Qudos insurance; (2) Deputy John Curran - to discuss the funding issues of drug and alcohol task forces; (3) Deputy Eamon Scanlon - to discuss the provision of capital funding for new beds at Sligo University Hospital; (4) Deputy Kevin O'Keeffe - to discuss the framework required for Cork County Council and Irish Water to advance construction of residential units in north Cork; (5) Deputy Willie Penrose - to discuss the minimum entry requirements introduced from 2019 for entry to primary initial teaching programmes; (6) Deputy Bernard J. Durkan - to discuss the discontinuation of the Ballyna group water scheme, Ballyna, County Kildare; (7) Deputy Joan Collins - to discuss the first phase of the construction of the national maternity hospital; (8) Deputies Pat Buckley and Mick Barry - to discuss the threatened industrial action in the health services; (9) Deputy Fergus O'Dowd - to discuss the commencement of section 6 of the

Civil Registration (Amendment) Act 2014 amending section 22; (10) Deputy Seán Crowe - to discuss the delays in children accessing school-age speech and language supports in Dublin South-West; (11) Deputy Gino Kenny - to discuss the Government's proposed cannabis access programme; (12) Deputy Louise O'Reilly - to discuss the provision of home supports for north Dublin; (13) Deputy Mattie McGrath - to discuss the escalating costs of the national children's hospital; (14) Deputy Willie O'Dea - to discuss the reinstatement of two staff at the University of Limerick; (15) Deputies Kathleen Funchion, Martin Kenny and Eugene Murphy - to discuss the eviction in Strokestown last week; (16) Deputy Mick Wallace - to discuss the suspension of Irish Ferries routes from Rosslare to France in 2019; and (17) Deputy Bríd Smith - to discuss the future of the Player Wills factory on the South Circular Road, Dublin.

The matters raised by Deputy Michael McGrath, Deputies Kathleen Funchion, Martin Kenny and Eugene Murphy, Deputy Willie Penrose, and Deputy Bernard J. Durkan have been selected for discussion.

Post-European Council: Statements

The Taoiseach: I attended the European Council in Brussels on Thursday, 13 December and Friday, 14 December. We met in three separate formats over the two days and discussed a wide range of issues. Chancellor Kurz reported on Austria's work as the holder of the EU Presidency for the past six months. I congratulate the Chancellor and his country on what has been a very efficient and effective Presidency, and extend my best wishes to the incoming Romanian Presidency, which will take over responsibilities at the beginning of January. There was a euro summit on Friday where we discussed progress towards economic and monetary union, and we also met in Article 50 format on Thursday evening to discuss Brexit.

I will focus my remarks today on Brexit and outline our discussions on the multi-annual financial framework, which is the EU's five-year budget, external relations outside of the EU, the Single Market, migration, security and defence as well as developments at the euro summit. The Minister of State, Deputy McEntee, will speak on disinformation and the fight against racism and xenophobia in her wrap-up remarks, as well as the citizens' consultations on the future of Europe, in which she has played a leading role.

I met bilaterally with Prime Minister May on Thursday morning, when she briefed me on recent political developments in the UK and on the state of play regarding ratification of the EU-UK withdrawal agreement. We discussed whether further clarification of the terms of the withdrawal agreement might be offered, though I stressed to her that the agreement, including the backstop, could not be renegotiated. Prime Minister May made a similar presentation to the EU 27 later on Thursday, before leaders met in Article 50 formation that evening. As Deputies will be aware, the withdrawal agreement took over 20 months of negotiations and represents a finely balanced compromise among 28 countries. It was negotiated around the red lines imposed by the UK on itself.

There was a very strong consensus at our meeting that the withdrawal agreement, which we agreed on 25 November, and which was endorsed by the UK Government, cannot be substantively renegotiated. We agreed that we will go ahead with our own ratification procedures, in which the European Parliament will have a central role. I look forward to hearing the debate in

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the European Parliament. I know it will be thorough and considered, in keeping with its ongoing involvement in the issue.

The protocol on Ireland and Northern Ireland, including the backstop, is an integral part of the withdrawal agreement. The backstop is necessary to ensure there is no hard border on the island of Ireland, something which underpins the Good Friday Agreement, a legally binding international agreement for which the Irish and the UK Government are co-guarantors. The backstop is also necessary to protect the integrity of the Single Market and the customs union. It is an issue of concern for the whole Union and not just for Ireland. We hope and expect it will not need to be invoked but it is there as an insurance policy to be employed, unless and until alternative arrangements are in place.

I am glad that, in the Article 50 conclusions, we were able to offer important clarifications and reassurances to the UK. We reaffirmed our commitment to a close relationship with the UK and to start negotiations on this as soon as possible after the UK's withdrawal. This is with a view to concluding them by the end of 2020, so that it would not be necessary to extend the transition period or to invoke the backstop. We re-emphasised that if the backstop were to be triggered, we would use our best endeavours to ensure that a new agreement is concluded expeditiously. These assurances are intended to provide clear signals to the UK that the EU will act in good faith to ensure that arrangements for the future relationship are agreed and implemented quickly. The backstop, if needed at all, would apply only for as long as is strictly necessary.

We also agreed on Thursday that preparations for all possible outcomes should be stepped up. Here in Ireland, we are building on the comprehensive preparations already under way and have stepped up planning for a no-deal Brexit. While I hope this will not be the outcome, the persisting uncertainty in London means that these preparations are necessary. The European Commission published its legislative proposals for a no-deal Brexit this morning. These focus on 14 areas where a no-deal scenario would create particular disruption. Tomorrow, the Government will provide an update on our approach. Once the Commission preparedness expert meetings conclude in January, the Government will publish a further update.

Turning to other issues, this was the first time that the European Council held a substantive discussion on the multi-annual financial framework, to cover the period from 2021 to 2027. Leaders had an opportunity to set out our overall positions and priorities. I emphasised that one of Ireland's priorities is a well-funded Common Agricultural Policy, CAP. I also stressed the need to protect the Structural and Cohesion Funds for countries in central and eastern Europe and the Mediterranean. Ireland benefited enormously from the investment in our infrastructure that was made possible by these funds.

I indicated the need to continue to fund INTERREG and PEACE, which are particularly important for Northern Ireland and the Border. It is essential that we continue to fund other projects that work well such as Erasmus+, which is especially valuable to young people, and Horizon for investment in research and development to create the jobs and wealth in the future. Each member state has its own priorities and it will be necessary to find resources if we are to be able to fund them. It also will not be possible to fund everything. From Ireland's perspective, we are willing to consider an increase in our contribution to the EU budget over and above that which would happen for the next multi-annual financial framework, MFF, but only if the new programmes add European value and only if existing programmes like CAP and the Cohesion Fund continue to be funded at current levels. Additional funding should then be committed to new priorities.

Our discussions on external relations on Thursday evening included preparations for the EU–League of Arab States summit, scheduled to take place in Egypt in February. Given that Saudi Arabia is the current chair of the Arab League, we agreed that we would use the summit to raise our concerns about the murder of journalist Jamal Khashoggi and the situation in Yemen.

We had an exchange on relations between Serbia and Kosovo, as well as the post-election situation in Bosnia and Herzegovina. I share the Croatian Prime Minister, Andrej Plenkoviæ’s, concern about the disenfranchisement of Croats living in the federation.

We also discussed recent developments regarding Russia and Ukraine, including the escalation at the Kerch Strait and the Sea of Azov. We expressed grave concern at these and agreed to continue the sanctions on Russia. I expressed our support for Ukraine and its Government, independence, and territorial integrity.

I believe strongly the Single Market is central to Europe’s prosperity and competitiveness on the world stage. Deepening it is Irish policy. The Minister for Business, Enterprise and Innovation, Deputy Humphreys, launched a major report last month, along with her Finnish, Danish and Czech counterparts, which highlighted the importance of unlocking the untapped potential in the Single Market, as well as the need to ensure its fitness for new trends in the trade of goods and services. I am pleased to report that we called for increased efforts in this regard. It was agreed to hold an in-depth discussion on the future development of the Single Market and European digital policy at the March European Council.

In our discussions on migration, we reviewed progress in implementing our comprehensive approach agreed in June. From Ireland’s perspective, we support the three-pronged approach co-operating with countries of origin and transit, strengthening external border security and dealing with the management of migrants within the EU. Intensified efforts to co-operate with countries of origin and transit, to control our external borders through Frontex and naval operations in the Mediterranean, as well as combatting smugglers are showing some positive results. The number of detected illegal border crossings is significantly down and is back to pre-crisis levels. Work on solidarity and burden-sharing, however, as well as efforts to reform the European asylum system, including the Dublin Convention, are still difficult. There has been no real progress in this area.

On security and defence, we welcomed the significant progress made on implementation. I am particularly pleased that we endorsed the civilian Common Security and Defence Policy, CSDP, compact, which provides a new EU framework for civilian crisis management and CSDP missions.

On climate change, we heard a presentation on the European Commission’s communication, A Clean Planet for All. Taking into account the outcome of the COP24 in Katowice, we invited further work to be carried out. This will enable the Union to submit a long-term strategy by 2020 in line with the Paris Agreement.

The euro summit on Friday focused on deepening and strengthening economic and monetary union. We endorsed the agreement reached by finance Ministers earlier this month on reform of the European Stability Mechanism, which will have an enhanced role in the areas of crisis prevention and resolution in the eurozone. I expressed Ireland’s backing for deepening and strengthening the eurozone, including for banking union, a European deposit insurance

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scheme and capital markets union. These will serve to strengthen the resilience of our banking system and the overall stability of the eurozone, along with increasing competition, lower interest rates for borrowers and strengthening guarantees for depositors.

I also expressed our backing in principle for a eurozone budget as a subdivision of the MFF. This should focus on additional measures to help eurozone economies become more competitive and more productive. We agreed eurozone reform should be discussed in inclusive format, particularly to enable countries which are in line to join the euro to participate, including Croatia and Bulgaria, along with those closely aligned to the euro like Denmark.

In addition to my bilateral meeting with the UK Prime Minister, Theresa May, I met the Portuguese Prime Minister, António Costa, on Friday morning. As well as bilateral relations and EU issues, we discussed international political developments, including in Brazil.

On Brexit, the Portuguese Prime Minister confirmed his backing for the EU approach and his hope that the UK would now take the necessary steps to ratify the withdrawal agreement in order that negotiations on the future relationship can start immediately. I also engaged informally with my other EU counterparts in the margins of the European Council, using the opportunity, as I always do, to defend Ireland's concerns and to promote our interests.

Deputy Micheál Martin: In exactly 100 days the United Kingdom will cease to be a member of the European Union unless current UK law is changed. Without a transitional period the impact on Ireland next year alone will be €3.5 billion. It is an unprecedented threat and one for which we are clearly not ready. Last week's meeting of the European Council was deeply depressing for anyone who seeks to limit the damage of a Brexit referendum which was secured using a combination of dishonest arguments and dishonest means.

It has long been commented that the EU is a formidably tough negotiator which stands by the interests of its members. However, it is also, as an institution, formidably bad at politics. It is clear that the UK Prime Minister, Theresa May, failed to propose specific measures which could be both agreed and ratified. However, it is equally clear that the EU itself failed to promote a constructive message. It also failed to refrain from the damaging perception of being dismissive to a person who appears to be the only party leader in Britain who is actually trying to get November's deal ratified. Within hours of the summit's end, EU leaders were briefing that they had made a serious error in the tone of the outcome. It is hard to disagree with them.

With time running out, last week was a wasted opportunity to move something forward even if it was only specific no-deal preparations. There are many possible outcomes to the crisis in Westminster. Perhaps the most likely remains the November deal but the reality is that we now have no option but to assume the worst and urgently prepare for a no-deal outcome. There will be no clarity in the UK's position until the vote scheduled for 15 January which will leave only 73 days to Brexit. Delaying Dáil action on a no-deal scenario until after that vote is simply not an option any more.

There should be no doubt that there is no evidence that planning for a no-deal situation is anywhere close to where it should be with 100 days to go. If one compares it with the preparations by the Dutch Government, what we see in Ireland are half-measures, secrecy and a ministerial complacency rather than action. There has been an unwillingness to provide even basic briefing which goes well beyond the normally secretive and non-constructive approach of the Government. Over the weekend, several journalists were briefed that a memo on Brexit prepa-

rations was to go to Cabinet yesterday. In the House yesterday, the Taoiseach said there is a package of measures which will be revealed on Thursday. He also said legislators are welcome to attend a public forum and put up their hands to ask a question if they want to know anything. This will, as has become standard practice from the Government, almost certainly be given to a few journalists in advance to maximise the headlines and minimise the initial scrutiny. The political sniping through the sending out of occasional Senators and backbenchers to deliver messages on the Taoiseach's behalf is petty.

Deputy David Cullinane: A case of the kettle calling the pot black.

Deputy Micheál Martin: It shows a Government which is simply incapable of accepting legitimate concerns.

The Taoiseach needs to wake up and realise that his normal way of carrying out political business is not good enough as we stand 100 days away from an enormous threat for which our country is not prepared. He said there are 45 legislative measures required in the next 100 days in the event of a hard Brexit. Some will be secondary legislation which will require scrutiny by an Oireachtas committee. Some will be detailed primary legislation which will have to pass at a speed faster than anything comparable for many years, yet the Taoiseach thinks it is good enough to tell Members to go along to a general forum while offering no detailed briefings until the week the Dáil returns.

These are not the actions of a Government which is confident that its preparations should be open to genuine scrutiny. This is a minority Government. The Taoiseach has been given a security to hold office during this period which no other Government in Europe has received. It is time to stop the messing. The Government needs to put aside this dismissive attitude towards basic parliamentary scrutiny. There is a rock solid, constructive majority for managing Brexit in this House. The Taoiseach, however, has to show some commitment to working with us.

We expect to receive detailed briefing papers on the legislative measures which the Taoiseach believes may need to be passed in the next 100 days. The Government needs to provide a timetable for this legislation and allow us to start preparing the accelerated scrutiny which will be required. In addition, we expect the Taoiseach to publish an update of budget projections in the event of a no-deal Brexit to at least inform the House of scenarios which might have to be addressed during 2019. I am not talking about business as usual but about the budget implications of a no-deal Brexit. Surely that work has been undertaken in the Departments of Public Expenditure and Reform and Finance. Given that the Estimates will be before committees, the very least the Ministers can do is include the proposed contingency funding in their presentation of the Estimates. If, as we have been told, there are detailed plans prepared for which facilities need to be built and which staff need to be hired, the details must be presented to the relevant Oireachtas committees. Only yesterday Deputy Lisa Chambers asked whether planning permission had been received for port extensions and facilities at Rosslare Europort and Dublin Port, as well as Dublin Airport, and whether costings, etc. had been made. All she received was a reply that the Office of Public Works was in detailed discussions with Departments and that it would be premature to disclose the results. Why is it premature to disclose whether the work has advanced at ports and airports? That is in the context of any type of Brexit, not just a hard Brexit.

This is a parliamentary democracy and the Taoiseach's delay in providing information will not give him the right to try to force through in hours legislation for which he has had two years

to prepare. It is true that the European Union only finalised some no-deal guidance this week, but most guidelines have been available for some time, while we have been told repeatedly this year that preparations for specific actions such as increased supervision at ports are under way. There is no excuse for refusing to provide information before now. My party has repeatedly pointed to the Government's own statistics for the numbers of businesses which are not Brexit-ready and which are threatened by sterling devaluation and disruption to supply chains. The Taoiseach accepted that the target should be to have all companies Brexit-ready. For this to happen, we need a dramatic step change in activity immediately.

A defining characteristic of the Government has been a chronic and growing delivery deficit. Major plans are launched and advertised regularly, but on the ground delivery has been appalling. Only this week we have learned that the development plan which has been the main focus of the Government's advertising this year has a massive hole in it owing to overruns on projects which have not even begun. The gap between promises on housing and delivery has caused real hardship. We cannot afford for this to happen on Brexit. We need much more openness and much less of a refusal to open plans to basic scrutiny. We will entertain any reasonable proposal for reordering business in the coming months to enact vital Brexit legislation. We will support the provision of additional funding for key public services and businesses under pressure. We have already given the Government a guarantee which it initially dismissed as not needed, that it can focus on tackling Brexit, rather than continuing its much hyped election preparations. What we will not do is accept the continued refusal to give this parliament even basic information on actions that may be needed in the next 100 days.

For the majority parties, the wider public and the media, there has been a reasonable agenda so far of "wearing the green jersey". The focus of criticism has been on the shambles in London. This has been so much the case that the Government has over-reacted to even the mildest questioning. This agenda of putting the country first will continue for us and parties here with a real, rather than a tactical, commitment to our place in Europe. However, we have a right and a duty to demand that the Government respond with more than platform speeches and unchallenged statements. If the Taoiseach genuinely believes it needs to be a national effort, he should start acting like it and engaging with the majority in this House in meaningful and detailed discussions on steps to manage the immediate threat of Brexit. I again repeat that we will support any reasonable proposal agreed to by the European Council that will allow a no-deal Brexit to be avoided next year. I stated very clearly to the Prime Ministers who attended last week's meeting of the ALDE group that the Irish Government had a secure parliamentary mandate on Brexit.

As a final point on Brexit, it must again be said how the absence of the Northern institutions continues to undermine the ability of the people of Northern Ireland to have their voices heard. In the past week a succession of Sinn Féin representatives have been sent out to attack me and my party for saying this. They have gone as far as implying that theirs is the only party in Dáil Éireann entitled to comment on the lack of a working Assembly or Executive. I remember no such strategy on their part in the past when they were calling on me and other Fianna Fáil members of a Government to help to get the institutions established and re-established and they certainly never rejected our right to comment when we succeeded in getting the Democratic Unionist Party to share power with them or secured the devolution of policing.

Deputy Seán Crowe: Fair play to the Deputy.

Deputy Micheál Martin: Our most consistent anti-European Union party will some day

accept the right of others to criticise it and point out how the attempt to link Brexit with the constitutional position of Northern Ireland has undermined the attempts of others here to get unionists to accept Dublin's good faith.

Last week's summit also addressed, albeit too briefly, a series of other fundamental matters that would have been the primary focus in the absence of Brexit. As Fianna Fáil has stated repeatedly in the past year, we strongly disagree with the Taoiseach's refusal to support more ambitious reform of the workings of the European Union. Ireland should not be part of a group that is arguing against any increase in the Union's budget when just such an increase is very much needed to address structural weaknesses in the European Union and the eurozone. We have reservations about some of President Macron's reform proposals, but Ireland should have given genuine support to his efforts to set a new agenda.

We welcome the agreement to set up a new funding stream to help eurozone countries at times of crisis. The fund is nowhere near as ambitious as it should be, but it is welcome and should be implemented as soon as possible. A new effort needs to be undertaken to address critical eurozone weakness in terms of deposit insurance. The early discussions on the Multi-annual Financial Framework are not encouraging. It appears that once again we will be caught in a zero sum debate that will see pressure exerted to cut effective programmes, especially those for rural communities, in order to create space for expanding other essential programmes such as scientific research. The Taoiseach owes it to the House to make a statement early next year on exactly what position he will be taking on the new budget, as well as remaining points in the reform of the eurozone. In addition, he should outline his approach to the discussions on the Single Market that have been scheduled to take place at the spring Council meeting.

The attack of populist parties and governments on the United Nation's migration pact is a sad and disturbing development. The pact is a reasonable attempt to set core principles. It is a small move forward and we must join those countries that are defending it. Fianna Fáil will support steps that can be taken early next year to demonstrate more effectively Ireland's commitment to the United Nations' endeavours on migration.

The summit briefly addressed climate change, action on which has been one of the stand out failures of Fine Gael in government. Unless Ireland starts to get serious in 2019, we will continue to be one of the world laggards and have failed to join countries that are working hard to prevent an environmental, social and economic disaster.

The summit discussed disinformation and attempts to interfere in elections in free democracies. The facts indicate a deep and ongoing commitment by one increasingly rogue regime to promoting division and extremism in Europe. Russian linked campaigns have spread racist fears of minorities, supported the far right and far left and attacked parties that speak out for a free democracy. The European People's Party has been lax in tackling Hungarian Prime Minister Orbán and what he has done in that country which is not compatible with basic European norms and values. What is going on there and in other countries poses a potentially existential threat to core democratic values. Europe is being far too complacent about the spread of authoritarianism across it, even within the European Union.

We support the summit's call for "swift and decisive action" and call on the Government to move on from general reviews and round table discussions and start to make specific proposals for protecting our elections and political debates from manipulation. Implementing the Bill presented by Deputy Lawless would be a commendable start in 2019. It will be a defining year

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for Europe and Ireland. We need new urgency and ambition from the Government. We need a new commitment to work with others on urgent measures and move from words to action. When we return in January, there will be no time left for political business as usual.

Deputy David Cullinane: I wish to share time with Deputy Crowe.

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

Deputy David Cullinane: As I have said several times in statements before and after European Council meetings, one quarter or one third of the Fianna Fáil leader's contribution is always about attacking Sinn Féin. He does not attack any other Opposition party. He does so because of the electoral threat Sinn Féin poses. Deputy Martin should be under no illusions. Sinn Féin is not above criticism and welcomes constructive advice from all quarters in this House, especially and including those who do not contest elections in the North. We still accept advice from those parties. The leader of Fianna Fáil and the Taoiseach need to understand, and I think the Taoiseach has a better read of it than the leader of Fianna Fáil, that none of this plays out well in the North. Everybody knows we do not have an Executive and Assembly. We had a deal earlier this year to which all parties bar one signed up. It is not possible to have a power-sharing administration if one of the main parties to form that government will not sign up to it and walks away from the deal. That is not something the leader of Fianna Fáil wants to accept. He wants to use this issue to score political points. As I said, however, it has no impact whatsoever on Sinn Féin's vote, North or South, and only serves to alienate the leader of Fianna Fáil from nationalist people in the North. In fact, I think it is a source of irritation to the leader of Fianna Fáil that a Fine Gael Taoiseach is seen as more popular among nationalist opinion in the North than the leader of Fianna Fáil. This is a very peculiar position for a leader of Fianna Fáil to find himself in.

Deputy Micheál Martin: I thank the Deputy for falling for the temptation.

Deputy David Cullinane: I thought it warranted at least some response. I said earlier that it is extraordinary that we are 100 days away from Britain leaving the European Union. A withdrawal agreement is in place. One area on which I agree with Deputy Micheál Martin is that there was cross-party support in this House for the Taoiseach and the Government getting a deal and the withdrawal agreement in place. That is very precious to us because it involves only the basic set of protections that are necessary to avoid a hardening of the Border and protect the Good Friday Agreement. While that plan is on the table, the real threat of a no-deal Brexit and Britain crashing out of the European Union is increasingly becoming an option. I still believe it is the least likely option but if it is an option, as I believe it is, we must look at how prepared we are and how prepared Europe is for such a scenario.

The European Commission's plan, as outlined today, shows the seriousness of this issue. It states: "Contingency measures should not replicate the benefits of membership of the Union, nor the terms of any transition period, as provided for in the draft Withdrawal Agreement". It notes: "Contingency measures will not remedy delays that could have been avoided by preparedness measures and timely action by the relevant stakeholders." A couple of concerns arise from these statements from the European Union. First, they appear, on the face of it, to say the North will not be treated differently from Britain in the event of a hard Brexit. The reason I say this is that the Commission, in its communication, "reiterates its calls on Member States to remain united also as regards contingency action, refraining from bilateral arrangements that would be incompatible with EU law and which cannot achieve the same results as action

at the EU level". The Taoiseach needs to clarify whether the Commission is saying that, in the event of a hard Brexit, the Border on the island of Ireland will be subject to the same checks and rules as those that will apply to Gibraltar or Calais. If this is the case, it will be completely unacceptable. We cannot allow a situation where the Border on the island of Ireland becomes de-normalised and we slip into the past.

People have real concerns about what will happen in a no-deal, hard-crash scenario. I appreciate to some extent that the Government does not want to talk up a hard crash. Nobody wants to do that. I put these questions to the Tánaiste and Minister for Foreign Affairs and Trade as well. I said at the start of my speech that I regard a no-deal Brexit as the least likely option but people, businesses and others who are concerned about Brexit want to know what would happen in such a scenario. We know that World Trade Organization rules would kick in but what would the Government do in the immediate aftermath of a hard crash? Would it impose a hard border? Would Europe force it to impose a hard border? If so, what would it look like? If the Government was not prepared to do it, what negotiations would have to take place with Britain and the European Union to find some other agreement that would avoid a hard border or a hardening of the Border? These are real issues that businesses, farmers and citizens who live either side of the Border are worried about because in the event of a hard crash, any disruption to the movement of goods, services or people will present real difficulty for people who live on the island of Ireland.

If we look at the House of Commons, the position of the Opposition parties and some of the more pro-European members of Conservative Party suggests there is a majority for Britain staying in the customs union and elements of the Single Market. However, the failure to find an avenue to bring this majority together and make that happen is the reason politics is not working in Westminster and the rest of Britain. Irrespective of what happens, and we all hope we have the softest possible Brexit, it will still have economic, social and political implications for the island of Ireland and this State.

Previous speakers put questions on this matter to the Taoiseach during Leaders' Questions. We must look at how prepared we are in any Brexit scenario. Sinn Féin believes not enough is being spent on capital investment. The roll-out of the national broadband plan has stalled. We have not built up our defences relating to ports, roads and infrastructure generally. We gave the example of Rosslare Port, which is losing a ferry. There is an argument for deepening the port to increase capacity and the same applies with regard to Waterford port. A great deal could be done for the regions. Some regions will feel the effects of Brexit, irrespective of whether it is hard or soft. Like Deputy Howlin, I come from the south east, which has a very strong agrifood sector. Many companies that operate in the region and elsewhere export to Britain and the rest of the European Union. Many agrifood businesses are already suffering because of currency fluctuations between the euro and the pound. The Government does not seem to have put any plans in place to support these businesses. There has been poor uptake of some of the loan schemes it has introduced. I understand uptake of one scheme stands at 9%, which is inadequate. Businesses are speaking with their feet in this regard. It simply is not happening.

We cannot see a credible plan for even a soft Brexit. What worries me even more is what plans are in place for a hard Brexit. I look forward to the Tánaiste and Minister for Foreign Affairs and Trade publishing proposals tomorrow. We will mull over those and a debate on them will be necessary early in the new year. I appeal to the Taoiseach to listen to what the Opposition is saying in respect of being prepared for a hard crash. It is a prospect about which people are very concerned.

Deputy Seán Crowe: I know Brexit has been discussed here but I will concentrate on some of the other serious issues raised at the European Council meeting, particularly migration. The European Council agreed to continue to follow the EU's failed and disastrous migration policies to date. The EU is increasingly giving in to the demands of the far right. I agree with Deputy Micheál Martin that this is no surprise considering that Viktor Orbán, the openly fascist Prime Minister of Hungary, and his Fidesz party are welcomed with open arms by the European People's Party, EPP, grouping where they continue to spread their poisonous rhetoric.

The EU's policies surrounding migration are based on an inherent contradiction. On the one side, there is an acknowledgement that migration is a structural phenomenon with long-term implications driven by deep developmental and governance shortcomings. On the other, the EU's reaction is for the most part tailored towards the short term. We have seen an increased tendency to divert funds formerly allocated to European development co-operation to the task of migration management and border security. This undermines and weakens EU action in the realm of poverty reduction and good governance.

