



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Máirt, 5 Feabhra 2019*

*Tuesday, 5 February 2019*

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

*Paidir.*

*Prayer.*

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

**Deputy Micheál Martin:** The health service is still in crisis. The nurses' strike today is discommoding a far greater number of services than the last one. Some 50,000 patients have had their elective procedures cancelled. It is a cause for alarm that emergency departments will come and are coming under extreme pressure today. We know of the comments from the Irish Association for Emergency Medicine. The 50,000 patients, on top of those who were affected last week, amount to a lot of people across hospitals and community services across the country. Respite care and rehabilitation services will also be severely affected as a result of today's action. Disability services have also been brought within the scope of the strike. The Psychiatric Nurses Association, PNA, is escalating its overtime ban tomorrow and Thursday. The ban will now operate for 24 hours and thereby include overnight rosters. Therefore, mental health services will also be severely impacted on.

The Government has known about this for a long time, but there has been an absence of substantive and meaningful engagement on its Government. I put it to the Taoiseach that last night's initiative, the proposals that emanated from the Ministers, Deputies Donohoe and Harris, at the eleventh hour, has only served to compound the problem, make it worse and escalate it. The proposals concern staff shortages, undergraduate education, future nursing needs and so on, but they were sent via a press release without any engagement with the Irish Nurses and Midwives Organisation, INMO, or the PNA. The INMO's general secretary, Phil Ní Sheagh-dha, described it as "the most cynical move I have seen in a long time". The unions have rejected it as Government spin and said it was massively disrespectful to the nurses and to patients. The Taoiseach cannot solve industrial relations disputes with such cynical PR manoeuvres. The approach that holds optics to be more important than substance will not cut it when it comes to an industrial dispute of this gravity and scale. Meaningful steps are required to be taken. Substance must replace spin in the resolution of this dispute. Being seen to do something by rushing out a press release is not the approach. Why not engage in mediation to create a meaningful process to set in train a process that would come within the aegis of the industrial relations machinery? Why not deploy somebody of the calibre of Kieran Mulvey, for

example, to engage with both sides to develop such a process that would bring the Government and the unions together under aegis of the industrial relations machinery to resolve this issue? The resolution of this dispute will require creative approaches and solutions. It has happened in the past in other similar disputes. The Taoiseach has to engage substantively with the issue. I ask him to take an initiative similar to that which I have just suggested.

**The Taoiseach:** On my own behalf and on behalf of the Government, we profoundly regret the disruption that has been caused to patients, users of our disability services and people with mental health problems who have been adversely affected by the strike action today and last week. We will do all that we can once this dispute is resolved to catch up on the lost work that was done, as we did last year when a number of days' work was lost as a consequence of the storms. I want to recognise that cover is still being provided in maternity hospitals, for palliative care, for most cancer care and in our emergency departments. There has been considerable engagement in efforts to resolve this dispute before now. For example, the whole issue of recruitment and retention was examined by an independent body, the Public Sector Pay Commission, which made recommendations for a €20 million package of allowances and additional increments and career progression for nurses, at a cost of €20 million a year. That was rejected by the nursing unions, or at least by two of the three nursing unions. There was an engagement at the Workplace Relations Commission, WRC. There was also an engagement at the Labour Court. We are open to further engagement and will be happy to have it, either at the WRC or the Labour Court, should it decide to intervene.

I appreciate that the nurses' unions felt that the offer to engage in further talks at the WRC was discourteous as they heard it through a press release rather than through a letter or direct contact. We will make sure that does not recur. At the same time, though, we should not forget that tens of thousands of people found out through the media that their respite care was being cancelled this week and that their day care was being cancelled, too.

**Deputy Timmy Dooley:** The Taoiseach should stop while he is ahead.

**Deputy Michael Healy-Rae:** The Taoiseach is digging a hole for himself.

**Deputy Fiona O'Loughlin:** He was never ahead.

**The Taoiseach:** In terms of the resolution of this dispute, I believe it can be resolved. I spent a little bit of time reading about the last major nurses' dispute which happened in 1999. Deputy Micheál Martin was in government himself at the time and he may remember better than I can.