Libya shows how a focus on short-term fixes largely ignores deeper, structural challenges. Despite the chaotic political situation on the ground, the EU has invested heavily in border and migration management in Libya. This includes supporting a brutal coastguard and armed militias involved in human slavery and trafficking. The EU's aim is clearly to stop people leaving Libya to seek asylum, which is a human right, and to keep them in the country where their human rights are violated. According to EU data, all EU Emergency Trust Fund for Africa, EUTF, contributions to north Africa, particularly Libya, have so far been devoted to the issue of migration management and control. The combining of the securitisation of migration and overseas development aid is a dangerous and counterproductive development. Ireland should stand resolutely against the increased focus on the short-term security implications of migration when it comes to overseas development assistance. The UN global compact for safe, orderly and regular migration was signed last week in Marrakesh and I am astonished at the amount of lies and misinformation being spread about this non-binding compact. Sinn Féin supports the compact. I welcome that the compact recognises that migration is a global phenomenon and it needs a global framework to deal with some of the challenges it can create, but also recognising the huge positives it can bring. Globally we need to tackle illegal migration, including human trafficking, and make legal migration more orderly and regular on a global scale, while protecting human rights and international law. However, the far right and others are spreading lies on social media that the compact will lead to open borders, that it will legalise all migration, and that illegal migration will no longer exist. These people suggest it will lead to a tidal wave of immigration into Europe and that the compact says migration is a human right, and other similar things. There is no foundation to most of what they say. All of us in this House have a duty to stand up and counteract these lies and explain the reality and positivity of the compact. Tackling climate change was the other big issue addressed at the European Council meeting. The recent climate change performance index, CCPI, ranked Ireland last in addressing climate change in the EU and among the worst in the world. That is a colossal embarrassment. The Taoiseach said it did not have much status because it was published by an advocacy group, but the failure of the Government to tackle climate change is going to cost the Irish taxpayer in financial terms and in climatic and environmental terms because we are failing to meet EU emissions and renewable energy targets for 2020. The Government seems quick to sign international agreements and climate conventions, but when it comes to delivery and practical steps to combat climate change, it has repeatedly failed to meet targets or introduce the necessary changes.

Although we are a small state in global terms, we as an island should lead by example. It is frustrating that we continue to import billions of euro worth of fossil fuels each year while we have a wide variety of renewable energy sources available which are lying underdeveloped and unused. Even basic steps are being overlooked, with future development plans not being climate proofed. Simple steps like having a facility for homes which harness excess power to transfer that to the national grid is an obvious place to start. Sinn Féin introduced a Bill to do this in November, and the Government must continue to support its passage through all legislative stages.

A quicker roll-out of retrofit schemes of homes is another basic step that needs to be developed, encouraged and requires greater State intervention. Sources such as offshore wind, hydro, biogas and solar need to be developed and will form an important part of our energy mix. Pilot schemes on these sources simply will not cut it at this stage and they need to be mainstreamed.

Clear action must be taken on a cross-departmental basis to address climate change and the aim for the Government must be to develop broad sources of renewable energy technologies. We need to specify our future energy sources. We need to recognise the opportunities we have available to us on this island in the move to greater renewable energy in job creation, security of energy supply and improving the national and global environment around us.

Like many others, I have been shocked by the images of the humanitarian crisis in Yemen. We are all hopeful that the peace talks in Sweden, which have led to some localised ceasefires, will continue and develop. The humanitarian crisis falls completely at the feet of the Saudi regime. We have seen how it has used its military might to bomb civilian infrastructure, homes and even school buses. I hope this breakthrough in the talks will lead to a wider and sustainable ceasefire and ultimately the end of this devastating war which has been caused by Saudi Arabia.

Deputy Brendan Howlin: Many important discussions took place at the European Council meeting last week. There are a host of policies that need to be advanced. On economic policy, we need the next seven-year financial framework and reform of the Single Market to strengthen the EU's social pillar, as I have said so often in the past, and to support people and communities that are being left behind. We also need the financial framework and Single Market reform to be centred on action to mitigate climate change. We need Europe-wide social insurance policies as part of reforming monetary policy and the euro currency.

The Labour Party endorses, as I have just heard Sinn Féin do, the UN migration pact, and this should be at the centre of the EU discussion of migration policy. I have discussed the need for a Marshall Plan for Europe's neighbourhood, in particular significant European investment in the Arab countries in Europe's neighbourhood to boost political stability there and to help their economies develop. On migration, will the Taoiseach assure this House that all member states have been fully briefed about our common travel area with the UK and how we need that to function in parallel with EU migration policy? That will be doubly true if there is no withdrawal agreement in place.

On security, we need to see concrete actions being implemented to safeguard the European elections next May from any outside interference, including online through social media.

I also want to focus on the looming spectre of Brexit. There are now four realistic outcomes from the UK Parliament's deliberation of the withdrawal agreement. As things stand, there is not a majority for any of them. There is no majority for the current text of the withdrawal

agreement and it was made abundantly clear that the legal text will not be reopened. The solidarity from EU member states for Ireland's position on the Border is very welcome, but if the agreement does not pass Parliament, what next? A second possibility is a general election, which under the Fixed-term Parliaments Act requires a two thirds majority that seems unlikely to occur. Even if an election was held and a new British Government formed, it seems unlikely that the deadlock in Parliament about Brexit would be overcome as no significant change to the withdrawal agreement would be on offer from Europe.

A third possibility is a new referendum to allow the public in Britain a new choice between the withdrawal agreement and the *status quo* of continued full membership of the EU. The case for a new referendum has been greatly strengthened in recent weeks and there is now a focus on how a new referendum can come about, as a delay to Article 50 would be required. As the Taoiseach has said, we should certainly be open to extending the Article 50 process to allow a new referendum if that was the will of the British Parliament.

The very real prospect of a no-deal Brexit is also growing in likelihood. There is a risk of no deal by accident rather than design as the time runs out. The only legal certainty is that there will be a no-deal Brexit on 29 March unless the UK Parliament changes matters as they are now legally fixed. As this prospect looms, there will be enormous pressure on the Government, including from business here, to dilute the Border backstop. This must be resisted, and I believe it will be.

The Taoiseach has announced that a volume of emergency legislation will be required to prepare the country for a no-deal Brexit scenario. There are only 29 sitting days scheduled in the Dáil between our return after the Christmas break and Brexit day. The Government has dropped the ball on these preparations. How are we to have a proper scrutiny and debate of what appears to be a significant volume of legislation, all to be enacted in less than three months, alongside all of the normal business that these Houses have to deal with, such as the health and housing crises that we cannot simply sideline?

We are also likely to see new directives coming from the European Commission, as it too is stepping up preparations for no deal. Like the Taoiseach, I have also been in here since 12 o'clock so I have not had a chance to study the Commission documentation since it was published but there are clearly real implications for us in this Parliament in the European preparations. There is a real risk that this simply will not work. If the Government rams through a raft of new laws, without due debate and scrutiny, it will have serious implications for the primacy of our job to scrutinise legislation to the full and to make sure that it is fit for purpose.

We saw Fianna Fáil sign up last week to a new confidence and supply deal with the Government, but has it agreed that laws vital to the national interest will be rushed through the Dáil without full debate? I am heartened by the contribution from Deputy Micheál Martin today and yesterday in that regard and I believe he will demand full and complete scrutiny. Part of the first step in that is for us to be briefed before Christmas so that we can take advice over the Christmas break on what is right.

If we assume that the withdrawal agreement will not be agreed at Westminster, there is only one scenario that we should then contemplate and that is a change of heart among the British people about the whole Brexit misadventure. According to several surveys, public desire in the United Kingdom for a second vote has grown, while public appetite for Brexit has declined. Since June 2016, much has been revealed such as illegality in the referendum campaign by the

“Leave” side, deception and false promises and decades of false reporting about the EU by the British media.

That aside, the general public’s understanding of the European Union has changed over the last 30 months. The EU is not a monolith, but it is a collection of legal agreements built up by consensus and negotiation among member states, initially a small band of member states and now 28. The UK has been a net beneficiary of all of these agreements over 40 years or more. There have been agreements on atomic energy, on university and research co-operation, on access to satellites, on police and security co-operation and on mobile phone roaming which has been one of the big benefits for all of our citizens as we travel around Europe. There have been countless small benefits enjoyed by individuals and businesses that will only become apparent when they are lost. Truth be told, the UK has distinctly influenced the development of most of these agreements. It has been the co-author of many of the agreements, most particularly the anchoring agreement of the European Union, namely the Single Market itself.

Although some of these benefits can be preserved outside of the union in a new UK-EU agreement, should one be negotiated and come to pass, they will not be provided free of charge. The very opening picture of officials going into Downing Street shortly after negotiations commenced two years ago with a briefing note saying “have our cake and eat it” underscores what the negotiating position of the United Kingdom and the delusion of many in the United Kingdom was from the beginning.

The supporters of hard Brexit are also those who are quite happy to jettison all co-operation with European states in favour of this fantasy of British isolationism. It is a withdrawal to a view of Britain that actually never existed. One British politician said to me that they voted for a Miss Marple Britain, a fantasy. Yet they claim that the EU will still offer them frictionless trade. It is actually more than a fantasy, it is a lie.

One of the telling statements from Theresa May’s premiership has been her argument some months ago that Russia is threatening the international legal order. As a matter of fact, it is the hard Brexiteers who are a clear and present danger to the international legal order of the European Union and the World Trade Organisation. They cling to the simplistic 19th century notion of sovereignty that is incompatible with realistic interdependence and co-operation among countries and governments that have characterised all international developments of the last several decades and certainly the period since the conclusion of World War Two. They ignore the enhanced capacity that is gained when countries co-operate through an international legal order such as the EU has created.

The solution to Brexit, if there is one, now lies with the British Labour Party. I have engaged with my Labour colleagues on Brexit since before the vote. I campaigned in Liverpool for “Remain” with a number of British Labour Party colleagues both in the European Parliament and from the Westminster Parliament. I remain in close contact with Labour shadow cabinet members and they are well informed on Ireland’s concerns about Brexit. The British Labour Party is more likely to back a new referendum than it is to back the current withdrawal agreement. No plausible change to the withdrawal agreement would satisfy the British Labour Party, and at any rate we should not go down the road of even trying to dilute the withdrawal agreement that was so hard negotiated over 20 months and more. That deal is the deal that is on the table.

That puts the focus squarely on what the EU can do to make continued membership of the

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European Union more attractive to the people of the United Kingdom. We received real concessions when the Irish people voted against previous European treaties. That is a fact. There is every reason for the European Union to show understanding, flexibility and responsiveness to the real dilemma facing the UK right now. Without any compromise on the fundamental principle of free movement of people and workers within the Single Market - we should not compromise on those basic, bedrock principles - there is still room for clarification and better regulation of internal migration. That was the deal that was negotiated and offered to David Cameron and it should be offered again in full, and better explained, as I outlined last week. The Cameron deal, which simply pointed out the options available within the treaties and the arrangements that the United Kingdom never availed of, addressed many of the concerns, some rational and some irrational, that were put up by those who voted to leave the European Union.

All over Europe, railways, water systems and postal systems remain in public ownership. These are three flagship British Labour Party commitments, and they can all be achieved within the European Union. The EU should make that potential crystal clear. Likewise, if it remains, the UK should retain its opt-outs, including its option to remain outside of the Euro currency if that is what it chooses.

At this crucial juncture, time is running out. The Government should undertake to convince our EU partners to make a declaration to the British people that the EU would welcome a fresh decision to remain a member. We do not need to pretend indifference to UK internal affairs on this point.

3 o'clock

Whether the UK remains in the European Union is very much in Ireland's national interest, and we are well within our entitlement to make the British people a good offer to fully engage with the prospect of voting again and reversing this disastrous decision.

An Leas-Cheann Comhairle: I call Teachta Boyd Barrett.

Deputy Richard Boyd Barrett: Deputy Murphy will go first. We are sharing time.

Deputy Paul Murphy: I am sharing time with Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: Socialists share.

Deputy Paul Murphy: That is true. They share the time and the wealth.

I want to start by paying tribute to the protestors in Hungary against the sister party of Fine Gael and the Taoiseach which is in government, that of the right wing Prime Minister, Viktor Orban. It is a party to whose actions the European People's Party and Fine Gael have turned a blind eye. They are a right-wing, racist, anti-migrant and anti-Semitic regime. Their actions are anti-democratic in terms of their repression of protest and crackdown on the independence of the media. Workers in Hungary have been provoked into mass protests of tens of thousands of people over the past week against the so-called slave law, from which Fine Gael might draw some inspiration. It is a law which incredibly states that workers can be forced to work up to 400 hours overtime in a year, which is about eight hours per week. It also states, incredibly, that they do not have to be paid for that overtime for up to three years after they have worked it. The result is mass protests on the streets, people wearing yellow vests in solidarity with the protestors in France, which has spread to Italy, the Netherlands and Belgium, the involvement

of trade unions, young people and students and the occupation by opposition MPs of the state broadcaster in protest against the non-coverage of the protest movement.

It is excellent to see the protest movement. It shows the power that exists not within the EU or the likes of the European People's Party but for ordinary working class people to stand up to right-wing regimes such as those that exist in Hungary. It has the potential to force the Orban government back, and what is needed is the emergence of a genuinely left socialist and democratic force to give consistent voice to the opposition to the right-wing anti-democratic and anti-worker policies of the Orban government. Such a movement is well within the proud traditions of the Hungarian working class going back, for example, to the revolt against Stalinism in 1956.

I want to move on to the latest developments in Britain. Hopefully, what we are watching is the death agony of a Tory Government. A pyrrhic victory is defined as a victory that inflicts such a devastating toll on the victor that it is tantamount to defeat. Someone who wins a pyrrhic victory has also taken a heavy toll that negates any true sense of achievement. That sums up the victory of Theresa May in the no-confidence vote in her own Tory party, a Tory party which voted only by a margin of 83 votes to maintain her as leader. One day before the planned vote in Westminster on the deal, she was forced to cancel it, not simply because she faced losing that vote, which everybody expected, but because the scale of the loss of that vote would be immense.

The Tory party is riven with division. On the one hand, we have the ultra right Brexiteer, Jacob Rees-Mogg, writing that May's approach to Brexit was like a "Carry On" film and absurd and, on the other wing, we have Philip Hammond describing his own party colleagues as extremists trying to advance a particular agenda which would not be in the interest of the British people.

There is a vital opportunity now, which is in the interest of ordinary people in this country, for Jeremy Corbyn to act decisively and help bring down the hated and discredited Tory Government. What is needed is not simply parliamentary action but backed up by action outside by the trade union and Labour movement for mass action and mass protests to kick out the Tories. Such action would mobilise the millions who have suffered a decade of austerity.

The war on the 99% means that according to a recent TUC report, the average worker has lost more than £10,000 in real earnings since 2008, and the UK experienced a wage slump that was worse than many other leading economies. In one particular borough, workers lost 34% in real terms over the course of the past ten years. In approximately 75% of local authority areas, real wages are still lower than those a decade ago.

Hypocrisy has been on display from the British Tories, as it has been around this Brexit debate since the very start, but not just from the British. It has been on display also from the right wing EU politicians who all of a sudden like to pretend they care for ordinary working class people. Guy Verhofstadt, the right wing Brexit co-ordinator in the European Parliament, tweeted at the Tories saying, "It is not the job of politicians to make the people they lead poorer, remove opportunities, rights & make lives more uncertain." Where is the concern of Verhofstadt and the European right wing when the lists of refugees killed in the Mediterranean as a result of fortress Europe are seen?

Deputy Róisín Shortall: Yes.

Deputy Paul Murphy: Where was the concern for removing opportunities when EU-IMF

troika austerity drove up, for example, youth unemployment from Greece to Ireland and created horrific conditions for people? Where was the concern for the rights of people when the EU supported the Spanish state, repressing the national aspirations and the rights of people in Catalonia? Where was the concern for making lives more uncertain when Trichet warned that a bomb would go off in Dublin if bondholders are burned? We reject all the right-wing sides of those arguments and we agree with Len McCluskey, the general secretary of Unite, when he said we should reject the false choice of a bad deal versus no deal.

There is potential for a general election in Britain and if Corbyn fights that election on the basis of building on the success of the 2017 election, adopting clear socialist politics that can point the way forward in the interests of working class people, including on the question of Brexit, he can win a victory and that will transform the entire picture. That does mean rejecting the EU-Tory neoliberal deal. Deputy Howlin listed all the things that Corbyn could do within the framework of the EU but he could not, for example, within the framework of the deal that has been outlined, nationalise rail, which is a key commitment he has made.

There needs to be a reopening of negotiations on the basis of opposition to all Single Market and customs union rules that go against the interests of the working class - those on state aid, market liberalisation or the posted workers directive. Instead, we need to demand an entirely different relationship with the EU, including new trading custom arrangements based on the interests of working class people, not the 1%.

A Corbyn Government would open up a very different process of negotiation, speaking over the heads of the Commission and the heads of the right-wing governments to speak to working class people across Europe about agreeing a new deal across Europe, the cancellation of odious debt and ripping up the right-wing neoliberal fiscal rules.

In Ireland, the trade union movement has an historic responsibility to stand up for any jobs that are threatened, and workers need to get organised. The labour movement should be unequivocal in taking action against any moves which increase sectarianism, including any would-be hardening of borders or any raising of the prospect of an east-west border in the Irish Sea.

Deputy Richard Boyd Barrett: Good politics, particularly in these very tumultuous times in Europe, is about seeing the connections between things. Bad politics is about isolating issues and imagining they can be resolved in isolation. Bad politics is not understanding the connection between what is happening in Hungary, France and the debacle in Tory Britain, the issues that affect this island in terms of Brexit and the wider political landscape. All of us, the European Union and certainly the crisis-ridden Tory party, are often guilty of that politics and not seeing the connections between these things.

In terms of the immediate issues affecting this island, I do not believe any sane or sensible person could see any value whatsoever in putting up borders, certainly on this island, but borders, obstacles, checks or anything that will interfere with the movement of people, goods and services between this island and Britain and Britain and Europe. However, the Tory right are not sane and sensible people. They are driven by a fairly rotten, right-wing, parochial, nostalgic for an imperial past nonsensical outlook, so we cannot take much hope from them. Beyond that sane and rational understanding or recognition, we believe borders are not good for any of us. That is where I am trying to promote what I call good politics. Those of us who are socialists do not see the value in having borders. We see internationalism as the prerequisite for sorting

out the problems Europe faces.

The situation in Hungary really allows us to fully understand what we are facing. We have the Orbán Government which, as has been said, is affiliated to the European People's Party – Fine Gael's party – and doing terrifying things. This week people from his government dragged four MPs out of a television station – the national broadcaster – one of whom was hospitalised. This happened while thousands of people were on the streets protesting. They included representatives of civil society, trade unions, left-wing organisations and so on. They were protesting about the incredible attempt to make people work 400 hours of compulsory overtime and not be paid for three years for doing so. Meanwhile, a Minister in the Orbán Government was on television talking about pigeons. Such is the level of censorship the national broadcaster will not talk about the issue that has people on the streets, but it insists on talking about pigeons. All of this was taking place while MPs were occupying the offices of the State broadcaster. Violence was used to take them out and also against the protesters.

One of the ironies is that the measures being imposed by the Orbán Government are causing labour shortages. They echo things that are happening here. Labour shortages are developing in Hungary precisely because of the Orbán Government's anti-immigrant policies. Organisations in Hungary need people just as the whole of Europe needs more of them. Instead, the Orbán Government is concocting anti-Semitic conspiracy theories. We even saw some people promote these ideas outside Leinster House last week. They were blaming George Soros. Believe me, I have no time for vulture capitalists like George Soros, but the idea that he is orchestrating some grand conspiracy across Europe is absolutely preposterous.

The point is that this stuff is taking hold. Mr. Orbán is in power promoting dangerous anti-Semitic extreme right proto-fascist politics and Europe is tolerating it. Fine Gael's political party in Europe is tolerating it. The question we have to ask is why is Fine Gael tolerating it. Is there any recognition that the mad right-wing politics of the Tories, the mad extreme right politics of Mr. Orbán and the rise of the far right in Europe may have something to do with the political failures of the European Union and the economic policies it has imposed? I emphasise that it is not only the European Union. The Tories did most of the damage in Britain through their policies without the help of the European Union. The same neoliberal economic policies, whether imposed by the Tories or the European Union, are creating the seedbed or ground for the far right to rise all over Europe. They are causing people to go onto the streets in France over regressive taxes on fuel, while public services are being cut. They are causing extreme attacks on workers in Hungary and the housing and health crisis in this country. They are causing the destruction of industry in northern Britain. The common feature is that working people are being affected by poverty, precarious work, economic insecurity and increasing inequality throughout Europe and in this country. We are seeing the failure of the political system to address these issues and the consequential rise of dangerous far right-wing politics.

While I am at it, I highlight that the term “populism” is complete nonsense. It is not populism; it is fascism and far-right politics. The idea that the people on the left who are on the streets campaigning for workers' rights and against racism are somehow the same as those who are racists attacking workers' rights is preposterous. How are they the same? Mr. Orbán is with Fine Gael's party; he is not with the parties of the far left which are protesting against racism and attacks on working people.

By the way, it has nothing to do with social media either. I hear the narrative that it is all a problem of social media. The fascists in the 1930s grew without social media. They have

nothing to do with it. There is Government propaganda on social media. There is fake news, extreme right-wing propaganda and so on. We did not have social media in the 1930s, but we still had the rise of fascism. It was for the same reason: the political establishment failed to address inequality, poverty, political alienation and the increasing polarisation in society because of misguided economic priorities. These are the things EU leaders should be considering before we stumble our way back into the horrors of the 1930s.

Deputy Mick Wallace: It is good to see the Taoiseach here. We do not normally see him here for statements on the European Council. He usually absconds before they are taken. Is he leaving already? Come on. Will he not sit down for one minute?

The Taoiseach: I stayed to listen to everyone who was present for my contribution.

Deputy Mick Wallace: It would not kill the Taoiseach to sit down.

The Taoiseach: Merry Christmas.

Deputy Mick Wallace: What is he like? God help us.

The notion that the Government is Brexit-ready is astonishing. I have said all along that if things work out well with Brexit, I will not give the Government the credit for it, but if they work out badly, I will not blame it either. It really depends on the Brits and what they do.

What is happening at Rosslare Europort is a serious indictment of the Government. For the life of me, I simply do not understand why it has not taken a more rational position. Some months ago the Minister for Finance, Deputy Donohoe, came into the Chamber to announce the provision of €587 million for infrastructure in ports in Dublin, Cork and Shannon. The aim was to enhance national and international connectivity. However, there was nothing for Rosslare Europort, the closest port to mainland Europe. Perhaps the Government is being dictated to by the private entities involved. Irish Ferries has decided that there is better money to be made elsewhere, but that is its business. It is a private entity and not even remotely Irish, but the Government allowed it to happen. It does not control any of the boats coming in. In fact, it does not even control the port. Irish Rail and an entity in Britain control it and the Government has done nothing about changing its ownership. It is an absolute disgrace. Some weeks ago the Taoiseach talked about Rosslare Europort needing infrastructural investment. It has needed such investment for a long time.

I could forgive those in government for finding it difficult to take what the Labour Party has stated. The Labour Party was in government for five years and watched Rosslare Europort go down the Swanny in that time. Those in the Labour Party watched as the Fine Gael-Labour Party Government looked to privatise as much as it could. God help us. The attitude is wrong, which is one of the reasons Rosslare Europort is in such a bad place.

I have heard that representatives of the Department of Transport, Tourism and Sport are due to meet Irish Ferries to discuss the announcement. I could be cynical and think Irish Ferries is negotiating to secure a better deal on berthing charges in Rosslare Europort, but it probably does not even go that far.

For the life of me, I do not understand why Rosslare Europort was not developed into a strategic harbour a long time ago. I do not understand why successive Government have not done this. The Government is made up of the Independent Alliance and Fine Gael. The last

Government involved Fine Gael and the Labour Party. They have totally ignored Rosslare and Wexford. It is as if the place does not exist. It is as if the Government only cares about running a country that involves Dublin with minuscule crumbs thrown in some directions, although County Wexford is not one of them. It has the highest unemployment rate in the country. It has had the highest suicide rate for four years running. It has the third highest teenage pregnancy rate and one of the lowest educational achievement rates. What is happening about this? Who is doing anything about it? The answer is no one.

How do those in government get away with it? Clearly, they believe they can be re-elected. Will Deputies D'Arcy and Kehoe be re-elected in the next general election? They probably will, but that is what guides the Government's principles. It is nuts. It is totally unfair and not the way to run a country. There is no rationale for how this country is run and how the Government has abandoned regional Ireland. The provinces have been left to go to hell. If the Government wanted to do things properly, there would be a far more even distribution of everything in this country. Instead, we are now probably the most centralised in all Europe. Anyone not within 50 km of Dublin is not at the races. Every county, including that of An Leas-Cheann Comhairle, is feeling it. It is nonsense and nothing is changing. It is a joke. How can the Government stand over it? I know their Members will be re-elected, but how can they stand over it? Do they not care how this country is run? Do they not care that Wexford has the highest suicide rate in the country for the last four years? Does it matter? Rosslare Port is part of the issue. The decision will represent a huge blow to Rosslare Port but the Government has not given a damn about it. Not only does Irish Rail not give a damn about it, but it took €2.5 million of its profits out of the port last year.

The Taoiseach can disappear and not listen to what we have to say. He can live on spin and Twitter and think he can get away with it. Maybe he will, but it will be time to leave the country and turn off the lights if the country keeps going as it is.

Deputy Catherine Connolly: Guím Nollaig shona don Leas-Cheann Comhairle. Bhí mé ar tí comhghairdeas a ghabháil leis an Taoiseach ach faraor géar tá sé imithe. Cheap mé go raibh sé anseo don chéad uair chun éisteacht agus b'fhéidir chun beagánín a fhoghlaim. I have only four minutes. I realise the challenge which Brexit is and realise the work that the Minister of State is attempting to do. Ultimately, the challenge is a trading one. I have looked at the conclusions from the Council meeting. They come to five or six pages, one on Brexit. Nowhere do I see recognition of the challenges facing Europe of climate change, the challenges from within the EU itself in the countries I mentioned, to which I will return if I have time, and the building up of the military industrial complex and European army. If anything encapsulates the failure to recognise these it is where, in the conclusion, five lines are given to climate change, the biggest threat facing Europe.

In the last year or two, three journalists have been murdered, namely the Maltese journalist investigating corruption there who was killed on 16 October 2017, the Bulgarian television journalist Viktoria Marinova, and, in February, a journalist in Slovakia. The murder of journalists as they attempt to bring accountability to the system is a serious threat to Europe. Then there is the failure of Europe, and this country, to say anything about the murder of Jamal Ahmad Khashoggi because the arms industry is far more important. Outside the USA, the EU is the largest maker and exporter of arms, particularly the UK and France, and particularly to Saudi Arabia. Look at what has happened in Europe; some of the countries have already been mentioned. Look at Viktor Orbán in Hungary. There are four unelected presidents of Europe heading the Central Bank, the European Council, the European Commission and the euro, all

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of them men. One of them, the unelected man who addressed this House, is on record as saying that Orbán was his favourite dictator. As others to my left here have noted, Orbán has just passed a slave law which will allow employers to ask their workers to take on up to 400 hours overtime annually. There is a serious crisis in Poland and one in France, where Paris is burning. There are any number of other countries where democracy is threatened, yet there is absolutely no recognition of that in any of the documents that I have read here.

Around the same time that the Council was meeting, two other very significant conferences took place. At the beginning of December the Berlin security conference, which discussed an army for the Europeans, and there was the annual conference of the European Defence Agency. There the German defence minister said that the European defence union was in the making and she spoke of Europe providing its own security entirely to legitimise EU wars - unfortunately, that was a woman speaking. We have the European Defence Agency and the fund, and behind that there is a committee of personalities - maybe the Minister of State has met some of them - but luckily for us, the European Ombudsman has had great trouble with these. The purpose of the European personalities was to advise on military conflicts and defence. Of that committee, a significant proportion were from various industrial complexes who have benefitted from it.

I will finish, in fairness to my colleague. We have a Europe which is seriously unable to put a mirror before itself to look at the lack of democracy. That is why the far right is rising throughout Europe. We ignore that at our peril.

Deputy Thomas P. Broughan: Brexit is the overarching issue but we must also remember the European Union's responsibility for the incredible mess that we are in now. It was the European Union which insisted on separate negotiations for the withdrawal, or divorce treaty, and the future relationship. In any divorce, the basic premise is that the future relationship will be at the forefront, but that is not what happened here, which people have often likened to The Eagles song "Hotel California" because "You can check out any time you like, but you can never leave". How the EU organised this is part of the problem, which is not only the responsibility of the horrendous Tory party and its crazy ideas, as my colleagues discussed earlier. We now have only 99 days to go. British Government ministers are buying fridges and are beginning to ramp up toward leaving at the end of March. It is profoundly affecting us. Even the timing of our general election has been affected by it. It is a great mess, but we should remember the European Union's own responsibility for this.

The conclusions referred to the Multi-Annual Financial Framework, MFF, and the single resolution fund. These measures shore up the euro but our fiscal freedom may be circumscribed, particularly in the continuing need to meet the fiscal rules.

I have spoken before of the grave reservations across the European Union towards President Macron's proposals for a federal European Union, which are probably shared by most people in Ireland. His Thatcherite economic policies have thankfully received a severe setback as a consequence of the *gilets jaunes* in Paris and other French cities in the last six or seven weeks. The relentless pressure from France and Germany to move to a federal-style EU budget continues to pose significant dangers for Ireland and other smaller states. I often have noted the growing net contribution by Ireland to the EU budget and the fact that post-Brexit, our EU contribution will be larger still.

There appears to have been no discussion on the European Central Bank's withdrawal of quantitative easing and that it will no longer buy assets. Surely that will have a huge impact

in 2019, 2020 and beyond as it did provide a stabilising backdrop, even though I profoundly disagreed with the approach as it rewarded those with property and assets instead of spending the money on ordinary EU citizens.

In pillar 3 there was discussion on migration. The European Border and Coast Guard, EBCG, negotiations are ongoing, as are other negotiations on areas such as the Asylum Agency, the Return Directive and the Common European Asylum System. The impacts of these institutions on our country and on our management of our Borders needs to be spelled out.

I note the reiteration of the PESCO plans. I was one of the 45 Members of this Chamber who objected to permanent structured co-operation. I have great fears, particularly when I heard the Minister of State commenting in one of her conclusions about what happened at the Kerch Strait which opens onto the Sea of Azov and the stand-off between Ukraine and Russia. I have grave concerns that the European Union and Ireland could be dragged into any militaristic conflict in that region. Differences between those two countries can only be settled by peaceful discussions.

Our overarching concern is that this Christmas we are left in the most uncertain position that the country has been in since 1945. The UK Government making these dramatic moves towards a cliff-edge Brexit certainly seems to put us in very sombre situation. I wish the Minister of State well in the remaining discussions. It is a very critical moment for our country.

Deputy Róisín Shortall: When I last spoke in the Chamber on the subject of Brexit, I made the point, as did many others, that the hubris with which the draft withdrawal agreement was greeted was premature and potentially damaging to Prime Minister May's chances of guiding the deal through Westminster. While we cannot know the impact that the excessive fanfare from Dublin and elsewhere had on the perception of MPs, it is safe to say that the deal is in serious jeopardy. While on paper the deal represents a decent compromise for the EU and UK and a legally sound solution to the Border issue, it may prove not to be worth the paper it is written on.

It is simply a ludicrous position where the EU is negotiating a deal with a Prime Minister who has no parliamentary authority to enforce it. The deferral of the so-called meaningful vote and the resulting motion of no confidence has done nothing to assuage the demands of those who are unhappy with the deal in its current form. It simply reinforces the Prime Minister's position of being in office but not in power, to coin a phrase. If this charade is simply a power play by those seeking to change the Tory leadership for their own ends, that is one thing, but it is quite another to ask seriously what further assurances the UK needs for this deal to be acceptable.

It was reported that Chancellor Merkel was heard to exclaim, "What else do you want?", during Theresa May's presentation to other EU leaders in Brussels last Thursday night. The UK was further accused of being "nebulous" in what it wanted by Commission President Jean-Claude Juncker. I would say that with discussions still at this point after more than two and a half years of Brexit, "nebulous" was quite a polite term to use.

The reality is that Prime Minister May cannot tell us precisely what she wants out of the deal because what she wants is dictated by the parliamentary arithmetic of Westminster. While it is welcome that the EU is willing to offer assurances and clarifications on the deal, including the backstop, I concur with the Taoiseach, the European Commission and the other Heads of State in their assessment that a full-scale reopening of negotiations must not be on the table.

The United Kingdom has had more than two and a half years to decide what form Brexit should take. That its Government still cannot nail down precisely what this will be at the 11th hour is shocking.

Leaving aside the internal politics of the UK, it is fundamental that the backstop must remain as a key component of any withdrawal agreement. I am very glad to see that the EU supports us in this. It should of course be reiterated that if the backstop was ever to be used, it would only be as a temporary mechanism. As President Macron said, “it is not a durable solution and nobody is trying to lock the UK into the backstop”. It is in no one’s interest to have the UK in limbo where the transition agreement is allowed to drag on for an extended period. It is very much in Ireland’s interest that the trade deal between the EU and UK, when it does materialise, is as similar to the current arrangement as possible. Given the intransigence and slow pace of the negotiations that brought us to this point, it is hard not to be pessimistic about talks on the future trade relationship between the EU and UK.

Will the Minister of State outline the status of the preparations for a no-deal Brexit? It is important that we get all of the detail of what is proposed at this point. When some of us raised this possibility in 2016, we were told that it would never happen. From my understanding, the default planning position for Departments has been switched to one where no deal is in place in a little over three months. I am unsure if the scale of what this would mean is fully appreciated. That is why we need the detail to be set out for us here this evening.

I refer to the report of the Revenue Commissioners which assessed the impact of a no-deal Brexit on cross-Border trade, which I have referenced previously. It paints a very stark picture. The view of the Revenue Commissioners is that the idea of a frictionless Border for trade is unworkable and naive. Along with additional infrastructure such as storage facilities for goods at Border crossings and increased staffing at ports and airports, it is estimated that an external frontier would mean an 800% increase in the volume of customs declarations for companies trading with the UK. This would mean a huge increase in the volume and complexity of paperwork for firms, delays, additional costs and an inevitable knock-on effect on the wider economy, both North and South.

In 2017, exports to Britain increased by €1.74 billion compared with 2016 to reach €14.454 billion. In the same period, imports from Britain increased by €1.5 billion to €17.303 billion. By any measure, trade with the UK is vital to our economy and it is growing. Any restrictions on this flow of imports and exports would have enormously negative consequences for the whole island of Ireland. While we all hope for the best, we must do a lot more than that. We must prepare for the worst, and that means having very clear contingency plans. While it is not up to Ireland to put forward the solutions, we should be ready if the worst happens and the UK exits the EU with no deal in March and World Trade Organization, WTO, rules are activated.

I note that Ministers have been told to prioritise legislation that will equip us to deal with the scenario of a no-deal Brexit. I wish to ask the Minister if this is feasible, given the other pressures of the forthcoming legislative programme. Given the complexity and volume of legislation that would be required in this scenario, is there enough time to prepare for this eventuality? We have seen media reports in recent days stating that the UK Government is preparing a public information campaign in case of a disorderly Brexit. We also saw the frankly horrifying story of the British Secretary of State for Health mass-purchasing fridges to stockpile medicine in case supply chains are cut in March. While these are very extreme examples, I ask the Government to think carefully about how it plans to communicate with businesses that rely on access

to the UK market. Many of these businesses have persistently been told that a no-deal outcome was very unlikely. As a result, they are in the dark regarding the ins and outs of WTO rules surrounding trade. Given the short amount of time they have to prepare for March and with the likelihood of a no-deal Brexit increasing daily, I urge the Government to engage with these businesses as soon as possible to ensure they are as fully prepared as they can be.

It is no longer good enough for the Government to say it is pessimistic or a self-fulfilling prophesy. It would now be extremely reckless not to be in full planning and preparation mode for no deal. I request that the Minister set out in great detail the contingency plans as soon as possible to allay fears and ensure we have the best chance of minimising the inevitable serious damage Brexit will cause, whatever form it takes.

Deputy Eamon Ryan: I read the Taoiseach's speech to see if it contained any new development in response to the suggestion in UK newspapers that the British Government believes it might be able to broker a deal with the DUP. I read in one newspaper that a 5% movement from the Irish side could unlock everything and it would be plain sailing. I did not read any such comment in the Taoiseach's speech. He gave assurances that we would use our best endeavours to ensure a new agreement is concluded expeditiously. I am not too sure what that might be or whether such assurances would unlock the difficulty but that seems unlikely. We seem to be at a complete stand-off that is historic in terms of the risks it brings.

I wonder what engagement the Government is having with the Labour Party in the UK because that party does not have an insignificant role in this process. I understood the British Labour Party was supportive of the backstop arrangement and may even have said that publicly. I was surprised, to say the least, when it joined members of the Conservative Party in using the Irish backstop as the great impediment to progress. We should maintain our communications with the British Labour Party and ask it to explain what exactly it is doing and what exactly it would do differently. Similarly, we should keep our diplomatic channels open to those who seek a people's vote in the UK. To do so will not be easy and carries risk but we should be connected to that approach as one of the possible ways out of the current cul-de-sac.

Reading the suggestion by the former British Prime Minister, Mr. Tony Blair, that the solution is to go back to Europe and secure a change in the European Union's approach to migration, one realises the challenge and political difficulty involved in that. It seems, therefore, that this is a logjam and there is no way out.

What exactly is the role of the European Parliament at this stage? Perhaps the Minister of State will provide details in that regard. Will the European Parliament address the withdrawal agreement regardless of what is happening in the UK political system? Are the timelines for this dependent on what happens in London? Is there any mechanism by which the European Parliament, in which UK members will presumably continue to be involved in the debate, could seek to mediate a possible solution?

The Government must start preparing for the worst possible outcome, namely, a no-deal, crash-out Brexit. Recently, I visited the city of London where I spoke to people involved in the legal system about what exactly might happen in the energy area, in which I have a particular interest. In the event of a hard Brexit, I do not believe the sky would fall in. We would still trading through the interconnectors and gas contracts and other energy business would proceed. However, the process would become cumbersome and inefficient. I presume the same would apply across a range of other areas. The planes will still fly but the real risk is that long-term

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damage, fundamental distrust and a lack of co-operation would become embedded in the future relationship from the start. We must try and avoid that at all costs.

It is time the Government set out in detail what its proposals are in the event of a hard border. I presume we are all agreed on the basic approach that we would not, even in those circumstances, introduce any sort of border controls between North and South. Surely that would require us to introduce some form of border checks at Rosslare, Dublin Port and elsewhere. It is incumbent on the Government, given the current timeline and the political situation we are in, to be open not only with the Dáil but also with the business community on how this would work.

If I may, I will broaden my contribution to cover other aspects of the Taoiseach's speech on the European Council. We have had support from Europe and we need now to show support for Europe. We should give commitments to provide additional funding for the multi-annual financial framework. We should seek to have areas that would benefit this country prioritised, for example, in the revised Common Agricultural Policy. However, we should also be upfront and confident in our willingness to provide additional funding at this difficult time.

Similarly, when it comes to migration, all the Taoiseach's words at European Council count for little if we have taken only 1,700 of the 4,000 refugees we were meant to take under the EU agreement made last year. That undermines our credibility and good name in any negotiations on that issue.

I understand the Minister of State is due to comment on the disinformation issue which was also discussed in the European Council statement. There was a debate last week by free legal aid counsel on the issue of privacy. In 2009, Canada ordered Facebook to close some of its open data sharing systems but the company did not do so. In 2011, the US International Trade Commission issued Facebook with a similar order to change its data sharing and data collection mechanisms and the company failed to do so. In the same year, the Data Protection Commission here did the same. The failure to close some of the data sharing arrangements led to what happened with Cambridge Analytica which directly influenced the Brexit vote and the election of President Donald Trump in the United States. It is time this country took a stronger stance and supported the Data Protection Commissioner in taking much more rigorous enforcement actions against such disinformation, with a view to standing by high standards and playing our part in maintaining sane, democratic processes. I hope the Minister of State will have something to say on that.

An Leas-Cheann Comhairle: In accordance with the order of the House, we have 20 minutes for questions and answers.

Deputy Seán Haughey: A wide range of issues was discussed at the European Council meeting, including Brexit, the multi-annual financial framework, the Single Market, migration, external relations, economic and monetary union, climate change, security and defence, disinformation - which I understand the Minister of State will address - and the fight against racism and xenophobia. It was a comprehensive agenda.

There are 100 days to go to Brexit. The European Commission has published its no-deal contingency action plan for 14 specific sectors, including citizens' rights, financial services, transport, climate policy, the PEACE programme, which is worth €2 billion to this country, customs, and the export of goods. All of this will involve proposals to adapt EU law. From

the Irish point of view, 45 legislative measures have been considered. I join other Deputies in requesting that the Oireachtas be given a priority in the discussions about these legislative matters. We need to be briefed as soon as possible because we will have a very busy new year, one way or another. The Oireachtas should be treated with respect in connection with these legislative measures, whether they are primary or secondary legislation.

On strengthening economic and monetary union reform or EMU reform as it is known, I note that two decisions were made in respect of the banking single resolution fund. These were to ensure defaults can be better dealt with and to give stronger powers to the European Stability Mechanism for EU bailouts. I also note that there are plans for stabilisation and competitiveness funds. What are the plans for a eurozone budget? What is the Irish position on this controversial proposal? What alliances is the Government forging in the European Union on the Irish position?

On migration, I understand seven issues were discussed at the European Council meeting. Negotiations are continuing on the European border and coastguard proposal as well as on the common European asylum system, the so-called Dublin regulation. The Taoiseach today stated that no real progress has been made on reform of the Dublin regulation. Why is that the case? Is it because a package of measures was considered and, therefore, no agreement was possible? Migration is a controversial issue. Some EU states are opposed to mandatory quotas. It is clear that the Dublin regulation is not fit for purpose. Will the Minister of State please outline the issues at stake in this regard and why progress is not being made?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I thank the Deputy for his question. I join other Members in wishing everyone a happy and peaceful Christmas. I hope everyone gets a good break.

I am sorry to disappoint Members, but I will not be outlining in great detail the contingency planning that will be announced tomorrow by the Taoiseach. As many Members have mentioned, the Commission has published its communication on implementing the Commission's contingency action plan, which includes 14 measures in areas where a no-deal scenario would come into play. It focuses on various issues which, obviously, are of great significance for Ireland, such as the land bridge, aviation, tourism, the agrifood sector, EU programmes, climate policy and so on. As the Taoiseach stated on Leaders' Questions, much of our work in terms of legislation and contingency planning will follow on from this plan, and I hope that the Cabinet will be updated in that regard later this evening. Of course, leaders of Opposition parties will then be given that information, and it will be officially published tomorrow. It will also be discussed at the stakeholder forum where, along with political representatives, representatives of sectors such as agriculture, education and labour will be able to engage on the issue.

It is very important that we get this right. It is not a matter of us trying to hide anything from anybody. It has taken a long time for Departments, and Ministers focusing on issues within their remit or working collectively, to identify the possible challenges and to ensure our policy is aligned with the position and plans of the European Commission. We will endeavour to get that information to Deputies as quickly as possible.

The key issue for Ireland in the discussions at last week's euro summit was protecting our position on non-performing loans. We believe the text which emerged from the meeting does that. We also had concerns on voting and debt sustainability which we believe are protected in terms of the euro area budget. The discussions at the summit focused on paragraph 4 of the

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summit statement relating to the French and German proposals in that regard. The draft summit statement set a spring 2019 deadline for an agreement on the general features of the budget, but the Finnish Prime Minister asked for the deadline to be changed to June 2019, and that was supported by many member states, including Ireland.

As Deputy Haughey mentioned, there was also discussion of the risk-sharing components of economic and monetary union, EMU, including the European deposit insurance scheme and its stabilisation function in the European area. The final text makes no such reference but the President of the Commission, Mr. Jean-Claude Juncker, and the President of the European Central Bank, Mr. Mario Draghi, noted the need for greater risk sharing in the future. In terms of the overall discussion of the insurance fund, we are very much open to that concept.

On the euro area budget, we mandated our finance Ministers to work on the design, method of implementation and timing of the budget line for the euro area which would sit within the wider EU budget and be specifically aimed at enhancing the convergence and competitiveness of the euro area. In addition to the deadline which has been set, finance Ministers have been given several additional priorities. In particular, they will prepare the necessary amendments to the European Stability Mechanism, ESM, treaty by June 2019, after which any revision of the treaty would have to be ratified by all 19 ESM member states, which would require the involvement of the national parliaments and, obviously, would come before this House.

On migration, the discussion is ongoing at the General Affairs Council, which I attend, and the issue is discussed regularly by European leaders at European Council level. Although there is much disagreement on how the issue should be dealt with, we agree that we can only do so effectively by working together. The June meeting of the European Council, which particularly focused on the issue, took a three-pronged approach involving strengthening our co-operation with countries of origin and transit, securing our external borders and dealing with the management of migrants within the EU. It is fair to say that progress has been slow in these areas, as Deputy Haughey outlined. Two additional concepts have been advanced since June, namely, control centres and disembarkation platforms. However, they did not get very much support because they require countries external to the European Union to accept migrants, and not many have been forthcoming in that regard.

Our focus is on working with countries of origin, and we have consistently stated that, particularly in regard to our relationship with African countries. The Tánaiste, Deputy Coveney, attended the EU-Africa summit earlier this week at which good progress was made in terms of trying to strengthen and develop our relationship. Particular progress was made in the area of agriculture, with agreement to work together on developing a plan. The more we focus on the countries of origin of migrants, the fewer people will travel to Europe. We have also pledged €15 million to the EU-Africa trust fund which will have a significant impact in that regard.

Deputy Seán Crowe: On migrants, I referred to the compact agreed in Marrakesh, its impact and the disinformation in that regard. What are the views of the Minister of State on that issue? There was some commentary on expected population growth in Ireland which would be measured in the forthcoming census. That growth was linked to open door migration into Ireland. Is there any substance to such views?

Deputy Helen McEntee: Is there any substance to which views?

Deputy Seán Crowe: Those spreading the disinformation have alleged that the population

of Ireland will rise by 1 million by a certain date, based on growth patterns and birth rates and so on, and that that growth is linked to the Marrakesh agreement. My understanding is that the agreement is non-binding and does not have any implications in terms of the number of migrants coming to Ireland. That should be made clear.

Many Members, including Deputy Wallace, touched on the issue of preparation for Brexit. I acknowledge that the Minister of State confirmed an announcement will be made tomorrow. Deputy Wallace raised concerns in regard to Rosslare Europort. Members of the Joint Committee on the Implementation of the Good Friday Agreement recently visited Derry and met representatives of the North West Strategic Growth Partnership who impressed upon us the significance of the A5 in terms of getting goods to market. Under the Good Friday Agreement, the importance of fast-tracking that proposal was agreed. It would be logical to develop Derry port at Lisahally, which straddles the Border, to open the area further to tourism. We met representatives of the port authority who promoted the development of a deep sea port there. That would involve minimal investment.

We are told that there is significant goodwill towards Ireland, the peace process and the ongoing development of links between North and South. Those projects are examples of issues that could and should be progressed but are not being mentioned anywhere. The national development plan does not contain such projects. It stops at the Border. There is no sense of the joined-up thinking on an all-Ireland basis which is needed to prepare for the situation post Brexit. The Government needs to consider an all-Ireland outreach as part of its planning.

Reference was made to a hard crash. What will be the impact on infrastructure, increased capacity at our ports, the roll-out of the broadband plan, support for our exporters and SMEs, and the Passport Office?

4 o'clock

I expect considerable growth in these areas after Brexit. The expected increase in paperwork, in the order of 800%, was touched on. How will it be dealt with? These are all major concerns. I am aware that the Government is holding meetings throughout the country. Citizens are attending them and expecting answers, but in many cases they are going away frustrated with the answers. I hope many of the answers being sought will emerge tomorrow. When we come back to the House to discuss them, almost one month will have elapsed. We do not have weeks or months to spare in regard to what is coming down the tracks owing to Brexit. Perhaps the Minister of State might expand on what we could do to prevent the hard Border that no one wants to see.

Deputy Richard Boyd Barrett: Following on from earlier comments, will the Minister of State tell me whether there was or is recognition at the European Council of the major significance of developments such as the yellow vest protests in France where Paris and other cities were burning and the protests in Hungary? How are the latter protests connected to the very dangerous direction in which Mr. Victor Orbán is taking Hungary and the wider and terrifying rise of the far right across Europe? There is even a connection with the extreme right-wing politics of the Tory Party and the mess it has led it into. If there is no reflection on this issue and particularly how it might have contributed, Europe is stumbling in a very dangerous direction.

I often hear very strong promoters of the European Union say the main reason we need it is to avoid the conflicts of the 1930s and 1940s and the war they produced. If that is the case, is it

not worth reminding ourselves that it was actually the growth of the far right in the 1930s that led to the Second World War and all of the associated horrors? Is something not going wrong if the European Union is presiding over circumstances in which there is an alarming rise of the far right within its boundaries? Is EU policy contributing to it?

There was some humility and recognition after the Brexit referendum result when the European Union stated it might have made mistakes, but that has all disappeared. There is now no such recognition and we are back to business as usual. One can see the consequences on the streets of Paris and in Hungary. Although the European Union often presents itself as very progressive, it gives succour to the arguments of the extreme right by using phrases such as “burden sharing” in dealing with immigrants. Who are the burden? Is it immigrants? It is giving succour to the logic of the far right in even suggesting immigrants are a burden. They are not; they enrich our society. In the case of Hungary and much of Europe, immigrants are needed because there are extreme labour shortages. The language implies an us-and-them logic and a European version of internationalism that ends at the boundaries of white Christian Europe. The internationalism does not extend in any significant way to north Africa or the Arab world and the European Union is erecting boundaries to keep migrants out. It is discussing with regimes in these regions, which are often very obnoxious, how migrants can be kept out. That gives succour to the far right. It also deflects from the fundamental economic and social injustices that are leading people to become angry and alienated with the political structures of Europe. If the European Union does not start to reflect on this, it is stumbling into very serious circumstances.

Deputy Helen McEntee: I thank the Deputies for their questions. I should have outlined at the beginning that while there are announcements to be made tomorrow and there will be further clarity on the legislation about which we are talking, a lot of work has been done in trying to prepare. Certain industries, particularly agriculture, have already been affected by Brexit. In the past three budgets we have been putting measures in place not only to support people now but also to mitigate future threats. A sum of €450 million was allocated this year in business supports, while the Brexit loan scheme is worth €300 million. There is also the long-term loan scheme fund. We have taken steps to prepare the economy generally, including through the Action Plan for Jobs 2018.

To comment on Deputy Wallace’s point, nine out of ten jobs created in the past year have been outside Dublin, in Galway, Cork and the major towns and cities. The last Action Plan for Jobs, like the current one, was very much focused on the regions and trying to spread the benefits. Also to be borne in mind is Project Ireland 2040. Earlier the Taoiseach mentioned the 25% increase in the budget for infrastructure. The Government has a trade and investment strategy. There is the hiring of staff in the area of ICT, as well as infrastructure measures for ports catering for east-west journeys. All of this work is ongoing, without having to start to look at legislation or anything else. That work will continue. We will also continue to engage with Deputies and share information as it develops.

On the global pact, it is not legally binding, but it is extremely important that we are part of it. I am not aware that it is having an impact on the population or growth. The population is growing. A total of 17% of those living in the country are not from Ireland. We welcome immigrants and celebrate immigration, as one can see from the recent ceremony at which the Taoiseach welcomed 3,000 people who became citizens. We very much welcome this and hope it will not change.

On what is happening throughout Europe and the recognition that there are challenges, the position was made very clear when Mr. Jean-Claude Juncker set out his White Paper on the Future of Europe. We have been engaged in dialogue with citizens for the past year. When Romania takes over the Presidency next month, at the summit in Sibiu, there will be a particular focus on a strategic agenda regarding what the European Union will look like and its plan, not only economically but also socially, in the coming years. I hope the collective work, with each member state engaging with citizens and EU leaders coming together to establish priorities and put the plan in place, will address some or many of the concerns expressed about the rule of law and what is happening in Hungary and also in Poland. This issue has been up for discussion many times. At the General Affairs Council I asked questions of my Polish colleague. The Polish Government has been very forward in answering them, but at the same time there are still concerns. We welcome the changes it has made, particularly in reinstating judges who had retired. Of course, there is still work to be done. We have stated very clearly that we are not happy with some the changes that have taken place, most recently this week, in Hungary. Anything that does not conform with EU labour regulations will be challenged. I can see that happening very soon.

Acting Chairman (Deputy Eugene Murphy): Does the Minister of State need some time to sum up?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I would like to have ten minutes because a number of questions were raised about disinformation.

I thank Deputies for their statements and questions about the December European Council meeting. As the Taoiseach indicated, I shall focus in my wrap-up remarks on the efforts to combat disinformation, the fight against racism and xenophobia, as well as citizens' consultations on the future of Europe.

Based on an independent report published in March by the European Commission's High Level Group on Fake News and Online Disinformation and following the European Council's conclusions in June and President Juncker's state-of-the-Union address in September, the Commission and the European External Action Service prepared a joint action plan to fight disinformation, focusing particularly on strategic communications policy. The joint action plan was presented to the European Council on 13 December and its aim is to create an integrated approach to addressing issues associated with disinformation activities among EU institutions and member states and solidify a collective way forward in that regard.

At the European Council meeting leaders called for the prompt co-ordinated implementation of the joint action plan and action on the internal elements, which deal primarily with election interference, as well as external elements. There were also calls for swift and decisive action at EU and national level in securing free and fair European and national elections. The Council was invited to continue to work on this issue and report back in March next year.

Ireland is fully supportive of EU efforts to tackle the evolving threat of disinformation campaigns that threaten to undermine social trust in governance, media sources and our shared democracy. It is vital that we address the issue in a co-ordinated and comprehensive way. This is a complex matter and any policy response needs to assess the phenomenon in an ongoing manner and adjust policy objectives in light of its evolution over time. An interdepartmental group on the security of the electoral process and disinformation was established here and has

been working since March to identify best practice in securing our electoral processes. This has involved widespread consultation throughout Departments and our network of embassies overseas. Our focus at present is on expediting the establishment of an electoral commission and regulating online political advertising. On the latter, we held an open policy forum on 6 December which involved participants from industry, academia, political parties, the media, civil society and the European Commission.

In terms of the fight against racism and xenophobia, leaders condemned all forms of racism and xenophobia and emphasised the importance of combating intolerance. They welcomed the adoption on 6 December of the Council declaration on the fight against anti-Semitism. Ireland is supportive of the measures proposed in the Council declaration and we are already carrying out many of the initiatives. We acknowledge the special nature and historical context of recognising anti-Semitism as an important manifestation of xenophobia. We will continue to work towards an holistic strategy to prevent and fight all forms of anti-Semitism, racism, xenophobia and discrimination.

Leaders also discussed the main outcomes of the consultations on the future of Europe that have been taking place throughout the Union. This initiative has encouraged people in all member states to have their say on the future shape and direction of the European Union. As I have mentioned many times, I was delighted to join the Taoiseach and Tánaiste in Trinity College last November when we launched our dialogue on the future of Europe. Since then, we have hosted a series of regional dialogues in Galway, Cork, Donegal, Meath and Dublin. These culminated in a national citizens' dialogue in the Royal Hospital, Kilmainham on 9 May, which was Europe Day. A future of Europe website was also established to raise public awareness and help people engage with that debate.