**Deputy Timmy Dooley:** It was resolved.

**The Taoiseach:** It went on for nine days and was ultimately resolved in the Labour Court at huge inconvenience to patients. I do not want that to happen again. I certainly would not like to see a repeat of 1999 when a strike went on for nine days. I believe it can be resolved. That requires engagement and the Government is open for engagement through the WRC. However, it can only be resolved in a way that is affordable for taxpayers and fair to all public servants with whom we have a pay deal already. We have to honour that deal. We are not in a position to break it by doing a special deal with one group of staff and saying to the others that there is nothing for them. That would not be right. They are the parameters under which this can be resolved and I am sure that if all sides accept those parameters, we can resolve this dispute swiftly.

**Deputy Micheál Martin:** It is the same script but a different day. The Taoiseach mentioned that the Government will help patients catch up. The only catching up that will be done will be done by nurses and doctors when this strike is over. The Taoiseach and his colleagues will not have to play catch-up. Did I hear the Taoiseach correctly when he said that he did not send any direct letter to the nursing unions in terms of last night's offer and that no direct contact was made? The Taoiseach said he will make sure it will not happen again. Is the Taoiseach serious? This is a very grave dispute, and that is a pathetic response. Has the Taoiseach reprimanded his Ministers? What were they doing last night? Was it just a cynical PR exercise? It is not good enough to say that unions did not engage. The unions have been engaged with the HSE about strike action for a long time. It is appalling that the Taoiseach should come here today and effectively say that the Government engaged in optics over this issue last night and that it did not make any direct contact with the unions over the offer that was announced last night. He clearly just wanted to be seen to be doing something. It was all done for the optics. That is appalling and a pathetic way to approach such a grave dispute. The Taoiseach should read up on the issues and not remain in denial about the recruitment and retention crisis. It is very real. We are haemorrhaging so many graduates from our colleges to the UK and other countries. I suggest that the Taoiseach should appoint someone of the calibre of Mr. Kieran Mulvey to engage in mediation and to create an environment in which both sides can get together.

**The Taoiseach:** The offer to engage in talks at the Workplace Relations Commission, WRC, was sincere. Whether it was made through a public statement or directly or indirectly should not matter.

**Deputy Brendan Howlin:** Of course it matters.

**The Taoiseach:** It was a sincere offer to engage in talks, and that offer stands. The only way this dispute will be resolved is through engagement and through talks.

*(Interruptions).*

**The Taoiseach:** The offer to engage in talks at the WRC stands, and the Government is willing-----

**Deputy Timmy Dooley:** It was industrial relations via Twitter.

**The Taoiseach:** -----to do that, with the HSE and others. The Government is also open to the possibility of a Labour Court intervention. Of course we have had consultations with the Irish Congress of Trade Unions, ICTU, and others about the possibility of an intervention. However, everyone feels that an intervention can only happen at the right time, when there is adequate space and adequate agreement so that we can proceed into a process. As I have said before, the parameters that have to be agreed are twofold. First, any agreement we reach has to be affordable for the taxpayer. We are not in a position to engage in borrowing to fund pay increases, and it would not be responsible to do so, particularly at this time. Second, any agreement we make, especially anything concerning pay, must be done under the existing Public Service Stability Agreement, with the involvement of ICTU. It would not be fair to 300,000 other public servants, with whom we have a pay deal and who are not on strike, if we gave a special deal to one group and then say to others that we cannot do the same for them. That would not be fair.

**Deputy Mary Lou McDonald:** The very fact that nurses and midwives are engaged again today in industrial action is a reflection of the Taoiseach's incompetence. The failure of his

Government to address the recruitment and retention crisis now gripping the health service and his inability to grasp this issue has led to a national crisis. It is not good for taxpayers that nurses and midwives are on picket lines. Has that occurred to the Taoiseach? It is not good for citizens or anyone who relies on the services of the HSE, and it is certainly not good for the nurses and midwives themselves. I spoke to many of them this morning at Holles Street and St. James's Hospital. I was there to demonstrate solidarity, but more importantly to listen to what they have to say. None of them wanted to be on the picket line. They are very angry and upset, but they are very determined. They want to be back at work and doing what they do best, which is caring for their patients. We all agree that they are, after all, the backbone of the health service. They work in very difficult and stressful circumstances and conditions. The reality, no matter how the Taoiseach tries to spin it, is that their pay and working conditions have given rise to a recruitment and retention crisis within the system.

I spoke to one midwife this morning who gave an example of just how broken the system is. She works in Holles Street. On one particular day she was the only midwife on a ward of 12 women. There was a woman there who had just had a C-section who needed help. The woman was in discomfort. The midwife told the story that the woman would not press the bell or look for the midwife's attention because she could see just how stressed the midwife was and just how chaotic the scene was. What kind of service is it when someone in need of assistance feels moved not to ask for help when lying in a hospital ward? It is unacceptable.

The Government's so-called approach to the unions was not only discourteous; it was also disrespectful, utterly inept and had all of the hallmarks of its mishandling of this scenario to date. The Taoiseach has now conceded on the need for engagement and that is a start. What he now needs to understand are the parameters of that engagement. They must include no preconditions, direct engagement by the Taoiseach as Head of Government and direct engagement with the nurses, midwives and their unions. Nothing short of this is going to work. If the Taoiseach is interested in resolving this dispute in the public interest, he will engage directly and with no preconditions; he will step into the breach as Head of Government and respectfully listen to the proposals coming from the nurses and their representatives and weigh them up. Then, if he is wise, he will act on them.

**The Taoiseach:** We have had a system for resolving industrial relations disputes for 20 or 30 years now, including the time of the last nursing strike that went on for nine days in 1999. That is something I do not want to see repeated. Under that system, we deal with these disputes through the Workplace Relations Commission and the Labour Court as the final arbiter in such disputes. That is the best way to manage industrial relations disputes. It has worked for 20 or 30 years and I have no doubt that it will resolve this dispute also. The Government and the various agencies of government are willing to engage through the WRC, as was offered yesterday, or the Labour Court, should it determine that an intervention is appropriate.

Reference was made to recruitment and retention. As I have said before, I acknowledge that this is a real issue. It is a real issue in large parts of the public sector and the private sector as we approach full employment. As the nursing unions have stated, when it comes to healthcare, we live in a very competitive environment where people with healthcare degrees can work in almost any part of the world. Notwithstanding this, since we lifted the recruitment embargo four or five years ago, there are some 3,500 more nurses working in the health service. That is a significant increase. In the past year alone, excluding students, approximately 800 more nurses and midwives are working in the public service. While there are plenty of people leaving, more are coming home or from other countries. While there are plenty of people leaving

the profession, there are more coming into it. Our turnover rate of 5% is approximately one third of that in Australia, yet it is a struggle to recruit and retain. Deputies will know that we pay more than Northern Ireland, Scotland, Wales and most of the United Kingdom, with the exception of London. We pay more than most of Europe. All of those places have recruitment and retention challenges. Other places pay more. Australia pays more, as does the United Arab Emirates. Those areas and countries also struggle to recruit and need to recruit from all over the world. Unfortunately, there is no guarantee that an 8%, 9%, 10% or 12% pay rise will actually solve the recruitment and retention problem. It has not solved the problem for Australia or the Middle East.

**Deputy Mary Lou McDonald:** We are two days in and there are seven days to go, but all the Taoiseach has to offer is robotic monologues. Nothing he has said has within it the seeds of resolving the dispute. What can resolve it, as we have said to the Taoiseach consistently, is positive respectful direct engagement. That means engagement with no threats or sabre rattling on pensions or pay, engagement with no preconditions, engagement not to carve up a special deal but such that nurses and their representative bodies will believe the dispute can be resolved within the strictures of the current public pay agreement. I have said this to the Taoiseach several times in the Dáil. The nursing unions have said this to him publicly. I have no doubt that anyone with an ounce of wit would give the Taoiseach the same advice privately, yet he was unwilling, as Head of Government, to make the very necessary move. We are two days down and seven days of further action are planned. If this strike continues, the fault lies with the Taoiseach. The blame lies with his spectacular inertia and refusal to act.