Our dialogues were characterised by inclusivity, genuine engagement and positivity about the EU and Ireland's role in it. I will take this opportunity to outline the main concerns and priorities raised during the dialogues. First and foremost, our citizens see the European Union as an expression of their values. Peace, solidarity, co-operation, respect for human dignity, personal and economic freedom, human rights and the rule of law are shared values that underpin our Union and they must be at the heart of every decision we take about its future. Our citizens want to see the EU continue to do what it does well, for example, by continuing to support programmes that deliver concrete benefits, such as the Common Agricultural Policy and Erasmus. The Europe of the future must focus on new challenges, such as climate change, cybersecurity, terrorism and migration. Our citizens want the Union to be a global leader in tackling climate change, with incentives for the transition to renewable energies along with more protection for rural landscapes and a concerted effort to close the rural-urban divide. It must also engage citizens more, including by better explaining and communicating European policies and our objectives and achievements.

We have learned that European Union needs to reaffirm its relevance in the daily lives of its citizens and that this renewal needs to be constant and not just in times of crisis. During the dialogues, I announced €100,000 worth of funding to support groups and organisations in projects aiming to communicate European issues, the role of the European Union and Ireland's place in Europe.

The principle of subsidiarity must ensure decisions are taken at the appropriate level. A strong overarching theme throughout our citizens' engagement process has been the need, in an increasingly competitive world, to ensure fairness between member states in education and

employment opportunities and between generations. Our citizens are clear they want to see social exclusion tackled and stronger intervention at European level to combat discrimination, integrate migrants and improve access to services. They want to see more investment in youth, education, jobs, innovation, competitiveness and sustainable growth, which have emerged as priority issues. It was also very clear that our focus should be on implementing practical measures that will improve the lives of citizens, such as the completion of the Single Market, particularly in the area of services, and the full implementation of the digital Single Market.

On external relations, our citizens believe the EU has a moral imperative to do more for countries to the south and east and to promote education and empowerment in Africa. They also believe globalisation should not be allowed to proceed at the expense of human rights. These points were included in a report on our citizens' dialogue that fed into a collective report on the main outcomes throughout the EU. This collective report suggests most participants have a positive view of the EU, although many have noted the need for reform.

The main priorities of European citizens relate to ensuring a Union that is safe and secure, convergent and competitive, that protects the environment, promotes sustainability, ensures well-being and opportunity, is strong on the global stage and fosters common values and diversity. We have a huge amount of work to do to ensure we can achieve and obtain all of these goals. The various reports are intended to assist leaders to identify priorities for action in the run-up to the informal summit that will take place in Sibiu in Romania next May. At that meeting, the Heads of State and Government will prepare the strategic agenda for the EU from 2019 to 2024, with a view to agreeing it at the European Council in June next year.

As the Taoiseach outlined, this was a very lengthy European Council and a wide range of issues were discussed. Of course, for Ireland, Brexit was a priority and remains a priority. We are very satisfied with the conclusions agreed between the EU 27 leaders. There was very clear consensus that the withdrawal agreement, which includes the backstop, is not open for renegotiation. We hope it will never have to be used but it is there as an insurance policy unless and until alternative arrangements are put in place. I am pleased that, in the Article 50 conclusions, leaders were able to offer important reassurances to the UK by reconfirming our commitment to a close future relationship but, most importantly, to start negotiations on that relationship as soon as possible after the UK's withdrawal with a view to concluding them by the end of 2020. I share the Taoiseach's hope the UK will now take the necessary steps to see the deal ratified and implemented.

Employment (Miscellaneous Provisions) Bill 2017: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 1: In page 5, to delete lines 20 to 24 and substitute the following:

“(2) Subject to subsection (3), this Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different

purposes or different provisions.

(3) This Act, except insofar as it is already in operation pursuant to an order or orders under subsection (2), shall come into operation no later than 3 months after the date of its passing.”.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): This was accepted as an amendment to Deputy O’Dea’s amendment to commence the legislation within six months. It was changed in the Seanad to reduce it to three months.

Acting Chairman (Deputy Eugene Murphy): I understand we have a few contributors but I know they will all act in the spirit of Christmas and keep all of their comments pretty brief.

Deputy Willie O’Dea: I will show some leadership in that light.

Deputy Richard Boyd Barrett: But ensuring proper legislative scrutiny, of course.

Acting Chairman (Deputy Eugene Murphy): Without doubt.

Deputy Willie O’Dea: The amendment is a substantial improvement on the amendment I originally tabled on Committee Stage and I will support it.

Deputy John Brady: I will support the amendment but I want some clarity from the Minister. I note she put out a statement last week that she intends to have this signed into law come March of next year. This would be in line with the amendment. We know very vulnerable workers have waited a long time for this. Why must we wait these full three months? There is no reason this could not be signed into law early in January, obviously depending on the President and his availability. The Minister, in conjunction with the Workplace Relations Commission, WRC, intends to roll out a campaign around this and build awareness among workers. Surely the two could be done in tandem. The campaign has gone on for a long time and the Minister is well aware that workers launched a campaign. I think of the Dunnes Stores workers who initiated their campaign three or four years ago. An extra three months might not seem a long time for some but it is a long time for workers, particularly those in precarious employment who are waiting for this legislation to be signed into law. Three months is a long time and an explanation is needed.

Deputy Regina Doherty: The law will become law when the President signs it, so the Deputy might have misunderstood the press release I issued on foot of it passing all Stages in the Seanad. I intend to commence the law on 1 March, which is well within the three months. It is just over two months. The reason I have agreed with the WRC is that it has asked for a number of weeks to carry out an awareness campaign, not only with employees but, more importantly, with employers. Given that they will all have to comply with this legislation, the least we should do is inform them about the new law. The WRC has asked me give it a couple of weeks to do that and I am happy to do so. I have suggested commencing the legislation in the first week in March.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 13: In page 11, to delete lines 3 to 8 and substitute the following:

“ ‘collective bargaining’ shall be construed in accordance with the Industrial Relations Acts 1946 to 2015.”.”.

Deputy Regina Doherty: Section 13 of the Bill, as passed by Dáil Éireann, contained a definition of the employment regulation order for the purposes of the Organisation of Working Time Act 1997. There is, however, already a definition of “employment regulation order” in section 16(2) of the Industrial Relations (Amendment) Act 2015 and we felt it was confusing and unnecessary to have two definitions. We have removed the definition on page 11 by deleting lines 3 to 8 and substituting them with the words, “‘collective bargaining’ shall be construed in accordance with the Industrial Relations Acts 1946 to 2015.” This is a technical amendment.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 16: In page 15, to delete lines 11 to 19 and substitute the following:

“

<i>Band</i>	<i>From</i>	<i>To</i>	
<i>A</i>	<i>3 hours</i>	<i>6 hours</i>	
<i>B</i>	<i>6 hours</i>	<i>11 hours</i>	
<i>C</i>	<i>11 hours</i>	<i>16 hours</i>	
<i>D</i>	<i>16 hours</i>	<i>21 hours</i>	
<i>E</i>	<i>21 hours</i>	<i>26 hours</i>	
<i>F</i>	<i>26 hours</i>	<i>31 hours</i>	
<i>G</i>	<i>31 hours</i>	<i>36 hours</i>	
<i>H</i>	<i>36 hours and over</i>		

Deputy Regina Doherty: Seanad amendment No. 3 was made to improve the drafting of the table of bands of weekly working hours in section 16 of the Bill, which were put forward by Sinn Féin. It is not intended to alter the width of the bands in any way, shape or form. The amendment emerged because the Office of the Attorney General had advised against using the terms “of more” and “less than” in the table. For example, a person who has worked an average of four hours in a reference period is presumably intended to fall in band A, the three to six hours category. However, an employer could genuinely argue that this person should fall into band G, the 31 to 36 hours category, on the basis that four hours is less than 31 and 36 hours. I know what we are all seeking to achieve in respect of banded hours and nobody wants any ambiguity. We were satisfied, based on the advice of the Office of the Attorney General, that the table of bands proposed in the amendment will remove the uncertainty that would be caused if the amendment was carried, while respecting the bands initiated through the amendment from Sinn Féin and accepted on Committee Stage.

Acting Chairman (Deputy Eugene Murphy): Are Deputies happy with Seanad amendment No. 3?

Deputy Richard Boyd Barrett: I am ecstatic.

Deputy Willie O’Dea: That is a first.

Deputy John Brady: I am happy enough with the Minister’s explanation. We fought for

a long time for the bands agreed on Committee Stage. The Minister's initial proposal was narrow, providing for four bands. It is critical that we apply the altered bands for workers and trade unions which campaigned on the issue. These bands are in line with what they were seeking. These bands strengthen the legislation and brings into line with what was sought by the trade unions and workers in precarious employment. On the basis that the Minister is acting on advice from the Office of the Attorney General that the wording should change but the bands will remain in place, Sinn Féin is happy to agree to the amendment.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 20: In page 17, to delete lines 29 to 33, to delete page 18, and in page 19, to delete lines 1 to 25.

Deputy Regina Doherty: This amendment addresses a previous amendment proposed by Deputy Willie O'Dea to tackle bogus self-employment. We have agreed to remove the relevant provision from the Bill and confine our efforts to introducing new legislation next year to identify and address the issues that we all know exist. While we may have different views on the extent of these practice, we all accept that it is not acceptable in a modern economy that even a small number of people are being forced into bogus self-employment. We will address that issue next year. On the basis of co-operation and in the spirit of passing this legislation, I thank the Fianna Fáil party and Deputy Willie O'Dea for allowing us to remove this amendment in order that we can pass a genuinely groundbreaking Bill.

Deputy Willie O'Dea: This Seanad amendment removes a new section I managed to have inserted in the Bill on Report Stage. The section was designed to deal with the phenomenon of bogus self-employment. I do not agree with the Minister that this is a relatively minor phenomenon. It is a major issue and one that is widespread and growing. Anecdotally, I am coming across examples every day. I have had to take considerable flak from various organisations for introducing the amendment, particularly those representing employers. I emphasised to them, and do so here again, that if an employer and an employee, as it were, want to make their own arrangements and both are willing parties, I have no difficulty with that. Section 20, which is being deleted, was not envisaged as interfering with that arrangement in any way, shape or form. It was designed to deal with a scenario in which people were told by an employer, despite obviously being employees, that they had to register as self-employed and look after their own tax and pay related social insurance, PRSI. As such, they would not enjoy any of the employment rights that have been acquired over many years, including the right not to be unfairly dismissed and the rights to notice periods, redundancy, etc. The inclusion of the section is valid.

I was approached by a number of groups, including the Irish Congress of Trade Unions, ICTU, that told me it was their view that the Minister would have to do much consultation, study and analysis because this was an addendum to the original legislation and quite a detailed section. On that basis, ICTU asked me if I would agree to allow the Minister to remove the section in the Seanad because otherwise the Bill would be delayed. Many people will benefit from this Bill, including many in precarious work. Based on the request made by ICTU, various members of the trade union movement and constituents in precarious employment who wanted the protections brought in immediately, I agreed to allow the section to be removed.

Notwithstanding this, the problem of bogus self-employment has not gone away. The

Oireachtas Joint Committee on Employment Affairs and Social Protection is doing a study on bogus self-employment at the moment and I look forward to participating in that. This issue deserves a legislative response. What are the Minister's intentions in that regard? Does she intend to bring in legislative arrangements to deal with the matter and, if so, how soon can we expect to see them?

Deputy Mick Barry: We will vote for the Bill and subsequent legislation. However, we oppose this amendment to remove a previous amendment to the Bill. Previous speakers made the point that this is an important issue. Workers are being denied holiday pay, the minimum wage and statutory maternity leave entitlements. We are not talking about small numbers of people. In the construction industry alone, there are between 30,000 and 60,000 people affected by bogus self-employment. This practice is spreading into other areas of the economy now. We know of the famous examples of Uber and Deliveroo as well as the case of Ryanair pilots. The issue is much broader than that now.

Deputy O'Dea said he got some flak for introducing this amendment in the summer. He is now getting flak from these benches for agreeing to the Government's proposal to remove this provision. It should be left in the legislation and we will call a vote on this issue because it is too important for too many workers.

Deputy Willie O'Dea: It was removed to protect workers. Representations were made from workers and their trade unions to prevent delays in enacting the Bill. Deputy Barry can act as he likes. I like to act responsibly.

Deputy Mick Barry: We will act as we like. We will act responsibly in the interests of the tens of thousands of workers who are being exploited day in, day out, week in and week out, through bogus self-employment.

Deputy Willie O'Dea: And the Deputy will continue to ignore the representations made.

Deputy Mick Barry: We will oppose the idea of the issue being kicked down the road.

There is also a significant cost to the State. The Connect trade union reckons that €300 million per annum is being lost in taxes and PRSI that otherwise would be collected if it were not for this scam.

I note the Minister spoke about bringing forward measures next year. If I remember correctly that was said during the debate on this matter during the summer. We want to see that legislation soon. The idea that it will be continually postponed is not acceptable to us. While giving full support to the legislation, in order to highlight the importance of this issue, we will call for a vote on this amendment this evening.

Deputy Joan Collins: We have to put this legislation into perspective, particularly for the 10,000 Dunnes Stores workers, as well for workers in the retail and hospitality sectors. They need this legislation enacted as quickly as possible. Since the Dunnes Stores workers went out on strike in April 2015, three and a half years ago, this legislation has been on the agenda for these workers. Mandate, the union representing those workers, welcomed this legislation, stating it had merit. However, it supported taking out this amendment. We must have a guarantee from the Minister that this matter will be dealt with in legislation.

Deputy Clare Daly and I put down an amendment on Committee Stage concerning seeking

19 December 2019

more hours on the basis of the European Council Directive 97/81/EC and clause 4 on part-time work which states:

As far as possible, employers should give consideration to:

- (a) requests by workers to transfer from full-time to part-time work that becomes available in the establishment;
- (b) requests by workers to transfer from part-time to full-time work or to increase their working time should the opportunity arise;
- (c) the provision of timely information on the availability of part-time and full-time positions in the establishment in order to facilitate transfers from full-time to part-time or *vice versa*

This is an important directive which we need to implement. In 2015, when the lone parent allowance was cut, the Government cited this as an activation measure for lone parents. The argument was that it would incentivise lone parents to seek more hours at work. However, there is nothing in legislation for any worker to seek more hours. Will the Minister explain why this directive has not yet been implemented? Will she give a timeframe as to when we can expect it to be implemented?

I welcome the Mandate members in the Visitors Gallery who have come to see the Bill passed. It is a great day for the union and its workers. I wish them well. I hope they continue their fight in the tradition of their union for their members.

Deputy Richard Boyd Barrett: This is the one amendment I am not excited about.

I salute Dave Gibney and all the Mandate crew, along with Joe Carolan from the New Zealand trade union Unite, who are in the Visitors Gallery. Joe Carolan was with me ten years ago on quite a few pickets with building workers at building sites protesting against bogus self-employment. I and many others stood with many building workers outside Crampton's building sites in UCD and DCU at 6 o'clock in the morning over this issue. In my area of Ballybrack only a few years ago, three workers, one of whom passed on recently, were jailed for protesting against bogus self-employment because injunctions were taken out against them.

Bogus self-employment is a poison for workers. While I understand the tactical imperative that some of the unions may have of getting the current legislation passed, which is to be welcomed and we support, I cannot in good conscience vote to take out a provision with which I agree absolutely. I do not see why the Government has a problem with this. When we were on those protests ten years ago, one could not get anybody in politics to talk about bogus self-employment. Now everybody is talking about it. The Government has made a political commitment to address it. I was glad to hear advertisements on the radio from the Government asking that if people believed they were bogusly self-employed to report it. This is progress but it is long overdue. I see no reason we would not progress this issue because it remains a significant problem.

In the past several weeks, I stood on a picket line with workers at the Clúid social housing site just off Sheriff Street – which is funded with public moneys - protesting against bogus self-employment. There were workers on the picket line for a week protesting over the fact they were misclassified by the builder. It has been resolved. A lot of money was paid to those work-

ers by the contractor involved to resolve that dispute. The amount of money involved suggests the contractor knew he was guilty as hell.

The workers also explained the regime run on this and other sites - probably cleared up after the strike. It involved one qualified bricklayer and two or three other workers around them who are not bricklayers. However, they are bogusly self-employed and this is not tracked properly. One wonders why wall ties do not get put into new houses. It is because there are unqualified workers in these bogus self-employed situations. That needs to be stamped out as a matter of urgency. Workers pay a cost for it but so too does society.

It is not disconnected from the sort of stuff we saw in France with the Yellow Vest protests. The problem of precarious work and workers' rights being trampled is at the base of much of the anger all over Europe. We have 100,000 workers in this country who are the working poor. That number has stayed pretty solid. These are people who are working but remain in poverty because of precarious work. We have to act quickly.

Film industry workers are putting a credible case claiming that the Organisation of Working Time Act is being flouted in the Irish film industry. One is not allowed to flout that Act but it is being done. Several Departments are involved in that industry, such as the Department of Culture, Heritage and the Gaeltacht, the Department of Finance and Revenue. The Minister needs to look into this. She should meet the people who are making these allegations and hear their story. She should also hear the other side of the story. However, these matters need to be looked at. The absolute minimum is that the legal rights and entitlements of workers have to be applied. Abuses of those rights and entitlements have to be closed as a matter of absolute urgency.

I did not hear anybody put a credible argument why anything in this amendment is a problem, given that everybody is acknowledging that we need to deal with bogus self-employment and that the problem has been around for years. Workers have been campaigning and protesting about it for years. What is the problem? Will the Minister tell me if there is something in this amendment that is problematic? We have engaged in a long process of consultation for years, but we have clear definitions of employment and self-employment. We need strict application of them and serious penalties for those who abuse the law. That is what is contained in the amendment. I do not see what the problem is. On a tactical basis, some have made the decision to get the Bill through and that we will worry about this aspect later. As we have been waiting a long time, I do not see why it cannot be done now.

Deputy Ruth Coppinger: I participated in the debate that took place in July and when Deputy O'Dea put his amendment; I believe it was on the last sitting day of the session. The Minister was very annoyed at the time, but it received much support from different Deputies who had been receiving reports for a long time from affected workers, especially in the building industry. The practice has been rampant on some sites, including some with a close connection with State-funded projects, such as those in the education sector. As I said, the Minister was annoyed and said she would bring something forward. That was in July and we are now close to Christmas. We have not seen the legislation the Minister was to bring forward. If she felt the matter was delaying the Bill, she could have made a proposal in the heads of a Bill or some discussion.

People are trying to pit Dunnes Stores workers against building workers, but it is not a competition and all workers' rights benefit all workers. I am sure there are Dunnes Stores workers

who are married to construction workers, etc. There is no reason to delay the Bill, of which this issue is part. If the Minister felt there was a problem, she could have made a proposal in the intervening five months in the light of what we know and what many socialist Deputies have tried to raise in the construction sector going back three or four years. I am sure other Deputies have raised it also. We saw it recently in the schools built which are now falling down or unsafe. It is definitely related to workers being in bogus self-employment. There were too few such workers who were rushed or put under time constraints. This is dangerous for the rest of society and the workers also. We have seen the same happen in many companies and all know workers who have been affected.

As the Minister has brought nothing forward, we cannot, in good conscience, agree to take out this measure. The entire trade union movement should demand that bogus self-employment be dealt with and eradicated. It is not yet a widespread practice, but we all know, for example, of the Ryanair model which is a form of bogus self-employment, although it is different from what we are discussing. There is no maternity pay, which is why there are no female pilots. There are real consequences for workers. It was good that Deputy O'Dea had this measure included and it should not be removed. We should deal with it now.

Deputy John Curran: When Deputy O'Dea set out our party's position on the amendment, the Minister clearly indicated that stand-alone legislation might be brought forward. Deputies Brady, O'Dea and those of us on the committee have embarked on a piece of work on bogus self-employment. There is a lot of anecdotal evidence. Deputy Boyd Barrett referred to the fact that he had heard the advertisements on radio and television-----

Deputy Richard Boyd Barrett: I spoke to workers.

Deputy John Curran: -----but while the advertisements were broadcast, they did not achieve the required results. The scope section of the Department did not get the numbers. We need to look behind this discussion to ensure the legislation that might be brought forward would be fit for purpose. People on bogus self-employment contracts face a major loss of entitlements. What worries me just as much as their loss of entitlements is their future loss of entitlements as we move down the road towards auto-enrolment for pensions. If they had an employer, there would be an employer contribution and so forth. As serious as this issue is now, with auto-enrolment, it will become twice as serious and the losses will effectively double.

The committee has embarked on a piece of work and we intend to move on with it early in the new year. We have had our opening sessions. I appeal to the Minister and the Department to work with us to ensure the legislation brought forward will get to the nub of the problem. We have all heard the anecdotal evidence, but when operations are worked through with Revenue and advertisements are run, the scope section of the Department does not have the numbers we think we should see. There is a problem and we must identify exactly where it is. Otherwise, we are not really addressing the underlying issue, about which I have some concerns. I appeal to the Minister to work with the committee in the first couple of months of the new year. If she intends to draft legislation, she should involve the committee throughout the process.

Deputy Bríd Smith: The most interesting contribution so far has been made by Deputy Curran. Like Deputy Boyd Barrett, I heard the advertisements and thought it was great, as we were going to help to protect workers and provide reassurance. Deputy Curran implied it was part of an exercise to gauge the size and gravity of the problem, but the required response was not achieved. I am not surprised by the low level of response because there is no legislation in

place to protect workers in bogus self-employment. They are not going to commit suicide by declaring bogus self-employment when we are not protecting them. Are we putting the cart before the horse? That is a strong argument in favour of passing this provision, with the rest of the legislation, or at least giving us the right to vote on it. There can be as many advertisements as we like on television and radio, but they will not protect workers. We need provisions in legislation. Reading through this provision, it sets out penalties for forcing bogus self-employment on somebody and who is an employee and a self-employed person. It is perfectly sensible and not rocket science. I look forward to hearing from the Minister what exactly she objects to.

The committee scrutinised departmental officials on this issue. Once upon a time, when I worked for the Mandate trade union, we commented that there were more dog wardens in the country than labour inspectors. We believed there was a low level of oversight of employers and how they behaved. It was very difficult to win cases in what was then the Labour Relations Commission under employment legislation. Such legislation is weak in this country and not as robust as it is elsewhere in Europe, for example. The best people to ask are Ryanair workers. One of the highlights for all of us in 2018, in addition to repealing the eighth amendment, was the other “R” - Ryanair. Success was achieved across Europe in forcing an intransigent boss who had never had anything to do with unions - he might call them commies living in Stalinist times - to deal with them. Therefore, the first people who could tell us what it is like to be in bogus self-employment are pilots in Ryanair. Many of them have been subject to criminal charges in other countries because of the bogus nature of their employment with that company.

We must hear clearly what the Minister has to say. When we scrutinised the departmental officials, they acknowledged that their numbers had increased. They also acknowledged that they had no idea of the depth, size or prevalence of the problem of bogus self-employment. We asked if, when they visited sites, factories, shops, markets or companies that were delivering food, they looked at the books to see who was employed and what their conditions were. They do not do so; they just walk back out again. We could have found out such information, not with advertisements on radio but by utilising the expertise in the Department to gain that insight into this really despicable way of employing people. We must know how prevalent it is, but this provision does not fly in the face of that knowledge. It would help to protect workers and allow them to come forward and tell us what was happening, how it was happening and where.

Deputy John Brady: People have spoken about anecdotal evidence of bogus self-employment. There are absolutely many such examples. There are also rock solid cases, with real and tangible evidence. The practice is endemic in many employment sectors. Examples in construction have been given. There have been recent examples in my constituency and other constituencies involving construction workers engaged in publicly funded housing projects. The company has gone into receivership and examinership and the people who should have been in proper employment but were in bogus self-employment ended up getting diddly squat. They got one cent for every euro they were owed. They did not get any of their entitlements. Many were stung. I know of two cases where it happened for the third time but involved different employers. These people should have been properly employed but instead were screwed over. That is one example. There are other examples in this House. I have been made aware of a scoping exercise being undertaken by staff within this House who, to my mind, should be properly employed but have been put in self-employment. Of course, the State broadcaster, RTÉ, is another example. In fairness, Philip Boucher-Hayes has done Trojan work exposing the rot within our national broadcaster. That is rock solid evidence.

I was taken aback when the departmental officials appeared before the committee where

a very important piece of work will be undertaken over the next number of months to look at bogus self-employment. The opening statement from the officials said that they did not think it was as widespread as had been portrayed. There is rock solid evidence and anecdotal evidence there, which is why I was very critical of the public relations campaign launched by the Department in the summer that asked people who feel they are in bogus self-employment to come forward and speak out. At that meeting, the officials said that they were taken aback by the low level of people who came forward. People are petrified of coming forward and speaking out because there are no protections for them. This is why there was a low uptake arising out of that campaign. Yes, there needs to be awareness but we also need legislation and protections for people.

A conservative estimate of how much it is costing the State is €600 million in lost social insurance payments over a three-year period. Leaving aside the financial end, more important is the disappearance of the long fought for and hard-won protections, entitlements, benefits and rights won by workers and their unions over many years because of the existence of bogus self-employment.

When Deputy O'Dea brought forward this amendment on Report Stage, I was a bit critical because I would have much preferred to have seen it brought in on Committee Stage so that proper scrutiny could have been applied to it. I know that on Report Stage, the Minister cited serious concerns that it would delay the passage of the Bill. In my opening remarks this evening, I took issue with the fact that there will be a three-month delay up to 1 March. I would much rather see this Bill come into law straight away as opposed to workers having to wait three months. The Minister said there would be serious delays. Will she expand on that? Certainly workers cannot wait. This needs to be put in place right now.

There is a need for stand-alone legislation to do away with bogus self-employment. I am conscious that a number of Opposition pieces of legislation have been brought forward from, among others, Solidarity. Sinn Féin has said that it would look at doing something. At this stage, we are saying that we will row in behind the Opposition legislation that has been brought forward. It is rock solid legislation so there is no need for the Minister or her officials to go off and start looking at this. If she was serious about dealing with bogus self-employment, and I take her word that she is serious, she would look at the legislation that has been brought forward and advance it as swiftly as possible. Six months have passed since we debated this on Report Stage in June or July and nothing has come forward from the Minister. The Opposition legislation could have been advanced in that space of time to deal with this straight away.

We need this to be brought in straight away. While the issue of bogus self-employment needs to be tackled, I do not think workers in precarious employment can afford to wait three months. I was critical of the Minister when she mentioned 1 March. If workers are told they must wait another six months on top of that, they cannot afford to wait that long. The unions support the withdrawal of the amendment, as does ICTU. On that basis, Sinn Féin and I support the withdrawal of this amendment.

Deputy Willie O'Dea: Deputy Brady is right. The Minister did raise some issues on Report Stage about the fact that this had come in on Report Stage rather than on Committee Stage. I put forward an amendment on Committee Stage that only provided for a code of practice. It did not provide for legislative protection. The committee took the view that this was not strong enough and I agreed. This is why the amendment came in late on Report Stage.

To make my position perfectly clear, I do not want to support a proposal to withdraw my amendment. It was my amendment on which I did a lot of work and into which I put a lot of time. I thank Deputies Boyd Barrett, Bríd Smith and Brady for acknowledging that it is perfectly good legislation. If there are any amendments to be made, they will be pretty minor because I have thought about it, worked on it long and hard and taken a lot of advice on it.