**The Taoiseach:** Listening to the Deputy's contributions in this Chamber and her advice on making agreements or managing industrial relations, one would be mistaken for thinking that somehow she was successful in this area. She and her party hold the world record for failing to come to an agreement and form a coalition in Northern Ireland. There is no advice that she can give us on negotiations, conciliation or reconciliation-----

**Deputy Mary Lou McDonald:** I beg to differ on that.

**The Taoiseach:** -----and she has no credibility given her own record of being a commentator and a bystander in Northern Ireland when she should be involved in forming a coalition government there.

To repeat what I said earlier, and I mean it sincerely, this dispute can be resolved. The Government wants it to be resolved. We understand the grievances that nurses and midwives feel about their pay and terms and conditions. We understand the enormous public support they have and will continue to have. The Government wants to resolve this dispute. We are willing to engage in talks in the Workplace Relations Commission. We are willing to accept an intervention by the Labour Court if it determines that is advisable. It can be resolved but it must be resolved within certain parameters which all sides should be able to accept. First, it has to be affordable for the Exchequer. We cannot fund pay increases with borrowed money, particularly given the uncertainty ahead. Second, it must be fair to all other public servants, the 300,000 public servants who work very hard, with whom we have a deal and who are not on strike. Any pay issues must be paid under the umbrella of the Irish Congress of Trade Unions and the Public Service Stability Agreement.

**Deputy Brendan Howlin:** Between 2011 and 2015, we were fighting for our survival as a country. Every major project was checked and scrutinised to control costs and deliver value for

the people's money. This Fine Gael Government seems to have adopted a Celtic Tiger attitude towards overspending. Just ten months after telling us that the cost of the national children's hospital on the St. James's site was to be €938 million, Fine Gael is now telling us that the final cost could be €1.73 billion or more, nearly double the previous cost. As the Minister for Health, Deputy Harris, has said, we are at the point of no return. There is a vast crater in St. James's, and having dug themselves into this hole, the Government seems to have no choice but to keep digging to try to find a way out.

However, the Government's story does not stand up. We have been told that the civil servant appointed to the National Paediatric Hospital Development Board was there in a personal capacity. That is not true. The Department of Finance Circular 12/2010 sets out in detail that civil servants appointed to non-commercial boards must inform if a matter of serious concern arises. It is a requirement for civil servants on boards to ensure that their concerns are first raised at the board, noted in the minutes and actions agreed. The circular is crystal clear:

The Minister must be notified without delay where:

- (i) There are serious weakness in controls that have not been addressed despite being drawn to the attention of the board or the Chairman;
- (ii) There is a significant strategic or reputational risk to the body that is not being addressed.

A Government circular overrides any confidentiality imposed by a board itself. How is it possible that this did not occur in one of the State's largest developments? How is it plausible that the Minister for Public Expenditure and Reform was unaware of cost overruns until November last, as he has asserted? The Minister for Health, Deputy Harris, has said that he was aware of some of the costs as early as last August. Did it really take another three months for the Minister, Deputy Donohoe, to be informed? Either he did not know what was going on and did nothing or else he did not know what was going on until November. It is unimaginable that the Minister for Public Expenditure and Reform was kept in complete ignorance of public expenditure.

Surely as the Minister overseeing public spending, he would have received monthly, if not weekly, updates on the progress of a project of this scale and significance. Why apparently did it take three months for the Minister for Health to inform the Minister for Public Expenditure and Reform about major cost overruns in the flagship programme of the Department of Health? How did the Government present a budget to this House at the end of last year that is already €100 million short in its capital programme?

**The Taoiseach:** Thanks very much for the question on the important issue of the children's hospital. It is a project about which people have been talking since the 1960s. If one goes back in the Dáil record-----

**Deputy Mattie McGrath:** It is all backwards.

**Deputy Alan Kelly:** Answer the question.

**The Taoiseach:** -----the first time it was proposed was in 1962. There have been numerous failed attempts to deliver the project. The Government will deliver it.