Deputy Coppinger said there is no reason to delay, and perhaps she is right, but all I know is that I was told that if I did not agree to this being taken out in the Seanad, the Bill would be delayed. I had a visit from a delegation from ICTU that reiterated that the Bill would be delayed if I insisted on my amendment going forward. I received correspondence from a number of trade unions. I also had correspondence from ICTU which put it in writing subsequent to our meeting. I had a number of representations from individual workers. In that spirit, I agreed not to oppose the Government in respect of taking out the amendment but it was on the basis that it would come forward quickly with its own legislation. I want to make it clear that I have taken that section out and submitted it to the Office of the Ceann Comhairle as stand-alone legislation. I hope the Government will progress it quickly and that it will be supported by all sides of the House. When it goes to Second Stage, I sincerely hope that unlike other legislation I have brought forward here that was debated on Second Stage, it does not disappear into the Bermuda Triangle but will be taken on board and progressed. I look for an assurance from the Minister that she will co-operate in this regard.

Deputy Regina Doherty: I thank everybody for their contributions. The one thing I can safely say is that we are all in agreement regarding the fact that there are people in this country who are made bogusly self-employed through no fault or acquiescence on their part. I do not yet know the size of that cohort of people. I do not know if it is as small as some people say it is or as large as Deputy Brady says it is. I am sorry if Deputy Coppinger thought I was annoyed that night in July. I was not annoyed. Rather, I was desperately upset. I compliment the Deputy on the work involved in bringing forward that amendment at that stage and the work being done by the Oireachtas joint committee of which Deputy O'Dea is a member.

5 o'clock

I was so upset that night because it meant I would have to go back to the drawing board and carry out pre-legislative scrutiny and consultation with industry, unions and people with a vested interest in this area to make sure the amendment would do exactly what we wanted it to do. We had not prepared any work or done any research on it. I also had to ensure it would have the desired effect of addressing what we think is the problem within that market. I was genuinely, desperately upset when I went home that night. The House is aware that I lost the vote because of Fine Gael's lack of people in the House that night. I was upset because I do not want this legislation delayed.

Deputy O'Dea brought the other amendment in to put a commencement date on the legislation of not less than six months and I argued on the basis that the amendment discounted the President's role. We amended the legislation in the Seanad to make sure that he was not excluded. There was never any doubt in my mind that I and the people in my Department have spent so much time in the past year to progress this Bill because we want it passed. We do not want to delay it. We do not want to see it sitting on a shelf or waiting to be commenced for months on end. That is the only effect that accepting the amendment that night would have had on this Bill. We would not be standing here tonight with a sense of collective co-operation between all parties in this House and the Members of Seanad Éireann to see this Bill passed, which it is to

be hoped will happen here this afternoon. That is the only reason I was upset.

I totally accept and appreciate that we have a difficulty in this country with people who are bogusly self-employed. I somewhat disagree with Deputy O'Dea's earlier comments that it is okay for people to make their own arrangements with employers about being self-employed. It is not okay. Under such an arrangement, those people are only paying 4.5% to the State while still getting the equalisation of all of the schemes. That is not okay to my mind, so what we are doing here is the right thing for the Government to do, and it is pursuing that. I have a couple of ideas that we are progressing in the Department, one of which is that particular idea of making sure there is an equal and level playing field between those who pay into the Social Insurance Fund and those who draw from it. I expect to progress that after Christmas.

I am also conscious that the current legislation within the Department with regard to classifying and reclassifying people works. I am not being smart when I say that Deputy Boyd Barrett has just told everybody that the legislation works and that the penalties are not small, they are bloody large.

Deputy Richard Boyd Barrett: That was a payoff, not a penalty.

Deputy Regina Doherty: The legislation is there and it works. I say to Deputy Bríd Smith that the advertising campaign that was run was not done to try to ascertain the size of the market, for the want of a better word to use. It was done because the vast majority of people in this country do not know that they can reclassify their employment status, that there is a section in the Department to help people who are in one class and feel they should be in a different one, that there is help and legislation there and that the penalties are large. I very much accept, in the spirit of the Deputy's legislation, that the penalisation for people who are victimised as a result of going to our Department, which is causing people to be concerned and anxious and not going to our Department, is lacking in the current legislation. I will attempt to address that.

The threats and innuendo that are being sparked around here this evening are to the effect that if I do not do my job, then it will be done for me. I remind the House that this is a minority Government in a Parliament of 158 people. This is a democracy. There is nothing stopping any Member of the Opposition in this Parliament bringing forth legislation and, with collective responsibility or the agreement of the majority of this House, having it passed and put on the Statute Book. If anyone feels he or she can do a better job, by all means go ahead and do it. If the principle is right and I agree with it, I will wholeheartedly support it.

I was upset that night in July because I knew we would not be here today if I had accepted the Bill because I would have had to have done serious work, not only with the Oireachtas joint committee but also in public consultations with unions and industry. Members of this House have, for years, represented people whom this legislation will directly affect and impact. I genuinely thank them in the spirit of not blocking this Bill and recognising the work they have been doing for years is seriously important and enshrined in this Bill. I thank them for their co-operation.

The amendment that was introduced by Deputies Collins and Clare Daly and not passed on Committee Stage was reintroduced in the Seanad. They may not be aware that we agreed in the Seanad that I would write to the WRC, which I did the next morning, and ask it to conduct a review of the current statutory code of practice with regard to the part-time working directive. If it is not working, I guarantee that I will bring forward legislation to ensure that the principles

behind that code of practice are enshrined in legislation and we will work collectively towards that after Christmas.

The legislation is already there. I agree that, potentially, the way we do inspections is not yielding the desired results and we will change that in the new year. We did 1,000 inspections in the construction industry in August and did not find one person who was bogusly self-employed. That does not marry with all the anecdotal evidence and stories we are being told by the people we represent. Therefore, maybe the inspection routines need to be looked at, but what definitely needs to be looked at is the fear that exists in people who are bogusly self-employed and who do not want to report it. We need to introduce the legislation to give those people comfort by ensuring the penalties on the Statute Book are significant enough to deter employers from putting workers in that position in the first place and by ensuring that protections are created for a person who tries to establish his or her rights under the current legislation. We will establish those in the new year.

I thank Fianna Fáil and in particular Deputy O'Dea for acquiescing in this. I know the pressure he was put under and I genuinely appreciate his assistance and help in the passage of the Bill, as indeed I do with every Member of this House and Seanad Éireann. It is to be hoped we will pass this once in a generation legislation that will positively impact tens of thousands of people in this country for the better in the future. We will work collectively and collaboratively after Christmas to look at and establish the size of the bogus self-employment sector and ensure we put provisions in law to protect those people.

Deputy Ruth Coppinger: We could have brought forward our Prohibition of Bogus Self-Employment Bill. Our impression, when the Minister left the House that summer's evening, was that she was going to bring forward a Bill. She has been talking about that for ages. Even before this Bill, there was talk of a bogus self-employment Bill. I do not know why the Minister has not done that. It has been posed here that we are delaying a vital piece of workers' legislation by putting forward and protecting the rights of other workers. It should not be posed that way. The Minister could have brought forward any legislation in the past five months and we would have happily taken this amendment out of the Bill. That is the point.

We did not have consultation or communication with any union on this, nor did People Before Profit. I do not know who contacted Deputy O'Dea.

Deputy Willie O'Dea: No one has.

Deputy Ruth Coppinger: We would have happily sat down with the unions but we did not get that contact. We came here to keep this in the Bill and I have not had time to hear from any unions. There are building workers and many others, including journalists, who are affected by this. This issue of the bogusly self-employed applies to other industries. We cannot accept the Minister's word. It is not a case of just taking something out. We have done that before and it has not worked.

I understand why the Minister did not have time to get a Bill through scrutiny and so on, but she could have shown us the heads of a Bill. That would have made all the difference. She has had a lot of time to work on this.

Deputy Regina Doherty: Deputy Coppinger gives me too much credit. With the legislative programme and the policy work of the Department, it is not physically possible to progress everything. I think I am deadly, but I am not that deadly. The work has progressed and will be

brought forward in the new year.

Deputy Ruth Coppinger: The work was done for the Minister. Deputy O'Dea did the work.

Deputy Regina Doherty: I have no problem with Deputy O'Dea's amendment except it did not go through any of the pre-legislative scrutiny or public consultation. I was upset here in July because, had we accepted the amendment as we did, I then would have had to go through all of that pre-legislative scrutiny and public consultation before I could bring the Bill to the Seanad. We would not be standing here and passing this groundbreaking legislation. The Deputy can accuse me of anything else, but I cannot be accused of not being thorough. When I am ready to bring forward what I am working on, it will be brought forward and the House will be the first to know about it.

Deputy Richard Boyd Barrett: Having listened to the Minister, I am hopeful that things are moving. By the way, I thought the advertisement was good. It just needed something else with it to say there were legal protections. We have made progress and I take the Minister at her word, but I do not buy the technical argument because there is politics behind it. I am not saying the Minister is being duplicitous, but there are people in the country who do not want this legislation to be passed. When we say we need consultation, they are the ones who will insist on being consulted. Frankly, I do not care about them because this practice has continued for too long and they are the ones who have benefited from bogus self-employment. If there is a technical problem in the scrutiny of legislation, we could keep the amendment in the Bill and pass it. The section would not have to be commenced immediately. Earlier we debated the Child and Family Relations Act 2015 which was passed in 2015. There are still three sections which have not been commenced. Therefore, I do not buy the technical argument. As I said, we could pass the Bill into law and if additional scrutiny of the section is required, it need not be commenced just yet. If necessary, an amendment could be made to it. I see no reason to delay for technical reasons what is perfectly good, sound legislation. It could be amended further and refined, but let us put it in the Statute Book and say the practice is against the law, that fines will have to be paid and that there will be legal protection if there is bogus self-employment. As we all agree, why not do it?

Deputy Regina Doherty: While that sounds incredibly reasonable, the difficulty is that there is an amendment and a subsequent one in the Bill that do not allow me the time to commence them after a couple of months or even after a public consultation process. There is an amendment in the Bill that includes a date, after which the Bill cannot be commenced. Originally it was six months, but we had an argument and now it is three.

I thank the Deputy for respecting my word. I am the daughter of a shop steward and did not grow up in a house that did not have the struggles the people about whom we are talking and whom Solidarity-People Before Profit proclaims to represent have. It is not unique in the knowledge it possesses. This is groundbreaking legislation and I am glad that today collectively we are passing it, but there are other issues and challenges, of which I am totally aware. It is not a surprise that the Department of Employment Affairs and Social Protection has a difficulty with this section. I cannot tell the Deputy anymore than what I am telling him. My bona fides are sincere. I want to address this issue and we will address it, but I cannot do so without knowing its size, scope and different pieces. I will not address one bit of it and then suddenly discover that people want to be self-employed and are co-operating because coercion can happen in an arrangement where one person has the upper hand. When we introduce penalties,

change how we conduct inspections and introduce different social insurance classes for persons who are self-employed, it will all collectively resolve the issue for now. However, we all have to genuinely respect the fact and understand the world of work is changing and that in ten years' time, the Deputies who will be lucky enough to be in this House representing their constituencies will be faced with an entirely different world of work. The gig economy will probably be so commonplace we need to ensure the legislation we bring forward today will actually ensure the employment rights we want people to have will continue to be as robust as they will need to be into the future when the world of work changes.

Acting Chairman (Deputy Eugene Murphy): I will move ahead because this matter has been subject to much debate, which is only right because it is serious.

Amendment put:

<i>The Committee divided: Tá, 89; Níl, 12; Staon, 2.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	<i>Murphy, Catherine.</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	<i>Shortall, Róisín.</i>
<i>Brady, John.</i>	<i>Collins, Joan.</i>	
<i>Brassil, John.</i>	<i>Coppinger, Ruth.</i>	
<i>Breen, Pat.</i>	<i>Daly, Clare.</i>	
<i>Brophy, Colm.</i>	<i>Healy, Seamus.</i>	
<i>Broughan, Thomas P.</i>	<i>Kenny, Gino.</i>	
<i>Bruton, Richard.</i>	<i>Murphy, Paul.</i>	
<i>Burton, Joan.</i>	<i>Pringle, Thomas.</i>	
<i>Butler, Mary.</i>	<i>Ryan, Eamon.</i>	
<i>Byrne, Catherine.</i>	<i>Smith, Bríd.</i>	
<i>Calleary, Dara.</i>	<i>Wallace, Mick.</i>	
<i>Canney, Seán.</i>		
<i>Cannon, Ciarán.</i>		
<i>Carey, Joe.</i>		
<i>Cassells, Shane.</i>		
<i>Chambers, Jack.</i>		
<i>Chambers, Lisa.</i>		
<i>Corcoran Kennedy, Marcella.</i>		
<i>Coveney, Simon.</i>		
<i>Cowen, Barry.</i>		
<i>Creed, Michael.</i>		
<i>Crowe, Seán.</i>		
<i>Curran, John.</i>		
<i>Daly, Jim.</i>		
<i>Deering, Pat.</i>		
<i>Doherty, Regina.</i>		
<i>Donohoe, Paschal.</i>		

<i>Dooley, Timmy.</i>	
<i>Doyle, Andrew.</i>	
<i>Durkan, Bernard J.</i>	
<i>Farrell, Alan.</i>	
<i>Fitzgerald, Frances.</i>	
<i>Funchion, Kathleen.</i>	
<i>Grealish, Noel.</i>	
<i>Griffin, Brendan.</i>	
<i>Halligan, John.</i>	
<i>Harris, Simon.</i>	
<i>Harty, Michael.</i>	
<i>Haughey, Seán.</i>	
<i>Heydon, Martin.</i>	
<i>Howlin, Brendan.</i>	
<i>Humphreys, Heather.</i>	
<i>Kehoe, Paul.</i>	
<i>Kenny, Martin.</i>	
<i>Kyne, Seán.</i>	
<i>Lahart, John.</i>	
<i>Lawless, James.</i>	
<i>Madigan, Josepha.</i>	
<i>McEntee, Helen.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Michael.</i>	
<i>McHugh, Joe.</i>	
<i>McLoughlin, Tony.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Mitchell, Denise.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Moynihan, Michael.</i>	
<i>Munster, Imelda.</i>	
<i>Murphy O'Mahony, Margaret.</i>	
<i>Murphy, Dara.</i>	
<i>Murphy, Eoghan.</i>	
<i>Murphy, Eugene.</i>	
<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>O'Brien, Darragh.</i>	
<i>O'Callaghan, Jim.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Dea, Willie.</i>	
<i>O'Donovan, Patrick.</i>	

O'Dowd, Fergus.	
O'Reilly, Louise.	
O'Rourke, Frank.	
O'Sullivan, Jan.	
Ó Caoláin, Caoimhghín.	
Ó Cuív, Éamon.	
Ó Snodaigh, Aengus.	
Penrose, Willie.	
Phelan, John Paul.	
Ring, Michael.	
Rock, Noel.	
Ross, Shane.	
Ryan, Brendan.	
Sherlock, Sean.	
Smith, Brendan.	
Smyth, Niamh.	
Stanton, David.	
Troy, Robert.	
Zappone, Katherine.	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Bríd Smith and Ruth Coppinger.

Amendment declared carried.

Seanad amendments reported.

An Ceann Comhairle: Agreement to the Seanad amendments is reported to the House. A message will be sent to Seanad Éireann acquainting it accordingly.

I understand Deputy Clare Daly wants to make a brief contribution on this matter.

Deputy Clare Daly: Do we not all get an opportunity to say something?

An Ceann Comhairle: No, the Bill has already been passed. We are simply agreeing to the Seanad amendments.

Deputy Clare Daly: It is an historic occasion and I want to give credit where it is due. That is not necessarily to the Minister or to those in Fianna Fáil, who were back-slapping themselves earlier. I acknowledge the role of Deputy Cullinane, Conor McCabe and Rhona McCord in my office as well as the activists in Mandate and those on the front line - the Dunnes Stores strikers. I have a list of approximately 20 names that I will probably not get an opportunity to read. They are the men and women, in particular, who engaged in strike action during the past three or four years against precarious employment. They are the people we should be thanking for finally delivering a little change in legislation. It is not as good as we would like, but we are glad that

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it is finally here and that we got to do this job before the term breaks up.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank every Member in this House and in Seanad Éireann for their positive constructive participation in recent years on this Bill. One thing this shows is that every Member of this House and the Upper House has compassion and care for people who find themselves in less secure situations than we do. I want to pay particular tribute to a former Member. He is not in this House anymore but he got this ball rolling some years ago. As Senator Gerald Nash is not here to give himself the slap on the back, I would like to do it.

There are people who, once the Bill is signed by the President, will have security where they never had security before. On the day that is in it, I reckon that is a job well done. I thank each and every Member.

Deputy John Brady: This is a major day for workers who are engaged in precarious employment. It is a momentous day and it sends a powerful message to workers engaged in low-paid precarious employment. Full credit has to go to the workers in Dunnes Stores, some of whom are in the Visitors Gallery. They stood on the front lines, went to the Workplace Relations Commission and took on Dunnes Stores and challenged the company.

It is nearly four years to the day since Sinn Féin brought forward legislation to deal with this issue. It is timely that we get it across the line today. There are too many people to thank and to congratulate, but it is a major occasion.

We need to see the end of zero-hour contracts and this should be the start of that process. There was a lengthy debate and conversation on bogus self-employment. Commitments have been given in the House. The next area of focus should be to deal with bogus self-employment, which is endemic throughout employment in the State. The Minister, the Government and the House need to take on that challenge. It is the next big challenge in workers' rights and entitlements.

Deputy Mick Barry: I will make two brief points. First, what was achieved today was, first and foremost, down to the Dunnes Stores workers on the picket lines. Let us not obscure that in any way. Second, it is clear from the debate that there is demand for bogus self-employment to be dealt with in a serious fashion at the start of 2019. Let us have no delay in that regard.

Deputy Willie Penrose: This is an important day for the advancement of workers' rights. We salute all the workers across various employments, including the Dunnes Stores workers for helping to achieve this.

It is not a day for political hijacking, but many people put a good deal of work into this. The Low Pay Commission was established some years ago by my colleagues. That was an important initial spark, as it were, in this area. The precarious nature of employment has been rampant in various industries, especially those industries mentioned. My colleague, the former Minister of State, Senator Gerald Nash, and those involved in Limerick study were instrumental. Their work represents a pivotal moment.

This is a start but far more work remains to be done. We have spoken about bogus self-employment in this House. We will have to get to the bottom of it. There are too many ifs and buts about it. Everyone has a different view. I trust that since the Minister gave the commitment she gave today, we will see the matter followed through in 2019 and that we will deal with

the scourge once and for all.

An Ceann Comhairle: Success has many fathers.

Sitting suspended at 5.35 p.m. and resumed at 6.35 p.m.

Personal Explanation by Minister

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I thank the Ceann Comhairle for allowing me to return to the House to correct the record of the Dáil. When responding to Question No. 11 on Thursday, 13 December, I misread a piece of information that stated something did not happen when it did, in fact, take place. In response to Question No. 11 I stated that factual accuracy checks of the operational review report of the Oberstown Children Detention Campus did not take place. I wish to clarify that factual accuracy checks of this report did take place. I request that the record of the Dáil be corrected to reflect that factual accuracy facts of this report did take place. I regret any confusion this statement may have caused.

Messages from the Seanad

An Ceann Comhairle: Seanad Éireann has passed the Appropriation Bill 2018 without recommendation. Seanad Éireann has also passed the Houses of the Oireachtas Commission (Amendment) Bill 2018 without amendment.

Saincheisteanna Tráthúla - Topical Issue Debate

Insurance Industry Regulation

Deputy Michael McGrath: I thank the Ceann Comhairle for choosing this question for the Topical Issue debate. I have a real sense of *déjà vu*. Here we are with another insurance firm, which is principally regulated in another EU member state, failing with very significant consequences for policyholders, claimants and, ultimately, Irish insurance consumers. Qudos Insurance was regulated prudentially in Denmark and sold business in Ireland under the freedom of services provisions of EU law. It had approximately 50,000 policyholders, primarily motor insurance, much of it commercial vehicles and vans, and also some home insurance. Information I have received in response to a parliamentary question is that early indications suggest around 1,400 claims remain outstanding. This is similar in scale to Setanta Insurance, and is now the fourth foreign-regulated insurance company to collapse in recent years. Setanta Insurance was regulated in Malta, Alpha Insurance was regulated in Denmark, Enterprise Insurance in Gibraltar, and now Qudos, also regulated in Denmark.

Several issues require resolution. First, given that we are approaching the fifth anniversary of the collapse of Setanta Insurance and hundreds of claims are yet to be paid, I sincerely hope we are not looking at a similar time frame for those affected by the collapse of Qudos Insurance. Some policyholders have spoken in the media and their stories are quite striking. In some cases, people are in a bad way with repairs to their homes and with significant and serious crashes involving people insured by Qudos.

What reassurance can the Minister of State offer claimants that they will have their claims dealt with quickly? That is the first priority. Then there is the question of who ultimately pays this bill. Will it be Denmark or Ireland? As a result of a change of the law in Denmark in May 2018, it appears that if the company moves from solvent liquidation to bankruptcy after 1 January 2019, the Danish insurance guarantee scheme will not be picking up the bill. In that case it will rest with the Irish insurance compensation fund. That has a number of implications. First, claimants who do not have a third-party motor insurance claim will not get all of their money because there is a cap of 65% for payouts from the insurance compensation fund here. This would also mean another draw on a fund that is already significantly overdrawn and will remain so well beyond the next decade because of the bills for Quinn Insurance and Setanta Insurance as well as many other issues.

I am very curious as to how this change in the law in Denmark came about and the fact that the company is now in solvent liquidation. Who is in control of the decision on when or whether that company moves into bankruptcy? It has very major implications for Irish policyholders and indeed for all Irish insurance consumers. Will the Minister of State reassure the House that from the point of view of the Department of Finance and the Central Bank, the manner in which this issue is being handled by the Danish authorities is above board? I am not accusing them of pulling a fast one, but I want the Minister of State to reassure us that the process under way there is transparent, independent and is being conducted above board. I look forward to the Minister of State's response.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank the Deputy for raising this very important issue. My colleague, the Minister for Finance, asked me to take this Topical Issue debate for him because he has another previously organised engagement.

As the Deputy has rightly pointed out, on 28 November the Central Bank announced it had been informed that Qudos Insurance A/S had entered into solvent liquidation. Qudos is authorised and regulated by the Danish Financial Supervisory Authority, FSA, and therefore the Central Bank has no role in this decision. Qudos operated in Ireland on a freedom of services basis, and its products were sold through Patrona Underwriting Limited.

On 4 December, Qudos published further information stating it was no longer paying insurance claims. In light of the uncertainty around the payment of claims, the Central Bank then issued a statement strongly recommending that affected customers contact their insurance brokers to arrange alternative insurance cover. It is understood that at the end of November 2018, there were 51,012 policyholders with Qudos in Ireland. That is comprised of 37,948 van insurance policies, 10,940 household insurance policies and 1,366 private car insurance policies. I will provide the Deputy with the figures. There are also smaller numbers of fleet, haulage and non-standard insurance policies totalling 758. Patrona has issued a statement saying that policies remain valid and in force until their natural expiry dates. However, given the current Qudos position and in line with Central Bank recommendations, Patrona has provided brokers with

options to replace all insurance cover with other providers at no extra cost to consumers. We understand that the vast majority of policyholders have now been transferred to new providers.

The Central Bank has informed the Department of Finance that, as of 14 December 2018, there were 1,544 open Qudos claims. This cohort is made up of 155 household claims and 1,389 private car claims. The Central Bank understands the Danish liquidators are continuing their review of the company, with a view to determining its underlying financial position. Once this exercise is concluded, they will be in a better position to determine whether the company is solvent or insolvent. It is only then that it can be determined that the company has failed, that is, it is unable to meet its claims obligations. The matter is fluid as information is being frequently updated. We were trying to get an update for the Deputy this evening. Consequently, it is expected that more information regarding this matter should be available later this week. When we get this information, we will convey it to the Deputy.

Last week Department of Finance officials were in contact with Denmark's Ministry of Finance. The ministry advised them on the basis of information received from the Danish FSA that, as the company is in solvent liquidation, it believes that claims will be met. As the Deputy also rightly pointed out, the Ministry also indicated that if Qudos is ultimately placed into bankruptcy before 1 January 2019, the Danish insurance guarantee scheme will be liable to meet these claims. However, due to a legislative change in May 2018, if bankruptcy is declared on or after 1 January 2019, the Danish insurance guarantee scheme will not be in a position to pay claimants located outside Denmark. This is the eventuality the Deputy is worried about. However, in such a situation, Irish claimants may instead be eligible for cover from the Irish insurance compensation fund subject to its terms and conditions and the particular circumstances of the case.

I understand Department of Finance officials were also in contact with the UK Treasury and the European Commission to set out the impact and importance of this issue for Ireland and to understand what, if any, actions they were planning to take. UK customers have also been impacted by the failure of Qudos. The Minister of State, Deputy D'Arcy, has met Insurance Ireland whose representatives outlined their serious concerns about the additional cost that Qudos could place on the Irish insurance sector if it is liquidated on or after 1 January 2019. Officials continue to liaise with the Central Bank which advises that it is in very frequent contact with its Danish counterparts and the supervisory authorities of other affected member states through the collaboration platform for Qudos established by the European Insurance and Occupational Pensions Authority, EIOPA. The Deputy can rest assured that, throughout the week, intensive efforts will continue through the appropriate channels to seek an early decision from the Danish authorities to provide certainty for all affected parties.

Deputy Michael McGrath: I thank the Minister of State for his reply. To be frank, it is very worrying. I would like to know whether the change in Danish law is compliant with EU law. That is something the Department of Finance should follow up on. That needs to be dealt with because the Danish authorities are simply passing on the bill in respect of a company that was principally regulated there. My main concern is that this process is being managed so that Qudos will be put into bankruptcy after 1 January. That has very serious implications. It will cost Irish consumers tens of millions of euro. It will mean that some claimants will not get all of their money because they will be subject to the conditions of the insurance compensation fund, which has a cap of 65% or €825,000, whichever is the lesser.

For Irish consumers to have to pick up the tab yet again is just not on. They are already pay-

ing up to 7% in taxes and levies on their insurance policies. We are now looking at the potential of another major draw on the insurance compensation fund. Looking at the figures, I note that the number of open claims, now at 1,544, will rise. That is the nature of how insurance works. It can take time for claims to be put into the system. We are looking at another debacle on the scale of Setanta Insurance, which is still rumbling on almost five years after the collapse of that company.

There are major questions about the quality of regulation of insurance across the European Union. It is only as strong as its weakest link. I support the passporting provisions. Ireland is a significant exporter of insurance services. However, this system only works if there is a common standard of regulation across the European Union. I have raised this issue directly with the European insurance regulator. We will see what that body's response will be. The Minister for Finance, Deputy Donohoe, needs to raise this issue at a political level within the European Union. That has not happened to date and it is not good enough. This needs to become a significant political issue on the agenda of the Eurogroup, the Economic and Financial Affairs Council, ECOFIN, and the other relevant authorities.

Deputy Pat Breen: This matter is being treated with urgency by the Department of Finance and the Minister. As the Deputy said, the Minister of State, Deputy D'Arcy, has been in contact with the UK Treasury and the European Commission. We hope to get an update as soon as possible on their plans in that regard. We are concerned about it. I have taken careful note of all the points the Deputy has raised during the debate. It is hoped that the Danish authorities will come to a decision quickly to provide certainty to policyholders and claimants. The Deputy should note that the Minister is very conscious of the problems caused in recent years by the number of non-life companies passporting into the Irish market, particularly in the light of the significant motor insurance claims. On the other hand, Ireland is a major beneficiary of the cross-border passporting regime, particularly in the life insurance sector. It should be noted that the Solvency II regulatory framework is not a no-failure regime. It is not possible, as we all realise, to build a viable system that will provide a cast iron guarantee that no insurer will ever fail. It is important, therefore, that EU supervisors properly and consistently supervise the insurers they authorise and that there be greater communication, as the Deputy said, between supervisors across the European Union on their respective companies in conducting cross-border business. In that regard, there is a proposal, as part of the ongoing review of the European supervisory architecture, to further improve cross-border co-operation and communication through the strengthening of cross-border collaboration platforms which operate on an *ad hoc* basis. However, the proposal would ensure a more formal structure was put in place where an insurer did a lot of cross-border business. It would give supervisors in the countries where insurance was written greater insight into how the business was being conducted. The Minister, Deputy Donohoe, and his colleague, the Minister of State, Deputy D'Arcy, are very concerned about this issue for Irish policyholders and every effort is being made in that regard. There is constant contact by the Department of Finance and other agencies with the Danish authorities to ensure a quick decision can be made in order that it will not extend beyond Christmas, something about which the Deputy is concerned. I will convey his views to the Minister.

Home Repossessions

Deputy Kathleen Funchion: I thank the Ceann Comhairle for selecting this issue. I am glad to have the opportunity to raise it because it is extremely important.

The behaviour witnessed at the weekend was like a scene from 19th century Ireland. There are no appropriate words we can use in this Chamber to describe it, only “completely disgusting behaviour”. The Government should remind the banks who exactly bailed them out. They were bailed out by the people, taxpayers, which they seem to forget. The crux of the matter is that we need to see the banks being reined in. They are standing over evictions and putting considerable pressure on families. I have countless stories of families with whom the banks will not negotiate on their mortgages. They have put so much pressure on borrowers that many have taken their own lives in the past few years because of their financial difficulties, yet we bailed out the banks. We are, however, starting to see people stand up for themselves, which I welcome. There will not be as much tolerance of this behaviour in the future.

Deputies who abstain on or vote against important legislation with anti-eviction measures have a great deal to answer for. They can no longer sit on their hands while this is happening.

Deputy Martin Kenny: What happened in County Roscommon is evidence of what is seen in many parts of the country. People are very angry that the banks which bankrupted the country are sending in security firms to evict people from their homes in the most abusive manner. While the security firm in this case is based across the Border, many of the security firms involved in other places are based in Dublin, Carlow and Longford, among other counties and they, too, are acting in the most abusive fashion. Something has to be done to rein them in. Clearly, there is a need to put legislation in place. It is welcome that the Minister for Justice and Equality, Deputy Flanagan, has acknowledged that this needs to happen. Legislation needs to be brought up to date to ensure the particular groups involved - they are thugs really - will be reined in and regulated properly.

Another issue is that the banks are not dealing with people. We should not be talking about this as a justice matter but as an issue that is being dealt with appropriately by the banks. Many borrowers approach them to try to make deals, but they cannot do so because the banks will not deal with them, which is simply wrong. The banks need to be brought to account.

Deputy Eugene Murphy: I thank the Ceann Comhairle for allowing us to raise this important issue. I will repeat what I have stated on numerous occasions in recent days. I grew up three miles down the road from the family in question. I went to school with them and know the case well. The two Deputies who have spoken are correct. There is extreme anger in the area. I use this opportunity to appeal for calm.

We must ensure people who are heavy-handed will be taken out of the system in removing people in evictions. What I would like to see every Member of the Dáil address, if at all possible, is the introduction of legislation in order that we will not have such firms involved in this work. Evictions are unfortunate. When one talks about the eviction in Strokestown, County Roscommon - the Minister and everybody else in this Chamber is aware of the history of what happened there - one must remember that “eviction” is a very dirty word in that part of the country where it has left a sour taste, particularly since the Famine in which so many people were either lost or driven out by the British. While it is a place of great peace and people do not want to engage in violence, they are extremely angry, upset and annoyed at what has happened.

Minister for Justice and Equality (Deputy Charles Flanagan): As the Deputies are aware, a High Court order was executed last week for repossession of a property at Falsk, County Roscommon. As the Deputies appreciate, the courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions and the management and

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conduct of cases which are brought before them and I have no role in the matter. Sheriffs are officers of the court and independent in the exercise of their functions and duties under statute passed by the House and the rules of court. The sheriff, or the county registrar acting as sheriff, is responsible to the court for the enforcement of court orders. The law and procedures governing the execution of court orders are contained in the Enforcement of Court Orders Acts, 1926 to 1940, and the rules of court made thereunder. As Minister, I have no operational function in this matter. However, it should be emphasised that there is a clear difference between persons or companies employed to execute court orders and vigilante groups carrying out acts of organised and serious violence, as occurred on Sunday. I condemn in the strongest terms the violence that occurred at Falsk, County Roscommon, early on Sunday morning. A Garda investigation is under way following the violent incident that occurred there, during which a number of people were injured, some of whom were hospitalised. It is important that the Garda investigation take its course and I note that arrests have been made. Gardai are required to carry out their important duties in accordance with the law and should any person have a complaint about the actions of a garda, he or she should go to the independent complaints body - the Garda Síochána Ombudsman Commission.

I will not comment on any individual case, but I stress that violence is never justified. An Garda Síochána is the sole legitimate guardian of the peace in the State, charged with upholding the law in the interests of the whole community. It is never appropriate for vigilante or criminal groups or gangs to take the law into their own hands and commit acts of serious violence against people, animals or property, as happened in County Roscommon on Sunday. I strongly condemn the incidents. It is welcome that An Garda Síochána is investigating the matter and there is a criminal investigation under way. I am deeply disturbed by the thinly veiled references to vigilantism made in recent days on social media and elsewhere. This is a very dangerous road to go down and vigilantism and private armies will not be tolerated in the State.

While conscious that the full facts of the case are not in the public domain, it is clearly deeply distressing to see a family lose their home, particularly at this time of year. I hope the issue can be resolved peacefully through dialogue and mediation.

On the broader issue of mortgage arrears, the Government is committed to helping borrowers to achieve solutions that will allow them to stay in their homes. Abhaile, the national State-funded mortgage arrears resolution service, has provided free financial advice for over 10,000 households in mortgage arrears since it was established. That over 116,000 mortgage restructures have been completed to date and that 87% of them are on track is proof positive that engaging with a lender works. There is help available for those in mortgage distress who wish to avail of State support. Furthermore, my departmental officials are in the process of drafting a land and conveyancing law reform (amendment) Bill, the principal purpose of which is to broaden the range of matters a court must take into account when deciding whether to grant a repossession order to a lending institution on a borrower's principal private residence. I acknowledge the work of the Minister of State, Deputy Moran, in that regard.

An Ceann Comhairle: I will come back to the Minister, if that is okay.

7 o'clock

Deputy Kathleen Funchion: I welcome that the Minister has condemned the situation. However, the point is that there will be more incidents such as this throughout the country if we do not deal with the fact that in many cases and certainly the vast majority of those with which

I have dealt the banks will not engage with people. They will not negotiate. They haunt people with letters, phone calls, emails and texts and get them to the stage where they are bullied out of their homes and hand back the keys. Five or six years later, the houses are sitting empty in the middle of a housing crisis. Many people are willing to engage and try to reach a deal, often a very reasonable deal, with the bank but the bank does not want to know about it. Nobody is holding the banks to account but a few years ago when their coffers were short they were not shy about holding out their hands for a bailout. This House has to get real and start doing something about this issue because what happened on Sunday is just the start of it. It will continue if we do not address it.

Deputy Martin Kenny: Repossession through the courts is one part of the issue but many repossessions occur when people agree to hand back their house under duress. They are put under huge pressure with which they are unable to cope.

There is often a narrative that a person whose home is repossessed must be some type of scoundrel or be in terrible trouble. That implication is being made in this case. Reference may be made, as it was in this case, to people's past debts which have been settled or to businesses in which they were formerly involved. None of that is relevant. The only thing that is relevant is that the banks are doing the dirty work.

Although the security firms and the banks have the law on their side, that is the only thing they have on their side. The people are certainly not on their side. It is time for the Government to recognise that the ordinary decent people of this country are very aggrieved that citizens can be treated in this way and that the State will stand by and watch. The footage of the events in County Roscommon shows gardaí standing outside the gate of the property, watching the eviction. That really angered people.

Action must be taken to ensure there is no repeat of those events. It is quite clear that what happened in County Roscommon could happen elsewhere and we must ensure it does not. All Members want to work together to that end, but it will require legislation that protects the people rather than the banks.

Deputy Eugene Murphy: It is quite distressing for me to see what happened to people I know for many years. Like the Minister and other speakers, I acknowledge that we must condemn all violence and all types of thuggery. However, this unfortunate event began with the eviction. Nobody in this House can condone what happened last Sunday evening. However, because a criminal investigation is ongoing, I will say no more about it.

I accept that there must be more engagement by the banks. Yesterday, I spoke to representatives of KBC bank on behalf of the family and asked them take a step back, allow the situation to calm down and begin negotiations as soon as possible. I have had four engagement in the past two years with banks in the Roscommon-Galway region, which I represent, and in each case I was able to get matters solved through negotiation. However, people must tell us if they have problems and allow us to get involved with the banks. I agree that the banks need to do more and to be more accommodating.

I call for calm in our region and, please, let everybody work to settle this situation which is currently quite critical.

Deputy Charles Flanagan: Although any repossession of property is deeply regrettable, the number of repossessions is declining. The latest statistics from the Courts Service for this

year indicate a downward trend in the lodgement of applications for possession orders. In addition, the total number of repossession orders granted by the courts in quarter 2 of this year is down on that in previous years. It should be noted that in quarter 2 of this year more repossession cases were refused, struck out or withdrawn in the courts than granted.

I acknowledge that there is some disquiet about private security operators who may be employed by third parties to enforce court orders. I recently requested that my officials examine the regulation of such operators with a view to bringing them within the remit of the Private Security Authority. I expect a report from an intergovernmental group chaired by a senior official of my Department in January 2019 and I will take all the necessary and appropriate steps in light of the report.

However, I reiterate my very strong concerns regarding vigilantism and criminal gangs operating outside the law. Such activity has no place in Irish society and cannot be equated with the lawful enforcement of court orders within the State. Any action outside the law is unacceptable.

Third Level Admissions Entry Requirements

Deputy Willie Penrose: I thank the Ceann Comhairle for selecting this important issue for discussion. I am glad that the Minister of State, Deputy Mitchell O'Connor, is present. She is very familiar with the import of this issue and I have no doubt she is eager to resolve it in a positive way. It is a very invidious situation affecting a large cohort of young graduates and undergraduates. Concerns over this important issue have been brought to my attention and that of my colleagues, Deputies Sherlock and Brendan Ryan, over the past month or so. I have no doubt that several other Members have also been alerted to the grave unfairness and injustice perpetrated upon students who completed their leaving certificate prior to September-October 2017 when changes to the minimum entry grades in Irish, English and maths for entry to primary teacher education programmes were introduced. My colleagues have made strong representations on the issue. Like them, I have no problem with the Minister of State or her officials raising the minimum entry requirements in those core subject areas as part of a policy objective of ensuring quality teaching and learning in primary schools. I am aware that the proposals emanate from the 2011 literacy and numeracy strategy and reviews thereto and that the Teaching Council had an input into them.

The changes in the minimum entry requirements take effect from 2019 and students who entered the leaving certificate cycle in 2017 and will graduate in 2019 are aware of it. However, I am focusing on a specific cohort of students. What will happen to the many students who entered degree courses between 2013 and 2018 and wish to pursue a postgraduate masters in primary education? What about those who completed their undergraduate degree some years before deciding to apply to the masters programme? They may have completed their primary degree in 2016 or 2017. When such students sat their leaving certificate four, five or six years ago, they were assured by guidance counsellors that the minimum entry requirements were at a particular level. However, the goalposts have now been moved by officials - I am not stating that the Minister of State did so - and deprived those students of the ability to qualify for the masters in primary education at a time when teachers are badly needed. Deputies complain that teachers are going to Dubai. The Government will drive them all out of the country. The Ceann Comhairle will have to go back to Dubai and get a donkey on which to bring the teachers back.

We are driving them out of the country.

An Ceann Comhairle: There are 2,500 of them there.

Deputy Willie Penrose: Those students attained the necessary minimum requirement for the masters in primary education when they sat their leaving certificate some years ago and had a legitimate expectation, which is a principle of European Union law, that they would qualify for the course because they met all requirements that were in place at the time.

In order to meet the new minimum requirements, this cohort of students with a primary degree will have to resit the leaving certificate. Talk about Hobbe's law. A person could have a first or second class honours degree and be told that is no good because he or she does not meet the new minimum entry requirement in Irish. The Ceann Comhairle is fluent in Irish, tá sé líofa, and fair play to him. Those students have primary degrees. I only have a few words of Irish, unlike the Ceann Comhairle, but I know there is damn-all difference between a C3 and a C2. It is a semantic difference. We must ensure the Irish language is propagated and promoted but by changing the minimum requirement from a C3 to C2 we are depriving a significant cohort of students of the opportunity to become a teacher. This injustice must stop. It is likely that legal action will be taken. The officials must change this policy. I have made them fully aware of the difficulties it is causing. The officials are decent and reasonable and are wondering about opening Pandora's box. One should not do so. A defined cohort of students has been affected. We must address this immediately. The Minister of State knows more about primary education than I will ever know, and she knows exactly how to resolve this.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I thank Deputy Penrose. I have received the same queries that were raised with him and his colleagues.

I was in the United Arab Emirates and met a number of Irish teachers there. There are more than 3,000 of them there. The one message I received there was about the great respect for Irish teachers teaching abroad. Often this is not evident in Ireland. A really proud individual running a school in the United Arab Emirates ran over to me and told me she would employ only Irish teachers. My face dropped because I am aware of the lack of teachers in the system here but the comment indicated how good Irish teachers are. I am highly cognisant of the importance of having a teacher at the top of the classroom who is able to deliver quality teaching to the children. With regard to the question the Deputy asked, I realise he knows all the details. The changes were identified. We came up with a literacy and numeracy strategy. This occurred under former Minister Ruairí Quinn. I pay tribute to him in this regard because our standard of literacy has gone right up. Ireland is one of the best in Europe in English reading and mathematics.

Many of the issues have been identified. The officials feel these issues are very complicated and complex. The Teaching Council provided advice. It commissioned the Economic and Social Research Institute to carry out research on its behalf to inform deliberations on the grades students should have in their leaving certificate examinations. The grade for English is now H4 and that for mathematics is H7 or an O4. This reflects the new grading system. The changes had regard to the Department's 2015 policy, Supporting a Better Transition from Second Level to Higher Education: Implementation and Next Steps. The changes were announced in October 2017 to take effect for entrants to primary initial teacher education programmes from 2019 onwards. This was to ensure account was taken of students who had already commenced

the senior cycle and would be sitting the leaving certificate in 2018. However, to exempt all students with a degree from meeting the new requirements, as suggested, would take away any benefit arising from the changes. In practical terms, this would mean that, years from now, those who met the old entry requirements could apply for the professional master of education course alongside those who would have to meet the new requirements. It would also mean a difference straight away between the standard for students on the postgraduate course and those who have just done the leaving certificate examination and who are starting an undergraduate teaching degree. On behalf of the Department, I appreciate the Deputy's concern for students who had planned to apply to pursue the professional master of education qualification for primary teaching and who no longer meet the minimum entry requirements. I have past pupils in that category. The Department has received a number of submissions in this regard, and these are currently under consideration to ascertain whether a solution can be found for the students most affected.

Deputy Willie Penrose: I have no doubt that the Minister of State understands the details of the issue very well. The change, however, is not a trivial or small one. For those concerned, it represents a considerable setback, and it is causing great stress, anxiety and upset. The Minister of State will agree that upsetting students is nothing to be proud of. The Minister of State can achieve the objective by ensuring the minimum requirements will apply only prospectively. The Department announced that, from 2017, every leaving certificate student knew what requirements had to be met, in the view that there was no problem. The response circulated is the glib Department answer. It does not pass legal muster. The point is that the students were assured that a C3, for example, was adequate, and they did their undergraduate degree on that basis, with a view to moving on having obtained their C3 along with their music degree, arts degree or whatever. The Department unilaterally changed the goalposts, however. That is not right in law. Under European law, this falls. The Minister of State's officials better get off their butts and make sure what I propose is done immediately. We need the students to be notified in January or February in order they can start their master's in education course in September. The answer circulated suggests somebody who qualified in 2011 would be affected if applying to do the master's course in education in 2021. These individuals are probably out in Dubai or elsewhere and are married and settled down. The last thing they are worried about is the master's degree in education.

The reply adds insult to injury. How dare the officials say there is something on the website that can take the place of the leaving certificate grade. Does the Minister of State think we came up the River Liffey in a banana boat with a goose pulling it? That is nonsense. In other words, a student who has achieved a 1.1 or 2.1 in his or her primary degree is told to buzz off to some place to try to get a C2 or C1 in Irish or whatever is required. That is a typical gobbledegook bureaucratic reply that I resent. I want the Minister of State to solve this problem because, if she does not, we will see the students in court.

Deputy Mary Mitchell O'Connor: I said to Deputy Penrose that the Department has received the submissions and that they are currently under consideration. I expect a further update from officials in January, which I will share with Deputies.

Dáil Éireann
Promoting Cycling: Motion [Private Members]

Deputy Robert Troy: I move:

That Dáil Éireann:

recognises:

- the rapidly growing popularity of cycling as a means of transport, particularly in Ireland's urban and suburban areas, as evidenced by recent Census figures and the popularity of schemes such as the dublinbikes public bicycle rental scheme;
- the considerable health benefits that regular physical activity, such as cycling, brings to citizens and the need to promote such activity;
- the high level of economic returns and value for money that cycling projects give;
- that chronic congestion is grinding our cities and road arteries to a halt, making it more difficult and more unpleasant for people to get to work;
- that cycling is a zero-carbon mode of transport and one which can help to reduce Ireland's carbon emissions, as per our commitments at European Union and international level;
- that Ireland lags behind our European peers in the provision of safe cycling infrastructure, such as dedicated cycle lanes, secure bike storage facilities and cyclist-friendly traffic lights; and
- that the largest cycling conference in the world is due to take place in Dublin in June 2019, and that Ireland needs to show progress on the development of cycling infrastructure;

condemns:

- the considerable safety risks that cyclists face on Irish roads, owing to our poorly developed cycling infrastructure;
- the current low funding allocations for cycling at only approximately two per cent of the overall land transport capital budget; and
- the Minister for Transport, Tourism and Sport's failure to bring forward legislation requiring drivers to maintain a minimum distance when passing cyclists; and

calls on the Government to:

- prioritise the rollout of dedicated cycle tracks, that are physically segregated from other road users, across the country;
- place cycling infrastructure at the heart of transport infrastructure planning by appointing a dedicated cycling officer to every local authority at an appropriate level of seniority, and by establishing a dedicated cycling division within the Department of Transport, Tourism and Sport to coordinate activity and projects across all departments;

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- introduce cycle friendly legislative initiatives, similar to those of our European neighbours to promote the growth of cycling, including contra-flow cycling, left turn at red lights and joint use of pedestrian crossings;
 - build on the successes of bike sharing schemes by expanding these schemes to major suburbs of towns and cities;
 - revise the Bike to Work scheme to allow commuters to purchase a new bike every three years instead of every five years, and to extend this scheme to pensioners and unemployed people;
 - introduce immediate supplementary funding to local authorities to support the rollout of ‘quick win’ projects supporting safe cycling and walking routes in the short term;
- and
- prioritise two cycling projects to be delivered in advance of Velo-City 2019.

I am sharing time with Deputies Lahart, Michael Moynihan, Cassells and Eugene Murphy. I welcome the opportunity to move this motion. I welcome the groups attending in the Visitors Gallery to hear the contributions from each side of the House. I apologise for the late start. We were due to start at 6.05 p.m. but, between one thing and another, we are starting only now. I apologise to the visitors for the inconvenience. I thank them for the work they have done over many years advocating greater investment and the prioritisation of cycling in national policy.

The reason I am moving this motion is to try to encourage the Minister, Deputy Ross, and to highlight to him and his Department the urgent need to prioritise cycling. He seems to have a major issue when it comes to prioritisation in his Department. Only last week, despite the urgent need to consolidate road traffic legislation to prevent unnecessary legal challenges, he tried to introduce further amendments that would further complicate the Act and leave it open to further challenge. Again, there were disproportionate penalties for offences.

The Minister has a poor record on cycling. Since he came to office, the national budget for cycling has been cut from over €16 million to €10 million for the upcoming year. The Minister confirmed this with me in a reply to a parliamentary question. Earlier this year, he made a firm commitment to implementing the statutory instrument on the minimum passing distance. I compliment the groups which brought that campaign to the gates of Dáil Éireann. I facilitated them and I was on the verge of bringing forward an amendment on Committee Stage of a road traffic Bill later that evening. The Minister tried to get the upper hand and play politics with the issue. On the morning of the day the amendment was due to be debated, he called a press conference to announce he would sign a statutory instrument in the immediate future. When pushed, he said it would be within weeks. We are now 12 months on and it still has not happened.

The Minister blames the advice of the Attorney General but he did one of two things. Either he called a press conference without having sought the advice of the Attorney General, and if he did it was a very poor action for a Minister to take, or he ignored the initial advice of the Attorney General and decided to plough ahead in the hope he would get publicity. The simple fact is it is cyclists who feel let down by the Minister’s inaction on the minimum passing distance.

I do not for a second accept the Minister's contention that it is not workable. It is workable in many US states, in Australia and in many of our European neighbours. If it can work in so many other places throughout the world why can it not work here? It is because of the Minister's lack of priority to ensure it is progressed. Cycling increased by 43% between 2011 and 2016. Last year, 90,000 people cycled in Dublin alone. This in itself is a reason to prioritise cycling. Look at the chronic infrastructure in place. We need to invest in our infrastructure. Unfortunately, this year alone nine cyclists have lost their lives. Look at the benefits of moving people from cars to bikes, in terms of reducing our chronic congestion problems. Look at the positive benefits it can have on physical and mental health and the hugely positive effects it can have on the environment.

There are a number of key reasons we are bringing forward this motion in the hope we can put pressure on the Minister to include cycling in his departmental priorities for 2019. As I have said with regard to safety, in the past five years 59 people were killed on our roads and we must express our sympathy to the families who were bereaved. In 2017, by way of a freedom of information request, we realised that 350 cyclists were treated for head injuries and 345 for elbow and forearm injuries. This in itself clearly demonstrates the need for segregated cycle lanes to enable people to cycle safely. I have no doubt that in his reply the Minister will speak about BusConnects and his plans for it. In some instances, we will be waiting ten years for BusConnects to have an effect. The pace is too slow and we need acceleration of the roll-out of segregated lanes.

I want to take this opportunity to compliment the then Minister of State, Deputy Regina Doherty, and Deputy Cannon, who brought forward a Bill on minimum passing distance more than two years ago. For one full year, the Minister resisted its implementation or facilitation. The huge positive effects and benefits cycling can have for physical and mental health cannot be understated. We have a huge task in how we will meet our targets with regard to climate change. One of the areas that would seriously benefit and help is cycling. The EU has set a target for Ireland of a reduction of 20% by 2020 and 30% by 2030 compared to 2005 levels. Figures from the EPA suggest Ireland will only be able to reduce its emissions by a maximum of 1% by 2020. We are so far off meeting our targets it is unbelievable.

Dublin City Council was fortunate to win the bid to host the Velo-City cycling conference in 2019. I would like to hear from the Minister what are his priorities on projects that can be delivered in advance of this conference to show that his late conversion to cycling last year was not merely words but can be demonstrated by action.

Deputy John Lahart: I thank my colleague, Deputy Troy, for raising this issue. I thank those in the Gallery for their patience. There are a number of issues but I will frame my short contribution around several key points. Clearly cycling's time has come. There has never been such an appetite or enthusiasm for cycling and such a growth in cycling and the use of bicycles in Ireland. I am particularly referencing this as Dublin spokesperson. There is a huge desire on the part of people of all age groups and genders not only to do their bit for climate change but to do something they enjoy, which is cycling, whether to work, as part of an amateur sporting pursuit or just a leisure activity. The proof of the pudding in terms of cycling safety will be when parents of 11 or 12 year olds feel safe in allowing them to cycle alone on properly segregated off-road obstacle free cycle tracks. I am speaking about this from a national perspective but specifically from a Dublin perspective.

I commend Deputy Troy because we on this side of the House have raised this issue continu-

ously. There will be a day of reckoning on the issue of cycling when parties will go before the people and we will be able to say these are our ideas, we have given an awful lot of thought to this and we have engaged with all of the cycling bodies, regardless of size and scale, to get their ideas and involvement in the development of innovative policy. At some time in the future, parties will go before the electorate and will be able to state what they are offering. There will be others who will have to state they had huge power and influence but, unfortunately, concentrated a lot of that power into stuff that was not germane to the Ministry or Department they had authority over.

Deputy Troy raised the issue of what happens in the gap between 2018 and 2027 when all of the BusConnects projects are to be completed. The Minister does gravity exceptionally well but he does not do urgency particularly well. The climate change urgency is something this side of the House takes particularly seriously. Someone needs to lead the debate on the public space that motorists by and large have taken for granted as theirs over the years. It does not belong exclusively to them anymore. It is a space that must be shared with cyclists, pedestrians and public transport. This is a step change that has to be made and it requires significant leadership. It has to include advances that no one seems to have taken into account, such as scooters and electric bikes, because our existing bus lanes do not cater for their speed.

These are the key points on which the Minister must lead. It will require radical decisions and a lot of leadership to persuade the public that the public realm must be shared. Cycling's time has come and the Minister must give us ideas. We have plenty of them on this side of the House. What does the Minister intend to do now before BusConnects and cycling infrastructure is built out?

Deputy Michael Moynihan: In the two minutes I have, I would like to compliment Deputy Troy on bringing this motion forward. It is vitally important we treat this discussion and this Private Members' motion with the seriousness it deserves. There is no doubt about the number of people engaging in cycling as part of their commute or as a leisure activity. There is a huge growth. It behoves us in this House and, in particular, the Minister and his Department to accept this is a growth area with many more people participating.

Over the last number of years, we have seen cycling clubs right across the country encourage young people to get involved with cycling as a sport or recreation. Cycling has also come into the mainstream with many people attracted to it. There is, however, one fundamental issue. That is the safety of cyclists and how they perceive the State acting to welcome cyclists onto the roads and make an accommodation for them. As the previous speaker said, cycling's time has come. There is no doubt about that.

I ask the Minister to engage with the discussion and to listen to the points we are making. This is fundamentally important. If he could leave his phone alone for the moment and listen to what we are saying, it is important for us to articulate that there is concern for cyclists. Cycling is the way to go and everybody is telling us that because of a whole raft of issues from commuting, health and safety and physical and mental well-being. The public are streets ahead of politicians, this House and the Minister's Department. They are certainly streets ahead of the Minister in respect of where they want to take cycling and cyclists. It behoves us to listen to the contributions tonight and make sure this is prioritised. The budget should not be slashed in half, as we have seen. It should be increased and accommodation made for people cycling for their commute or for leisure and the benefits derived from that.

Deputy Shane Cassells: A few years ago, I had the pleasure of welcoming Mr. Michael Aherne, the head of the transport development division of the National Transport Authority, to Navan. He walked the town and examined the traffic movement, the state of the pedestrian links and the complete lack of cycle ways. That visit was to see how we could improve our urban space. Following on from that engagement, we have launched a €12 million project called “Navan 2030”. It is currently underway and is aimed at making our town safer and a better experience for everyone. The project is intended to improve public transport, pedestrian links and cycling usage between residential areas of the town and the town centre. We just completed an opening phase some weeks ago with a new cycling bridge into the town.

One of the remarks Mr. Aherne made that day on cycling was what he described as the litmus test for how safe a road is for cyclists. His simple philosophy was would he let his granny cycle on that road. If we were to take the granny test and apply it to the majority of roads in Ireland, the truth is we would be looking at possible UN sanctions for grannicide. Our roads would simply not stand up to Mr. Aherne’s test. We heard the statistics from Deputy Troy. I refer to the nine cyclists killed this year, the 59 killed over five years and the large number of injuries incurred by cyclists on our roads. It is imperative that more is done to try to make it safer for cyclists using our roads.