**Deputy Brendan Howlin:** So the cost is irrelevant.

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**Deputy Thomas Byrne:** It is just as well the Government is bringing-----

**The Taoiseach:** It is already under construction.

**Deputy Mattie McGrath:** On the wrong site.

**The Taoiseach:** The satellite centre in Blanchardstown is built and will open to patients this year, followed by the centre in Tallaght next year and the main hospital in 2023. Decades of promises will actually be delivered on by the Government, something that the children of Ireland need and deserve. I appreciate that it is right and appropriate to talk about the cost and the cost overruns, but we should never forget the value of the project.

**Deputy Mattie McGrath:** Where is the maternity hospital?

*(Interruptions).*

**An Ceann Comhairle:** Please, Deputies. The Taoiseach needs to be allowed to answer.

**The Taoiseach:** There will be 380 individual rooms for children who are sick-----

**Deputy Mattie McGrath:** Places for patients also. That is great.

**The Taoiseach:** -----with space for their parents to stay overnight, proper infection control which we do not have now in hospitals-----

**Deputy Brendan Howlin:** We know all of this information.

**The Taoiseach:** -----a 60-bed ICU for children who are very sick or need major surgery-----

**Deputy Mattie McGrath:** They cannot get into it.

**Deputy Dara Calleary:** No computers.

**The Taoiseach:** -----five MRI scanners and room for more-----

*(Interruptions).*

**The Taoiseach:** -----20 ultrasound scanners and 22 theatres.

**An Ceann Comhairle:** I am sorry, but will Deputies show the Taoiseach the courtesy of allowing him to answer the question he has been asked?

**Deputy Thomas Byrne:** He should answer it then.

**Deputies:** He is not answering it.

**Deputy Mattie McGrath:** He is falling into the hole.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Taoiseach to answer.

**Deputy Mattie McGrath:** He is falling into the hole again.

*(Interruptions).*

**The Taoiseach:** There will be 22 theatres where we now have 14.

**Deputy Mattie McGrath:** He cannot get out of the hole.

**The Taoiseach:** There will be two cath labs, a 20% increase in inpatient capacity and a 25% increase in day capacity.

**Deputy Mattie McGrath:** What about parking spaces?

*(Interruptions).*

**A Deputy:** Answer the question.

**The Taoiseach:** There will be a 50% increase in outpatient capacity. This is an enormous asset-----

**Deputy Willie O'Dea:** We know.

**Deputy Mattie McGrath:** A black hole.

**The Taoiseach:** -----and something that children need. I am very disturbed to hear Opposition Members suggesting the project should be suspended-----

**Deputy Brendan Howlin:** Who said it should be?

**Deputy Alan Kelly:** Who said that?

**The Taoiseach:** -----because by suspending it-----

**Deputy Michael Healy-Rae:** It should be.

*(Interruptions).*

**The Taoiseach:** Some of you have.

*(Interruptions).*

**An Ceann Comhairle:** Please, Deputies.

**The Taoiseach:** By suspending it, it will be further delayed and cost even more.

**Deputy Brendan Howlin:** I asked a question. I did not mention a suspension.

**Deputy Dara Calleary:** When did-----

*(Interruptions).*

**The Taoiseach:** I am very disturbed to hear those calls from some elements of the Opposition.

**Deputy Michael Collins:** It is the biggest scandal in the country.

**Deputy Mattie McGrath:** The Taoiseach is hoping the whole subject will go away.

*(Interruptions).*

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**The Taoiseach:** To answer the Deputy's question-----

**Deputy Barry Cowen:** When did the Minister for Public Expenditure and Reform-----

**Deputy Alan Kelly:** A question was asked over here.

**Deputy Josepha Madigan:** Let him answer.

**An Ceann Comhairle:** Please, Deputies.

**The Taoiseach:** To answer the-----

**Deputy Billy Kelleher:** Will the two Ministers be suspended?

**Deputy Mattie McGrath:** All Government Deputies voted for it.

**Deputy Billy Kelleher:** This is shameful.

**The Taoiseach:** To answer the Deputy's questions, the Minister for Health was first made aware of an issue surrounding rising costs at the national children's hospital in August. He did the right and appropriate thing.

**Deputy Brendan Howlin:** Nothing from-----

**Deputy Mattie McGrath:** The Taoiseach was made aware of-----

**Deputy Barry Cowen:** Can the Taoiseach answer reasonably?

*(Interruptions).*

**The Taoiseach:** He sought information, facts and figures before presenting the information to the Government.

**Deputy Barry Cowen:** Why did the Taoiseach not just say that?

**The Taoiseach:** When I found out about it in November, around the same time as the Minister for Public Expenditure and Reform, I responded in the same way as others in this House, first, with disbelief in struggling to believe how the price had gone up again.

**Deputy Micheál Martin:** Three months.

**Deputy Mattie McGrath:** The Government was warned in advance.

**The Taoiseach:** Second, we did the appropriate thing which a Government should do, which was to reject it-----

**A Deputy:** You were told in August.

**The Taoiseach:** -----and to say, "Go back, negotiate with the companies, get the figure down, find out if we can reduce some of the specifications in the hospital to reduce the cost and find out if retendering was an option."

**Deputy Thomas Byrne:** Why did it take three months?

**Deputy Barry Cowen:** The Government does not need PwC at all then.

**The Taoiseach:** All of those options were considered.

**Deputy Dara Calleary:** Three months.

**The Taoiseach:** Retendering would have delayed the project and probably saved nothing.

**Deputy Barry Cowen:** Why does the Government have PwC-----

**The Taoiseach:** Reducing the specifications of the project would have been a mistake because this is a 100-year project.

**Deputy Dara Calleary:** PwC has gone down the hole looking for it.

*(Interruptions).*

**The Taoiseach:** Negotiations were carried out with the companies to bring the figure down as much as was possible.

**Deputy Mattie McGrath:** This is disastrous.

**The Taoiseach:** That is the figure that was presented to the Cabinet in December and approved by it.

**A Deputy:** More than €900 million.

**Deputy Mattie McGrath:** Not an extra bed.

**Deputy Michael Healy-Rae:** Was the Taoiseach asleep for this debate on 30 March 2017?

**An Ceann Comhairle:** Please, Deputies.

**Deputy Michael Collins:** We told the Government about this on 30 March.

**Deputy Brendan Howlin:** Once upon a time Fine Gael was concerned about fiscal prudence and proper public financial management, but, clearly, no more. We all know the history and value of the project. We do not need to be lectured on it. The Taoiseach needs to address the questions put to him. He is not talking to someone who does not understand budgets. The notion that the Minister for Health was aware of a significant overrun from August and did not tell the Minister for Public Expenditure and Reform for three months-----

**Deputy Mattie McGrath:** He should be fired.

**Deputy Brendan Howlin:** Meanwhile, there was a “battle” going on in the national media about current expenditure overruns. An overrun of €600 million on the current side was a matter of “battles”, but no one mentioned that, by the way, there was a €400 million or €500 million overrun on the capital side also. That no one even looked at this for months is not credible. The net point is that the Minister for Public Expenditure and Reform had his own man on the board with a responsibility, according to the Government’s own circular, to report to him. Did this happen, and if not, why?

**The Taoiseach:** It is important to clarify, once again, that the Minister for Health was first made aware of rising costs and escalating costs at the children’s hospital project back in August.

**Deputy Mattie McGrath:** In March 2017, we are told.

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**Deputy Stephen S. Donnelly:** He kept them to himself.

**The Taoiseach:** He did the appropriate thing, which was to ask for all the facts and figures before going to Government with the issue.

**Deputy Brendan Howlin:** It took him three months.

**Deputy Mattie McGrath:** March 2017.

**Deputy Stephen S. Donnelly:** And after the budget was negotiated.

**The Taoiseach:** I have given the House an insight into the process.

**Deputy Alan Kelly:** Neither Minister is here.

**The Taoiseach:** It took several weeks - ten weeks, 12 weeks, three months or whatever it was - for that figure to be-----

**Deputy Brendan Howlin:** Whatever it was - €100 million, €200 million.

**Deputy Micheál Martin:** Whatever - €600 million, €1 billion, €1.7 billion, whatever.

**An Ceann Comhairle:** This is intolerable. We are supposed to show some level of mutual respect. If a Deputy asks the Taoiseach a question, at least let him give the reply. Has the Taoiseach finished?