I hope the proposals contained in this motion are not rejected but embraced by the Minister and the NTA. It is already very proactive in trying to roll out schemes beyond the Pale and into provincial Ireland. I pay tribute to Mr. Aherne and his team for doing so. Outside of the physical improvements we are seeking, and the improvements already being made to our urban spaces, we see other people, beyond the realms of this Parliament, bringing fresh new ideas to the issue of cycling safety.

I will finish with the story of one young man whom I want to mention in particular. His name is Ben Soroos, a junior certificate student in Beaufort College secondary school in Navan. At the start of this year, at the BT Young Scientist Awards, Ben made a device that is secured to the handlebars of a bike. It records video of any vehicle that comes within 1.5 m of the bike. His device, Safe Ride, records for 60 seconds after an unsafe pass occurs. It will record and save all of the licence plate numbers detected as well as all of the video for later viewing from a local website. Previous occurrences of close incursions can also be viewed there. There is also a button to save the previous 120 seconds of video so that cyclists can save video of other incidents they witness. Ben’s aim is to limit the number of unsafe passes cars make past bicycles. Using the device will make reporting unsafe passes easier. We hope, of course, if we can see the improvements called for by Deputy Troy implemented that we will have no need for Ben’s device and he can use his creative mind to invent other devices in another sphere.

Deputy Eugene Murphy: I am delighted to be here. I appreciate my colleagues giving me a few minutes to support what Deputy Troy has brought before us. We could put it this way: we are listening to people and that is our job as politicians. One thing that has happened in this country over a long period of time is that politicians have stopped listening to people. In my constituency of Roscommon-Galway, thousands of people cycle, during the week in summer and on the weekends in the winter time when daylight and conditions are not as good.

As a rural Deputy, I travel thousands of kilometres some weeks. I applaud the cycling community for its safety consciousness. Cyclists are well lit up, they travel together and have respect on the roads. It is time we acknowledge what those people are saying, move forward and do what we need to do. We should not be cutting budgets for cycling. It is a healthy exercise

and good for people. It is also very good in regard to the issue of mental health. It brings people together. I know people who suffer from depression but because they go out two or three times a week, meet with their friends and colleagues and go on a cycle they feel an awful lot better.

I will also refer to one instance concerning rural Ireland that perhaps nobody else will bring up. I was talking to an old lady who is a neighbour of my own who made the point to me recently that for years nobody was living on her road. Cyclists now regularly go down the road, and they stop and have a chat with her. We should remember that. I urge the Minister to support what we are doing here and to stick with the cycling community. We should do what we can for that community. Things change and we need to move on with this. We need to put proper infrastructure in place in every county and every constituency so as to support what cyclists are doing.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I move amendment No. 2:

To delete all words after “Dáil Éireann” and substitute the following:

“welcomes:

- the growing popularity of cycling as a means of transport, particularly in Ireland’s urban and suburban areas, as evidenced by recent census figures;
- the ambition of the Government to deliver strategic cycle networks in our major urban centres, and high-quality greenways in rural areas;
- the Government’s commitment towards delivering improved cycling infrastructure as part of the BusConnects programme in our major cities;
- the unprecedented funding made available under the National Development Plan to support such delivery;
- the establishment of the Cycle Right training programme in primary schools and its expansion in 2019; and
- the planned construction of a number of significant cycle projects in 2019; and

calls on the Government to:

- prioritise the delivery of improved cycling infrastructure in both urban and rural areas in line with the commitments made under the National Development Plan;
- continue to work with the National Transport Authority, as the relevant statutory authority, in ensuring the timely and effective implementation of cycling-related programmes and projects; and
- consider, within the context of the ongoing review of public and sustainable transport policy, and taking cognisance of the overall budgetary parameters as set out in the National Development Plan, whether further cycle-friendly legislative, policy or institutional initiatives could usefully be applied in Ireland.”

I applaud what has come from the other side of the House. On the whole, we are in agreement on virtually everything that has been said and we are pursuing the same goals. We cannot

agree the motion because it condemns the Government and we believe that what we are doing is a full commitment to cycling in the future. I want to start by making a concession and state that in the past there has been inadequate support for the cycling community and we have indeed fallen behind the standards and ambitions we should have lived up to. That though is in the past.

All of the speakers have asked me to outline what we are doing. I apologise to Deputy Michael Moynihan, I was using my phone but just to look something up to answer one of his questions. I will outline what we are doing, what we are going to do, the commitments we are solemnly keeping already and the ones we intend to act on in the future. I hope the Fianna Fáil Party and the Green Party, which have amendments, and the Labour Party will join with the Government in pursuing these goals which are genuinely felt.

I may be a late convert but having come to this job, as Deputy Troy acknowledged, I have said that commitment is there and that cycling is the future. We have to support it because it is part of the Government's policy to get people out of their cars. It is the main thrust of transport policy. I also believe Members will agree with the Government in its commitment to safety on the roads. We must join together and not be too abrasive about what we say on this serious issue to which we have given much commitment.

There are elements of Fianna Fáil's motion and amendments from others which are acceptable. While the Labour Party's proposed amendment is perfectly acceptable, it fails to acknowledge that the design manual for urban roads and streets does precisely what its amendment proposes. Accordingly, I am unable to accept its amendment. The Green Party's amendment alleges a failure of the Government to implement policy, a claim I cannot accept. The motion, however, is not about starting a real debate on cycling. Instead, it is being used as an opportunity to grandstand. Any real consideration of the motion would confirm that in my view.

The motion calls on the Government to prioritise the roll-out of segregated cycle lanes which is being done through the BusConnects programme, the greenways strategy, as well as under other programmes funded both by my Department and the Government's urban and rural regeneration and development funds. The motion calls on the Government to establish a division in my Department which has already existed for some time. It seemingly calls on the Government to short-cut planning and procurement to just build two cycling projects in advance of the Velo City conference next year. I could go on but I will not.

Instead, as I have been asked by other speakers, I propose to take stock of what has been achieved, look at what can be improved and seek consensus as to how we can build on the very welcome increases in the numbers of people cycling across the country. The national cycle policy framework, as published by the then Minister, Noel Dempsey, was a significant and welcome development. This was under Fianna Fáil and I applaud the party for what it did for cycling. As he stated in the introduction to the framework, no single action will prompt people to cycle. These are words on which we should all reflect, particularly those who have tabled this Fianna Fáil motion.

The economic and financial crisis meant that among the 19 objectives and 109 actions in the framework, priority had to be given to those that were possible from within the much reduced financial resources available at that time and the years that followed. However, progress has been made and should be recognised. In terms of planning and design, for example, the National Transport Authority published its cycle manual in 2011, while in 2013 the design manual

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for urban streets and roads was published. Development of both was a key recommendation of the framework.

In rural areas, Members will acknowledge the wonderful amenities created through the development of greenways, a point absent in all speeches so far. That is why I was delighted to launch the new greenways strategy with the Minister of State, Deputy Griffin, earlier this summer. In launching that strategy I also ensured we had the funding framework in place to back up its delivery. The funding I secured provides the link between ambition and delivery. I look forward to the announcement of successful projects next year.

The cycling safety programme provided training for around 20,000 primary schoolchildren this year. Thanks to the additional money I have secured in the budget, it will expand again next year. This is in line with the ambitions contained within the national cycling policy framework but which, due to those funding constraints, was not implemented in 2009. Safety is critically important. All Members agree that the loss of any life is a tragedy. Last year, there was, unfortunately, an increase in the number of the cyclists who lost their lives on the roads. Since 2000, the average number of cyclists killed on the roads has been ten per annum. Last year, however, it was 15, the highest since 2007. Numbers this year show a decrease but I know there is no cause for complacency.

As Minister, I am personally committed to the issue of road safety and how to improve it. In 2016, I secured Oireachtas approval for the Road Safety Act 2016 which made provision for a new 20 km/h speed limit, in addition to the 30 km/h and 40 km/h limits already available to local authorities. My Department's guidelines for setting and managing speed limits encourage local authorities to use reduced speed limits in residential areas. Many are expanding the areas covered by these special speed limits.

Another topical legislative issue is the proposed minimum passing distance. I applaud the consistent efforts made by Mr. Phil Skelton in this regard, a person with whom I have had a close working relationship in the past. In terms of the legislation, the Office of the Attorney General raised issues with the initial proposed legislative solution. I cannot ignore those issues. I cannot tell the Attorney General I am going to introduce legislation willy-nilly. Instead my officials have developed an alternative solution in consultation with both the Office of the Attorney General and the Garda Síochána. There are several administrative supports which need to be put in place. The Department is reliant on outside stakeholders to deliver these. Once these supports are set up, the legislation will be commenced without further delay.

On other safety measures, just a few weeks ago, I announced an additional €400,000 in funding for Dublin City Council to allow the council install cycling safety technology on 40 of the busiest junctions across the city. This has great potential and I look forward to hearing about its impact once rolled out. Any discussion of cycling must consider the issues of funding and infrastructure. On the issue of funding, Deputies seem unwilling, or unable, to accept that funding for cycling is increasing thanks to the budgetary increases I have secured. Over the period 2018 to 2021 we will provide €750 million to BusConnects Dublin which will deliver 200 km of largely segregated cycle lanes; €110 million through a dedicated cycling and walking infrastructure funding programme; €135 million to the sustainable urban transport programme which funds the delivery of traffic management and smarter travel projects in our cities; and €53 million from 2019 to support the greenways strategy.

We have funded public bikes schemes in Dublin, Cork, Limerick and Galway. We have

also funded their expansion with new stations opening in Cork and Dublin this year and more planned for Galway, while work is well under way to extend the scheme to include Waterford. This collective level of funding is unprecedented. It will make a real and lasting difference to cycling infrastructure across the State.

There are those in the House, however, who refuse to acknowledge that. I said at the outset that I wanted a real debate. In that spirit, I will obviously acknowledge that, despite the improvements that have happened, we still have a long way to go. Multi-annual infrastructure projects and programmes do not always flow seamlessly. There are a range of issues which impact on delivery. I do not mean money, I mean issues like organisational capacity, design, planning and environmental considerations. I agree that in recent years we have not built as much of the infrastructure that we wanted to see delivered.

The future is bright for cycling and the commitments to it are in place.

An Ceann Comhairle: I call on Deputy Munster who is sharing time with Deputy O'Reilly.

Deputy Imelda Munster: I welcome the opportunity to speak on this motion. Sinn Féin is very much in favour of the promotion of all sustainable forms of transport, in particular public transport and cycling. A wider view needs to be taken and all planning initiatives must prioritise public transport and cycling, along with the reduction of private car usage in our cities. These go hand in hand. The best way to reduce car use is to ensure public transport is reliable, frequent and affordable. There is a long way to go in this regard, particularly in rural areas. While many parts of Dublin are well served, other areas could do with some improvements. Rural public transport services vary with some areas having reasonable services while others are poorly served. Some areas have no service at all. In our alternative budget for 2019, Sinn Féin pledged to increase spending on CIÉ companies by a quarter, or more than €70 million, with most of this funding targeted at rural bus services. Removing cars from roads is a no-brainer but, unfortunately, rather than increasing services by investing in CIÉ companies, the Government is instead privatising Bus Éireann and Dublin Bus slowly but surely. A second tranche of Bus Éireann routes is due to be put out to tender in the near future despite the fact that the Government has no idea if the previous round of privatisation has been successful.

Cycling is another area that needs an increase in investment. Greenways and cycleways must be developed and the infrastructure in our cities must be altered to ensure our roads are cyclist-friendly. The number of people cycling has increased dramatically in recent years in our cities and we must ensure cyclists can travel safely. We must work towards ensuring that cycling infrastructure provides for safe journeys for cyclists. Sharing lanes with buses and other vehicles is simply not safe and this acts as a barrier to those who would like to cycle but who feel it is simply too dangerous in our cities.

I support much of what is called for in this motion, including dedicated cycling lanes and improved infrastructure. We are all in agreement on that. It is a bit rich for Fianna Fáil to put down this evening's motion as last week it announced it would happily prop up the Government for another year. The party did not revise its requests of the Government or raise any objection to more than 10,000 people being homeless or the crisis in our health service. Fianna Fáil did not ask for an increase in funding for cycling infrastructure either. It supported the last budget, which saw funding from the Department of Transport, Tourism and Sport increase by only €20 million; current funding increased by €50 million, with €35 million of this going to tourism to take the bad look off the VAT rate increase in the sector. It seems only €9 million of the funding

will be available for transport overall. The allocation of capital funding for the Department was decreased by €30 million, and Fianna Fáil gave this allocation a thumbs-up two months ago by facilitating the passing of the budget. It provided next to nothing for transport. I urge Fianna Fáil to use its position to hold the Government to account instead of sitting on the fence.

I agree with some of the matters raised in the amendment put down by the Green Party, especially the Government's failure to implement such Government policies as Smarter Travel: A Sustainable Transport Future and the national cycling policy framework. The Minister has been a bitter disappointment when it comes to transport infrastructure and as a consequence, the general public has been sorely let down by his inaction. It does not help that we have a history of poor planning and short-sightedness when it comes to our infrastructure. We also lost a decade of investment during the recession. The Government must prioritise sustainable methods of transport; we have the plans and the know-how but we just need the political will to secure funding and drive this project.

This will not be easy and some may have to give a little in order for our cities to gain a lot. Dublin is 1,000 years old and we all know that it and other cities in Ireland present difficulties when it comes to widening roads or building new lanes and tracks. We must prioritise cycling and public transport. We must shift the mindset from accommodating cars to prioritising sustainable transport. I support the motion but it must be pointed out that as a motion, it is really only a statement with no legal standing whatever. It is important that interest groups understand that. It is positive that almost all parties appear to be on the same page on the matter. I hope the Minister will focus more of his energies on sustainable transport, including cycling, in the coming year.

Deputy Louise O'Reilly: I welcome the opportunity to speak to the motion this evening and I also welcome the people from the campaign groups in the Gallery. It is a matter that has exercised people hugely, and as Deputy Munster indicated, there are many positives within the motion. We know a motion has no legal standing but it provides an important opportunity for me and others to state that this topic is a priority. It is an opportunity to debate it this evening.

I am not a cyclist, although I have cycled on occasions. Frankly, I would be petrified to do it. I have cycled around the city recently enough and it is absolutely terrifying. I live in Skerries and some of the smaller roads there can be quite scary for the people using them, even when motorists give as much space as possible. Although it may not necessarily dangerous where I live, it is dangerous to cycle in the city. I do not know how people manage to navigate the city even with helmets and everything else. When we consider other cities that have got this right, they are much more pleasant places to be and walk around because there are fewer cars. Currently, there is no incentive to cycle a bike here and I would be scared to do so. I know there are some dedicated and designated cycle lanes but very often they taper to nothing. I notice it as a motorist and pedestrian. It must be terrifying for cyclists.

This motion contains very sensible suggestions. The Minister has indicated he is doing everything suggested in the motion and if it were not for the hint of condemnation of the Government, he would probably support it. To be fair, people in the Gallery and others have contacted us all this week and last week about the motion. If they thought everything was already being done, they would not look to talk to us. Most people do not want to engage with politicians, if we are honest.

Deputy Shane Ross: That is fair enough.

Deputy Louise O'Reilly: They would quite happily not engage with politicians if they could reasonably avoid it. These people have engaged with us nonetheless. If they thought everything in the motion was already being done and was a priority on the Government's agenda, they would probably be in town doing some Christmas shopping or at home with their families. They would not be sending us emails or contacting us in other ways because they would not need to do so. There is a clear issue and the motion provides an opportunity to collectively say it is the will of the Dáil that greater priority should be placed on cycling and other sustainable forms of transport. We really cannot keep going the way we are. The proof of the pudding is in the eating and although the number of people cycling is growing, the number of people campaigning for better infrastructure for cyclists is also increasing at a similar rate. They see the problems and that much can be done to make not just our city but the State a much better and safer place for cyclists.

In my area there are plans for a greenway going from Skerries to Balbriggan and from Bald Doyle to Portmarnock and linking Malahide. This is fantastic but it is at either end of north County Dublin. It would be a great boost for tourism if the cycleway went the full length of the north county coast. It would be a great statement to give a full and clear commitment with funding to ensure this could happen.

The Minister was fairly clear in saying he wanted to do everything in the motion and it is only the hint of condemnation that stops him from crossing over and joining our side of the argument. If those actions were being taken, we would not be here debating the motion as there would be no need. We would not be here talking about how we need more investment. The people in the Gallery watching the debate would not be here either. I thank the Deputies for bringing forward and moving the motion which was due to be discussed last week.

8 o'clock

We had very time-sensitive legislation and are grateful to the Deputies for moving the motion forward to facilitate that.

If the Minister looks up at the Public Gallery, he will see that we have a problem. Clearly, there is no faith that it is being done so perhaps the Minister can inject some hope into this debate that he will do what is in the motion, which he says he agrees with, because it is not us that he must convince, it is the people who are campaigning for it.

Deputy Brendan Ryan: Amendment No. 3 reads as follows:

To insert the following after "pensioners and unemployed people;":

"— introduce urban planning measures that return our cities to the people, by prioritising cyclists, pedestrian and public transport users in urban centres, and ending the dominance of the private motor car;"

I am sharing time with Deputy Sherlock. I thank Deputy Troy for bringing forward this very important motion. I acknowledge those in the Gallery, some of whom are here in memory of loved ones who have died as cyclists on our roads - people like Neil Fox, a constituent of mine who is here in memory his sister Donna who sadly died in Dublin city centre while commuting to work on her bicycle. She was doing what we all say we want people to do, which is to commute to work or school or college in a clean, green and environmentally friendly way. We let people like Donna and other victims down by not providing the proper infrastructure to allow

them to do this safely and to ensure that when they do commute to work, school or college, they also return home safely that same day.

Urban planning measures are needed in order to deliver what we actually need in this city and every other city and town throughout the country, namely, dedicated and segregated cycle lanes, particularly on the main arteries into and out of our urban centres. This can involve making difficult decisions. While this motion does call for these segregated lanes, the proposers and supporters need to follow that up when politically unpopular decisions need to be made at local level. In 2017, we saw Dublin City Council roll back on plans for a segregated cycle lane in Fairview due to trees being deemed historically important. I received a lot of representations on this as many of my constituents travel through Fairview either by car, bus or bicycle. As Members can imagine, I received varying representations on this issue. However, the biggest pressure was to protect the trees and thus the segregated cycle lane was cobbled. Unfortunately, the pressure was so great on Dublin City Council that it abandoned the plan and to date, no progress has been made. Progress on the delivery of cycle lanes requires politically difficult choices as well. Segregated lanes need land so parks, paths, gardens and roads all come into play.

Labour fully supports the provision of cycling infrastructure. We led on the delivery of the Dublinbikes scheme, which continues to go from strength to strength. We want to see it expanded to all Irish cities, big towns and major suburbs. My colleague, Peter Horgan, is pushing for the expansion of the Cork scheme to the suburbs. In Labour's alternative budget, we proposed a 20 cent investment for every journey on the public bicycle schemes in order to help finance further expansion.

I like the call in this motion to revise the Bike to Work scheme. A revised and improved scheme with further political impetus and pressure would be of great benefit and I believe the uptake would be very strong. Currently, there are considerable risks to cyclists who use shared roads due to the interaction between cyclists and motor vehicles. In 2017, 15 cyclists died as a result of motor collisions and hundreds more were injured. That figure shows a 50% increase from 2016. Future deaths can be prevented if we invest more in cycling. Currently, less than 1% of our transport budget, around €3 million, is spent on promoting cycling and the cycling infrastructure. It is not enough. One thing that we can invest in is a better cycle infrastructure such as more dedicated cycle tracks that are physically segregated from other road users.

I fully support the "Staying Alive at 1.5" campaign and I was very proud of the Labour group on Fingal County Council, which led the way in delivering a pilot Staying Alive at 1.5 scheme in Fingal. Now every large vehicle in the council has a Staying Alive at 1.5 sticker and there are popular cycling routes with dedicated 1.5 m signage. Investing in cycling infrastructure will reap its own rewards and has been proven in other cities.

Ten years ago, the city of Seville invested in cycle infrastructure that provided 80 km of connected, segregated cycle paths. Since then, cycling numbers have increased from 6,000 to 70,000 a day. We can do the same and deliver the same results. The real work will be done in county and city development plans. Pressure needs to be put on councillors to incorporate pro-cycling objectives into these plans. We need a political consensus and a real will to invest and deliver.

Deputy Sean Sherlock: In the few moments I have, I will refer to the Minister's speech where he talked about how there has been a particular problem in Dublin regarding some of the larger signature projects. He went on to say that those problems arise because of different rea-

sons that make them trickier to solve but he did not articulate what those problems are or what he proposes to do. There was a certain amount of motherhood and apple pie in the Minister's speech. He spoke about €53 million being rolled out in 2019 and €135 million being rolled out in sustainable urban transport programmes. All of this will be up to 2021. To my knowledge, we have not had any new greenways since the Minister took office. I am putting a hand up here boldly for the Lee to Sea greenway in my native Cork and the Midleton-Youghal railway line in respect of which there has been a proposal for a greenway. If the Minister is serious about delivering on greenways and having a proper regional spread of them to facilitate cycling and families being able to cycle in a safe way, those two proposals should be top priorities. I make no bones about making that request.

When I put down parliamentary questions about cycling policy such as the roll out of dockless bicycles or extending schemes beyond cities like Cork, Limerick and Galway, I am always referred to the National Transport Authority, NTA. In replies to parliamentary questions, the Minister always says that he is not involved in the day-to-day operations of public transport, including the management of public bicycle schemes. I received that response to a question I put down in July. In reply to a question I put down regarding dockless bicycles and the potential for rolling them out across the country, he said that he is not involved in the day-to-day delivery of walking and cycling infrastructure, including the management of public bicycle schemes. I respectfully suggest to the Minister that he needs to roll up his sleeves and be more engaged with the NTA. I do not think it is sufficient for him to come into the House and say he has set up a greater Dublin area, GDA, cycle network plan to deal with the issues in Dublin. I do not have an inferiority complex I think - I am from Cork - but the Minister must look beyond the Pale, possibly come outside Dublin, see what is going on regarding cycling initiatives in cities like Cork, Limerick and Galway, roll up his sleeves, get down into the nitty gritty and meet and engage with more of the stakeholders on their territory rather than having a very distant and nebulous involvement and coming in here with speeches that do not deliver anything in real terms or where things are pushed out to another time.

I suggest that the Minister has an opportunity to leave a legacy in respect of cycling policy depending on the length of his mandate. To be fair to the Minister, there is a nice parcel of funding but we want to see that translated into real action on the ground. The key to all of this is, and I say this as an occasional cyclist, changing the culture and mentality in this country regarding cycling. People are discouraged from cycling because they do not feel it is safe to alight onto a public road. If the Minister can be the advocate, take leadership and change the culture through simple policy and by engaging with the local authorities in a way that will not put up barriers to more people using their bikes in their day-to-day lives, he will have done a great day's work.

In answer to a question I asked about the Cork city cycling scheme I was told by the NTA that, while funding was available for capital investment, financial support to meet the operational costs was more challenging. The scheme costs just over €1 million a year. The response from the NTA goes on to state Exchequer funding to meet this expenditure is not available to it and that local authority support in funding the cost is essential. The issue of funding to meet increased operational expenditure in a Cork scheme expansion - for Cork read Limerick, Galway or any other urban conurbation - has not been resolved. I ask the Minister to resolve that matter.

Acting Chairman (Deputy John Lahart): As Deputy Sherlock used all of his time and more, poor Deputy Fitzmaurice has been excluded. As I know that would not be the desire of the House, if it is its wish, he can have a two-minute slot. Is that agreed? Agreed.

Deputy Michael Fitzmaurice: I welcome the holding of this debate and compliment Deputy Troy. It is clear to anybody who drives into a city every morning that more and more people are using bicycles. This can be seen every single day, especially in the larger cities. Motorists always fear encountering a cyclist when turning left. We need to consider constructing something like a flyover. It is a death trap when motorists are turning left and cyclists are going on straight. We need to do something about this issue in and around cities as, unfortunately, accidents will happen.

The Wild Atlantic Way has been a huge success. I also echo what was said that the bike to work scheme is a good one.

We need to include sensible laws in upcoming legislation dealing with bicycles. There is a proposal on the what the distance should be between a car and a bike. Some roads, especially in rural areas, are not wide enough for a car to go down, never mind stay one and a half metres from a cyclist. We need to make sure we are not coddling ourselves in some respects.

On greenways, there is a need to work with farming communities. In fairness, everyone is in favour of having them; it is just a matter of how we go about providing them. Sometimes they are imposed on people and there are certain worries in that respect. The Minister should try to work with people on cycle ways. Ordinary byroads in countries such as Holland can resemble barley fields. There are a lot of byroads, with interconnection, that would be suitable for use, especially in rural areas, but it is only in working with farming communities that the Minister will get to the destination required.

Deputy Gino Kenny: I will speak as a cyclist rather than as a Deputy. I am an avid cyclist and cycle to Leinster House every day from Clondalkin. I have cycled all my life and have never had a car. As I cycle everywhere, I know what the people in the Visitors Gallery think.

Deputy Troy's motion is a good one and largely there is nothing with which to disagree. I am trying to be as positive as possible on the subject. There are very welcome things in the Minister's statement about BusConnects and the extra 200 km of cycle tracks. There are positive things for cyclists, but everything is not perfect by any means. It is quite dangerous to be a cyclist. Cyclists need to be kept safe by taking them off the main arteries.

It is safe to say there has been a renaissance of cycling under way in Ireland in the past eight or nine years because of the bike to work scheme. In the 1980s everybody cycled because of Stephen Roche and Sean Kelly and there was an explosion of cycling. There are still about 12% of people who cycle to work every day, which is good. If the Minister builds the infrastructure required, people will use it. For example, the Grand Canal and the Royal Canal are the best possible greenways. They run from the city centre to the River Shannon and 95% of the routes are off the main road. We should utilise them more. The new greenway running from Mulranny to Achill and the one in County Waterford are fantastic. The Waterford greenway runs from Waterford to Dungarvan and is incredible. I urge everybody to cycle some part, if not all, of it as it is a fantastic amenity. Cycling is egalitarian. Everybody can cycle without having to cycle the entire length of a greenway. It is a great activity for families and tourists. Cycle tourism will be enormous in Europe and across the world. Ireland could become a Mecca for such tourism if we can gear our infrastructure towards the provision of more greenways and cycle-friendly options for commuters and tourists. There are many secondary and tertiary roads which are not safe but which are often used by cyclists.

There is a lot of potential, but the main issue is safety. Last year was an *annus horribilis* for cyclists when 17 were killed. Fewer have died this year, but one death is one too many. People put on their helmets and gloves before going to work in the expectation that they will arrive at their workplace or in their community, but they do not. It is absolutely tragic. If we can save one life by taking cyclists off the main road and ensuring a safer journey for them, that is what we, as legislators, should be doing. I will not go into all of the other things we need to do. The Government needs to take stock that we are far behind our European counterparts in the provision of infrastructure for cyclists. We only spend 2% of funding for transport on cycling infrastructure. Cycling groups are asking for that figure to be increased to 10%, or five times more. The UN environmental programme calls for 20% of transport funding to be spent on walking and cycling infrastructure to make it safe for those who are trying to commute and involved in leisure activities. Cycling is a fantastic occupation and sport and a fantastic way to get from A to B. It is also great for mental health and the environment because it is carbon neutral. It has everything. We need to catch up with most of the rest of Europe and provide cyclists with a safer environment. Three or four years ago I was lucky to be in France and cycle the longest green cycle route in Europe. It stretches for 1,400 km from Roscoff to the Basque country. It is incredible. France is an amazing country for cyclists. It is geared for them and they almost take precedence over motorists. We are way behind, but with vigour and cross-party consensus we can get to a point where cycling will be seen to be fun, safe and accessible for everybody. I welcome this debate about cycling. I do not want to be political about it but as legislators we can play a part in making it as safe as possible for cyclists across the country.

Deputy Eamon Ryan: I want to be political about it. I am with Deputy Gino Kenny because there are a band of brothers and sisters who come in here every day on the bikes such as Deputies Gino Kenny, O'Callaghan and Tóibín. This House is about how we allocate resources and we must change the allocation towards cycling. It is time for us to stand up and say that we are fed up, that we have had enough and it has to change because it has not changed. I got involved in cycling campaigning almost 30 years ago. A friend of mine, Mike Curtis, was killed on Merrion Square by a truck turning left and after that a bunch of us got involved trying to do something and nothing has changed. A young man called Harry Boland was killed this year by a truck turning left. He was full of life and prospects and everything was possible for him.

We have to change our allocation of resources and how we manage our transport system. Deputy O'Callaghan probably cycles down Leeson Street most days and it is a nightmare and an utter disgrace to the road engineers who run this city. It is a free for all and it is like the racetrack from "Ben Hur". There are buses, cars, trucks and illegal parking and it does not have what similar cities have, namely, an ordered transport system with a safe space for cyclists. In this chaos, it has been allowed to turn into a war between cyclists and motorists because everyone is frustrated and the transport system works for no one, but it has to change. We have to start creating a safe space and safe conditions and this is the time.

I thank Deputy Troy for bringing this motion. It is our last debate of 2018 and we are going into the next year where the confidence and supply agreement is not saying anything. One of the things we should say is that we will fundamentally change our country to make cycling a real option, starting with our children. My daughter cycles into school and her bike is the lonely bike on the rack. There are ranks of racks but only one bike in the whole school and that has to change.

We have been campaigning on cycling for 35 years. How many times have we gone to Utrecht and Copenhagen and told our engineers what we have to do because we have seen it in

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those cities so let us translate it back home and we have not done it? The reason we have not done it is political because only politicians can decide in the end. We have the ultimate power in how we allocate resources and how we allocate road space, which is probably the most difficult challenge. It will not be easy to take road space for cyclists and we should have it for pedestrians too and have active travel come first. As has been said, it should be allocated 20% of the budget. If we are going to do that, political courage and conviction are required.

I worked in cycling tourism and Ireland should be the premier place for it because it is a fantastic place to cycle, it is mild, the countryside is beautiful and distances are not too far, unlike Texas, but we have done nothing in truth other than developing a small strand of greenway in Mayo and in Waterford; that is it. There is half an excuse for cycling infrastructure in other places but there is nothing on the scale that exists in the countries we are competing with for those tourists. This should be the tourism future for County Roscommon for example. The great thing about it is that it slows people down and gives them a connection to their sense of place and to the nature around them.

Dublin is in deep transport trouble and we all know it. Anyone driving in this city at the moment knows that it has gone to the edge of chaos and beyond. Once full road capacity is reached, which it has been, if there is a 1% or 2% further increase in transport - and with our economy growing by 6% to 7% - it is like the Richter scale because the gridlock does not just grow by 6% but it grows by 20% and that is what is happening at the moment. We need to react to that and one of the main ways we can do so is to promote cycling as the big commuter option because it can take the quantity to solve our transport problems.

What do we see instead? We see the BusConnects project which I completely support, but it is trying to ram four-lane highways through Dublin as much as possible, including taking out gardens, and if there is a pinch point anywhere the cyclists are forgotten about. On Rathmines Road, cycling is the main mode of transport. There are 1,600 cyclists in rush hour - Deputy Gino Kenny probably goes that way or perhaps he goes further up - and there are 1,300 cars. The *IrishCycle.com* website got access to the initial drawings and designs and they showed us that the National Transport Authority is planning to take cyclists off the road and send them on a detour that is 1 km longer than the 1 km direct route that everyone takes. That is what is happening in our city.

We were in the committee on climate action and the environment today. We have such a big challenge with climate change and the national development plan says that we will only get a 22 million tonne reduction out of the 100 million tonne reduction we need in the next decade. I am sorry for the civil servants who are here but the Department of Transport, Tourism and Sport officials came into that committee meeting and we asked them a few hard questions about what plans they had for changing that. They were like rabbits stuck in the headlights because they do not have any plans. That needs to change.

We do not need tinkering or marginal change but system change. We need system change so that every student in this country in every single secondary school can safely cycle and walk to school. Why do we not set that as a goal for next year as we have this year of consensus politics where we work through the confidence and supply agreement that does not have any particular objective? Let us make this an objective.

I am sorry to come back to my home city but Dublin is the most egregious case of nothing being done because nothing has happened. We have spent seven years waiting for the design of

the Liffey cycle route along the quays. God help those people I mentioned who have died and we can all think of examples of people who have died on the quays, particularly young women, because it is a chaos. We have been waiting for a design for seven years and we are still nowhere. The College Green plan should have been the plan to start turning this city around and turning it into Copenhagen but it was ruled out by An Bord Pleanála because, as I understand it, they got a retired roads engineer to say that it might affect traffic on the M50 and therefore we should not risk it. That is a political decision that we have to change. The Sandycove cycle route is the same. The campaigners for that have been working for ten years. Dublin should be like Santa Monica and Venice Beach, we should have thousands of people going up and down the bay going to work and to school and as part of tourism. It would transform this city but it has been stuck in abeyance. We have nothing. We have had some development on the north side but on the south side it has died for lack of political will.

I regret that the Minister, Deputy Ross, is not here. It is a busy night and we all have things to be doing so he may have a reason but this has to come from the Department of Transport, Tourism and Sport and it has to come with the new politics that this Dáil should and can deliver. We can reach agreement and we saw how we reached agreement earlier on today with the worker's rights issue. It is time for us to get political collaboration around cyclist's rights. It is not political in the sense that it is not party political. We all get this but we are not doing anything about it so we should set ourselves the task in this next year to demand that nothing less than 20% of funding should go to cycling.

The national development plan does not work and it has to change. Project Ireland 2040 will not deliver the climate targets and it has to be completely altered. We are widening all of the approach roads to Dublin and not a single cycling project or public transport project are being built. We are widening the N7, the N4, the N6, the N11 and the N2 and bringing more cars into Dublin. That has to stop and the money has to be put into cycling.

Deputy John Curran: I am sharing time with Deputies Lisa Chambers and Jack Chambers. I compliment and congratulate my party colleague, Deputy Troy, on bringing forward this motion. While other speakers indicated that it is not legislation, it is a motion and it is important because it affords us on this side of the House the opportunity to set out our vision on cycling and the infrastructure that is required. To be fair to the Minister, who is not in the Chamber, it afforded him the opportunity of setting out the Government's response, and some of the elements he mentioned in his response are to be welcomed. As Deputy Ryan said, this is our last debate before the recess and it is important that we reflect on that.

There is no question that the number of people who engage actively in cycling on a daily basis, both here in the city and across the country, has increased significantly in recent years. The real challenge is that the necessary infrastructure to make those cycling journeys safe has not been put in place at the same pace. Undoubtedly, there have been some very good developments. We talked about some of the greenways in Waterford and so on. In terms of our own areas, Deputy Gino Kenny spoke about the Grand Canal greenway, particularly from Inchicore to the 12th lock. They are fabulous facilities. The Deputy was right when he said if we build it the people will use it. That has been the experience. The Grand Canal greenway is being used, if we look at the national greenways. When the dublinbikes scheme was introduced, there were approximately 4,000 or 5,000 users per day. It is approximately 16,000 now, so there is a major demand for it.

My concern is twofold. First, the existing infrastructure is not fit for purpose from a safety

point of view. People have spoken about the number of fatalities, and the number of serious accidents and injuries, on the roads. In his contribution, the Minister, Deputy Ross, said that he was spending €400,000 on technology solutions through Dublin City Council with regard to some of the busiest journeys. I ask the Minister and the Department to do an analysis of the existing road structure in terms of what needs to be repaired or upgraded. Every day we see cyclists avoiding potholes and other impediments on the road, bringing them into the line of traffic. Those issues should be dealt with without having to require new cycleways.

In terms of new cycleways, we hear about BusConnects and whatever. The problem with the BusConnects solution is that it will be a decade before all of it is complete. There is an increasing number of cyclists on our roads year in, year out, and they deserve better than what is currently in place. In the past week I was involved in a debate where we spoke about meeting our 2020 emissions targets. I was involved in another debate about young people and obesity. In all those areas, cycling has a very positive outcome for those people and for society in general.

There must be an audit of areas where accidents have occurred. We need to upgrade and maintain the existing infrastructure as well as provide new, properly segregated cycle lanes but we cannot wait for BusConnects, which will take a decade to be fully delivered.

Deputy Jack Chambers: I thank my colleague, Deputy Troy, and I welcome many of the cyclists in the Gallery. The Dublin Cycling Campaign goes through the key pillars of this issue, including cycling for health, cycling for infrastructure, proper legislation and road enforcement, but what we did not hear from the Minister was a plan, a timeline or a hope that this will happen. It was the same projected goals and projected resources.

We know that Dublin as the capital is not a safe place to cycle. Some 90,000 cyclists run the gauntlet of trying to navigate the city every day, putting their lives in the hands of other road users and hoping for the best. Drastic action is needed. I read the Official Report of a debate in 2017 which referred to traffic congestion issues with cycling, and nothing has changed since then.

It is important we become political about this issue. The Minister is accountable for transport policy. For the benefit of anyone watching this debate at home and those in the Gallery, the Minister, Deputy Ross, has spent more time talking about judges inside and outside this Chamber than he has about transport policy or cycling policy, for which he is accountable. We can hear all about the projections but it is clear that the Judicial Appointments Bill is a bigger priority for him than delivering a safer cycle network for people in Dublin and beyond. He needs to be made accountable for that.

Some 59 cyclists have been killed on Irish roads in the past five years. Nine cyclists have died this year, and even more have been injured. Those are damning statistics. The absence of segregated cycling lanes means the most vulnerable road users are going bumper to wheel vying for space with the largest vehicles on our streets.

My grandmother lives outside Newport in County Mayo. The Westport to Achill greenway has shown that proper segregation encourages people to cycle. While we cannot have a similar space in terms of a greenway, we need to have proper planned cycle lane segregation in our city. What we have in our local authorities is the painting of lines in some instances where they can tick a box to say that they have cycle lanes when they do not. We have examples of cycle

tourism being undermined and the Minister, Deputy Ross, again delaying legislation to provide cyclists with a 1.5 m road space that is continually being pushed back.

In my constituency in Dublin West, we have seen the Royal Canal greenway again being delayed and not being delivered in terms of the capital allocations. To take the Phoenix Park as an example, thousands of cyclists use it on a daily basis but with respect to the cycle lane that is allocated for them, they are competing continuously with pedestrians who are using it. There is not a proper OPW policy to encourage cycling.

While BusConnects offers proper segregation in time, local authorities are not planning for cycle lanes into the planned segregation that will occur. That is another fundamental issue for which there is not an allocation with respect to the capital allocation. Only €8 million was allocated this year versus €19 million in 2015.

I am a member of the Joint Committee on Climate Action. This proposal would deliver a massive climate change goal that we need to fulfil. What we need from the Minister, Deputy Ross, are fewer words about judges, more actions for cyclists and a better transport policy for this city, which we are not seeing happen.

Deputy Lisa Chambers: Is it not utter madness that we expect a cyclist to share a lane with buses? The sad reality is that Irish cyclists are endangering their own lives every time they take to our roads because of the chronic lack of infrastructure for cyclists. I have cycled around Dublin city many times, and I lived here when I was going to college. It is remarkable to think that when one is cycling up the quays, one is in the left hand lane with the buses and trying to weave one's way through the bus lanes. To cross the River Liffey, one has to cross two lanes of traffic before one can make that right hand turn, all the while navigating cars and buses at busy rush hour times. It is simply not safe. I have some sympathy for the bus drivers and for the car users because there is not enough space for everybody as the infrastructure is currently built. Waiting for ten years to change the current infrastructure is not good enough, particularly when we can see that the demand for access to proper cycling infrastructure is increasing all the time.

When I was a member of Mayo local authority, we took a trip to a small town in Germany with which Castlebar is twinned called Höchstadt to see how the Germans did their cycling infrastructure. It was fantastic to see very wide roads and separate, distinct cycling lanes just for cyclists. They were not for buses or cars. Their plan was that every time they upgraded a road or built new road infrastructure, the cycling lanes were done at the same time. Why do we not have a similar policy across the country?

Much of the focus is on the cities, and rightly so because that is where there is the greatest problem. However, in a rural constituency like County Mayo, where we have the Great Western Greenway, which has been a huge success, we can see the numbers increasing year on year. People want access to cycling facilities.

Aside from the recreational use of those facilities, we also need smaller urban centres, the small towns across rural Ireland, to get with the programme. They should be given proper funding and direction through policy to develop cycling infrastructure in the smaller towns. In towns like Castlebar, Westport and Ballina, one should be able to cycle from one side to the other but it is as dangerous in those towns as it is in the cities because there is not the space to do that. It is not something that would be the norm. We have one single cycling lane in Castlebar town. That is it, and other towns have nothing.

I ask the Minister of State to look not just at the cities but at the wider policy around cycling across the country and instruct local authorities that when upgrading the roads they should provide cycling infrastructure at the same time. That would ensure that at least at some point in the future we will achieve that.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I thank all the contributors to the debate. We are aware of the importance cycling played in many people's lives in years gone by. However, the numbers cycling steadily declined in the 1990s. This trend has slowly reversed in recent years. The smarter travel policy and the national cycling policy framework will certainly help in that regard. The statistics show us that increases in the numbers of cyclists on the roads were happening up to 1986 and then we saw a decline. We are back up to similar numbers of cyclists on the roads as in 1986 but the percentages are far lower. That is an interesting point. How do we explain that? At the time the infrastructure was rather poor, road fatality figures overall were far higher and people were less prosperous. Other countries that are equally prosperous and where there is a higher level of car ownership have higher figures for cycling at the moment. It is difficult to explain this fully but it is encouraging to see that there has been an uptake in recent years and that things are improving.

The Minister for Transport, Tourism and Sport, Deputy Ross, has outlined several actions that are under way and plans to promote cycling. I will outline additional initiatives that are under way or funded by the Department of Transport, Tourism and Sport or its agencies. Between 2012 and 2016, the Department provided more than €20 million for the smarter travel areas programme. The programme promotes sustainable transport in built-up areas of varying sizes. These areas act as demonstration areas for others. Westport, Dungarvan and Limerick city were selected. The lessons learned will inform our policy to improve cycling, walking and public transport use in other towns and cities so that we can encourage a modal shift away from cars. In addition, several small and medium-sized towns were funded through the active travel towns programme. The programme supports sustainable transport infrastructure to make town centres more attractive places to live, work and do business.

Another important aspect of the Minister's brief, one we are highly supportive of, is the cross-Border projects under the INTERREG programme. These include several greenway projects that not only promote cycling but support the peace process as well. These include the north-west, Carlingford Lough and Ulster Canal greenways. The Department also promotes cycling around the country with events such as bike week. This is a popular annual celebration of all that is great about bikes and cycling. Cycling related activities are run throughout the country in collaboration with local authorities and cycling organisations to raise awareness of the many benefits of cycling. The Department also supports European mobility week, which features events throughout the country. The focus this year was on multi-modality, which means mixing transport modes within the same journey or for different trips.

The Minister, Deputy Ross, has secured large-scale increases in funding for cycling over a four-year period up to 2021. This will result in substantial year-on-year increases that will transform the cycling landscape in the country. In addition, the Minister provides extra funding where required. For example, only recently the Minister provided for the installation of safety equipment in key junctions throughout Dublin to improve safety for cyclists. The cycle-to-work scheme continues to provide a major boost to cycling, making it far more affordable while supporting many sustainable jobs in the cycling industry in bike shops throughout the country.

While the final road safety figures are not available yet for this year, I welcome that there is a downward trend. That is the most recent reading. I hope we will see a record low this year. There are two weeks to go in the year but I hope we will see no further fatalities on the roads and I hope this year will be a record-breaking year. Of course, every fatality is one too many and we can never be complacent.

I welcome that the Fianna Fáil motion recognises the growth in the popularity of cycling. The Minister, Deputy Ross, recognises that more can be done. This is why he is allocating more money to cycling. As with any significant infrastructure programme, we may not see dramatic changes overnight but the fruits of the considerable work already completed and under way will be increasingly evident in the coming years. Next year we will see several significant cycling projects commence construction in various parts of the country. The Minister, Deputy Ross, and I will announce funding allocations under the new greenway strategy and funding as well. That is something I am particularly excited about.

I remember writing a blog sitting in a hotel in Achill after cycling out from Westport in 2013. The title of the post was why greenways should be called gold ways. The amount of activity on the line that morning was striking. This was in August 2013. I saw cafés, bike shops, taxis and buses. Everything was there because of the greenway. It was incredible. I had been there three years earlier and cycled the Newport to Mulranny section shortly after it opened. It was rather quiet and not many people were using it. I saw the transformation. It is a great problem to have to be unable to find a space to park one's bike outside a café. It is very encouraging.

Deputy Gino Kenny referred to Waterford. I cycled there in April. There is remarkable infrastructure there and it is a very positive development. The accommodation works there are an example to all other greenways in terms of how to do it properly and right. The transformation of places like Kilmacthomas along that line has been remarkable. The old workhouse there is a busy enterprise now. It is symbolic of rebirth and regeneration. There are many other examples. In Moate in Westmeath, we launched the greenway strategy during the summer. It is great to see the usage on that line as well. I am keen to see more lines being rolled out. It was great to see the great southern trail receiving a major boost of funding under the recent rural regeneration fund. Those involved were able to recreate the Barnagh tunnel and resurface that trail. I cycled it during the summer from the Devon Inn Hotel near Templeglantine up to Newcastle West. We hope to see that route extended all the way down to Kerry and out to the coast by Fenit. Kerry also has the south Kerry greenway along the world famous iconic Farranfore to Valentia line.

These are great gifts from the past, especially the old railways. We owe a debt to our ancestors, the people who built these by hand. These are remarkable engineering achievements of the 19th century. We owe it to those people to make the most of these gifts from the past into the future and to get them working for us again. If the ripping up of those railways was symbolic of a dark age in this country and its economic outlook and vision, then I hope the rebuilding of the greenways can be symbolic of a new and positive era. I look forward to assessing the greenway strategy applications throughout the country. The scheme is approximately three times oversubscribed. That is a good sign. It shows there is great momentum in communities and local authorities to develop this infrastructure.

In 2019, there are several significant projects that will commence thanks to funding that is being provided to the National Transport Authority, NTA. In Dublin, construction will start on the Royal Canal, phases 2, 3 and 4. That will deliver a high-quality cycleway from the dock-

lands out to Ashtown in Dublin 15. The greenway from Clontarf to the city centre via Amiens Street will be going ahead as well as the Dodder greenway. All these projects are significant. I hope it will lead to increased take-up along those routes. The NTA will also be funding a significant project in Navan and works will also take place in Cork city centre. I hope in the springtime we will announce further funding for the greenways. As we know, many of the town centres throughout the country that currently do not have any cycling infrastructure or inadequate cycling infrastructure have received funding under the urban regeneration fund. That is to be encouraged. We know that there are further tranches coming. In my constituency, Killarney received significant funding to improve cycling infrastructure. Through a combination of different funds and through a whole-of-government approach, I believe we will get the infrastructure right. However, it would be remiss of us simply to think that the infrastructure is all that is needed. It is not. It is simply a cog in the wheel. Many other things are needed as well to get the culture ingrained in the Irish psyche and to get us back to where we were.

My Department has a remit covering tourism and sport. For physical and mental health we need a positive health policy to get more people on bikes. That is the natural and obvious thing to do. We need to try to encourage that further. I probably had not cycled in ten years until I started training for the Ring of Kerry cycle in 2011. Subsequently, I did the cycle for three years in a row. There was one thing about the training process that I did not look forward to. It was not the hills or the hard work of climbing mountains on the bike. It was the fact that often motorists do not give a cyclist the space he deserves and needs on the road. There is a major safety risk when a cyclist is going out on the road. That is something we all need to work harder to address.

There are opportunities for local authorities. We have excellent assets in this country that are currently seen as liabilities. Back roads, or local tertiary roads, are rarely used by vehicular traffic but they could provide an outstanding network of dedicated cycling routes, which motorists would not be banned, but would be discouraged, from using. We could start to see what are currently seen as liabilities as assets once again and get more people using bikes.

Deputy Jim O'Callaghan: Like Deputies Gino Kenny and Eamon Ryan, when I leave here this evening, I will get on my bike, put on my helmet and head up Kildare Street. We need to start encouraging more people to cycle. Anyone interested in addressing the problem of climate change, in becoming healthier or, in overcoming city gridlock, should become a cyclist. The same goes for promoting tourism. We must recognise that people will not get involved with cycling unless the State does more for them. That is why it is so important that we have an advocate leading for cycling in the State.

Unfortunately, there is a very negative and strange attitude towards cycling among some people in officialdom. I am aware of and have experienced it. When I tell people that I use a bike or they see me on one, they find it strange that a man wearing a suit is on a bike. I sometimes wonder if they think cycling is only for botanists or politicians such as Jeremy Corbyn. We must change the State's attitude to people and cycling. Unfortunately, what I have heard this evening from the Minister does not inspire me with confidence. We need an advocate for cycling who will sell it to the Irish public and who will recognise the reasons people are hesitant about using their bikes.

Deputy Eamon Ryan referred to cycling along Leeson Street but it is the same in every part of the city. Cycling down Wexford Street or Camden Street, there are token cycling lanes which are really only part of a process to appease the city council or officialdom into believing that

there is a cycle lane around the city. There is no protection for cyclists, however, and that is one of the biggest obstacles to people encouraging their children to cycle at a young age.

The Minister referred to investment but that is only part of the solution. We need someone out there selling it and to be its champion in government. Unfortunately, the Minister's contribution does not lead me to believe that he is the person to do it. To be fair to the Minister, when he wants to be a strenuous advocate for something, he can be passionate about it but I do not hear that passion from him regarding cycling. Unfortunately, I hear apathy and low energy. Perhaps it is the Minister of State, Deputy Griffin, who is the man to get out there and do it. Someone needs to own this and sell it because the public are there to be sold on it. We can get large numbers involved if it is properly dealt with at Cabinet level.

I thank my colleague, Deputy Troy, for his excellent work in this area. It is difficult for Deputies outside Dublin to cycle because they have to drive here or use public transport. However, I know Deputy Troy is a committed cyclist. We need to set an example to everyone in this country to show that cycling is the way forward and that, in the context of their health, climate change and gridlock, people should get on their bikes.

Deputy Anne Rabbitte: I also thank Deputy Troy for bringing forward this motion. I was delighted to hear the Minister of State's response because I was wilting during the response from the Minister. He just went on and on, whereas the Minister of State had passion. He clearly gets the issue, and understands what we in rural Ireland are seeking to do in the context of greenways. As a rural Deputy from Galway, I can only wonder. We have the Dublin to Galway greenway, which comes to an end in Athlone. There is nothing coming along the Shannon, although we are trying. There is nothing along the Quiet Man Greenway. I am sure that the Minister of State is aware of this because myself and the Minister of State, Deputy Cannon, are its champions. It is very unfortunate that some weeks ago it came to our attention that the Quiet Man Greenway has been removed from the initial greenway strategy plan. I do not know why but I wonder if it is the price of getting an Independent Minister in Government. I do not think that is what the Minister of State, or indeed, his colleagues, believes in. It is frustrating for me to talk about a greenway strategy because I feel that we will never see it. I am talking about going from Tuam to Athenry to Milltown, 42 km of gold, as the Minister of State described it earlier. During the week, some of the Minister of State's colleagues said that the Minister is anti-rural Ireland but he should show that he is not and look at our greenway strategy which would rejuvenate places such as Tuam, Milltown, Ballyglunin and Abbyknockmoy. As Deputy Jack Chambers noted, we completed the M3, which runs adjacent to this greenway, and put in a cycleway along it. It was only unfortunate that we did not also put in lights because that would have enabled good access for cycling and walking.

The only freight currently coming to east Galway is people. We want to bring them in on their bikes. That is our goal.

Deputy Robert Troy: I thank the many speakers who contributed. Every man and woman who contributed did so in a very positive manner and are very favourably disposed to the motion and to the public policy of cycling. It is unfortunate that the Government chose to oppose the motion. It is only doing so for political reasons. I approached the Minister last night and told him that if he were to give us a compromise motion this morning, the House could unite on this issue which, as Deputy Munster noted, is very important and which the Government is not currently dealing with properly. If it was, the Gallery would not be full this evening, a week before Christmas. That is because people are genuinely concerned about how this policy is be-

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ing pursued in recent months. I ask that the Government reflect over Christmas and to make the choice not to divide the House on a motion on cycling, particularly as there has been a common theme in the opinions expressed by Members.

I will not apologise for Fianna Fáil as a party bringing forward this motion. We have a good track record on cycling policy. A previous Minister with responsibility for transport, Noel Dempsey, brought forward the first and only national policy framework on cycling. That policy has not been updated in the interim. I have raised this matter many times by means of parliamentary questions and at the joint committee. I was part of a delegation which visited the Netherlands during the year. Fianna Fáil is the only party in the House that has published an up-to-date policy on cycling. We understand that this is a major issue. We will continue to push in respect of it and we expect that Government will respond.

Unfortunately, people do not believe the Minister. He can come into the Chamber and make promises about what will happen in future but people judge him on what he has done thus far. During his time as Minister, he has cut the national cycling budget and he has over-promised and under-delivered. In the context of the minimum passing distance, for an entire year he resisted efforts by his Cabinet colleagues to bring forward legislation. He then went out and held a press conference in an effort to stop us debating an amendment on Committee Stage and promised that it would be done within weeks. Almost 12 months later, it remains undone. Forgive us if we do not accept his bona fides when he talks about segregated lanes being put in place as part of the BusConnects programme. As someone who has engaged with that programme over the past two years since publication, I know that by the time planning, compulsory purchase orders, tendering etc. are completed, no new segregated cycle lane will be put in place for a minimum of three years. I also wish to record that the members of the cycling community have reservations regarding the design of segregated cycle tracks. They must be listened to and engaged with. I hope this will happen.

The Minister of State referred to multi-modality in the context of transport.

9 o'clock

I do not know when the Minister of State last travelled on public transport. If one tries to bring a bus on a train----

Deputy Brendan Griffin: It would be very difficult to bring a bus on a train.

Deputy Robert Troy: Apologies. If one tries to bring a bike onto a train or a bus, one finds there is no facility to do so. There are certainly no facilities for parking them at either end of the journey. We have so much work to do. We need to unite in this House and get to that work. Accelerated investment in cycling is needed. If that is provided, greater participation in cycling will be encouraged, roads will be safer roads and congestion will be reduced. The health of cyclists and the environment will improve and overall everybody will be a winner.

Acting Chairman (Deputy John Lahart): Will the Minister of State press the amendment?

Deputy Brendan Griffin: The decision is to press it but I will take Deputy Troy's request back to the Minister. I will address that over Christmas and, hopefully, I will have a response for him afterwards.

Amendment put.

Dáil Éireann

Acting Chairman (Deputy John Lahart): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 17 January 2019.

As a final piece of business, I thank the Deputies, the Minister of State and the Minister. I also thank my colleagues and all the staff of the Houses for all their work and efforts in this term. I thank the people in the Gallery for visiting. I wish all Members a happy Christmas and a very safe new year.

The Dáil adjourned at 9 p.m. until 2 p.m. on Tuesday, 15 January 2019.