**The Taoiseach:** I am happy to reply further.

**Deputy Dara Calleary:** Then the Taoiseach should give an answer.

**The Taoiseach:** As I stated earlier, the Minister for Health was informed of rising costs and escalating costs at the project back in August. He did the appropriate thing-----

**Deputy Stephen S. Donnelly:** He kept it to himself.

**The Taoiseach:** -----which was to look for facts and figures, to have it scrutinised and to drill down into it to see if the figures stacked up-----

**Deputy Stephen S. Donnelly:** During budget negotiations.

**The Taoiseach:** -----and to see if he could bring them down as much as possible and informed me and the Minister for Public Expenditure and Reform of this in November-----

**Deputy Stephen S. Donnelly:** After the budget was agreed.

**Deputy Brendan Howlin:** Four months ago.

**The Taoiseach:** -----and the same scrutiny was then applied.

In terms of corporate governance, corporate governance has changed quite a lot since 2010. Corporate governance and corporate rules do not override Government circulars. If somebody is on a board, his or her fiduciary and legal responsibilities are to that board and the correct line of accountability is-----

**Deputy Alan Kelly:** Government circulars are not worth the paper they are written on.

**Deputy Brendan Howlin:** It is not legally true.

**Deputy Alan Kelly:** It is not true.

**The Taoiseach:** -----from the chairman of that board to the line Minister, not individual board members acting on their own part.

**Deputy Catherine Connolly:** The Ceann Comhairle said the response of the Opposition was intolerable. As somebody who sat on the Committee of Public Accounts Thursday last and listened to a complete litany of failure of governance, I find the Taoiseach's response intolerable but it is no doubt something we will return to later.

We should not need the nurses to take to the streets on strike, for only the second time in 100 years, to tell us that the health system is not safe. Prior to this strike action, which is being taken as a last resort, the nurses have repeatedly informed this Government and successive Governments, and the Minister for Health and his predecessors, including the Taoiseach, how precarious the situation was and remains given the absence of front-line staff. In August last, for example, the INMO figures showed that that month was the worst on record for overcrowding in hospitals across the country. Of course, we know the detrimental effects of this overcrowding. Dr. Fergal Hickey repeatedly tells us that, in any given year, 300 to 350 premature deaths are directly related to the time spent on a trolley. In response to these figures, the nurses took what action they could, stopping short of strike action at that point. They went out and protested. They were forced into this strike action. I give that background. Tomorrow, the GPs are going out on strike, telling us that their system is not working either.

My question is in the context of that background in Galway city where, in 2017, two theatres closed in Merlin Park. There was a high-level meeting in October following which we were told that serious action would be taken and modular theatres would be put in place. It is interesting that the two theatres were put out of action by rain. All the while, the Government is putting money into a rainy day fund, not for the health system, not for education or housing, but to bail out a financial crisis in the future.

Two theatres closed because of rain. I have a list here that I have not the time to go into. This is where trust and confidence comes into the system, as is the case with the children's hospital. Throughout 2018, other Deputies and I have repeatedly highlighted this. I was told in responses to questions that tender documents had gone out. I was told that contracts were to be signed. Here we are, in 2019, and the two theatres are still closed. The latest chapter in this saga is that a consultant has written to all Deputies in Galway in an unprecedented move on behalf of all his colleagues to tell us that the situation is exactly the same as it was in 2017. What has happened? When will the theatres be opened? Almost one year ago the Taoiseach told me that he could not take a hands-on approach and that the people in charge were the Minister for Health and hospital management. One year later, there has been no progress whatsoever. It goes to the heart of the difficulty the Opposition has with the Taoiseach and his Government. There has been absolute spin and lack of trust in the answers. I want a clear answer today. What inquiries have been made by the Taoiseach or the Minister regarding the two theatres and when will they open?

**The Taoiseach:** The first issue the Deputy raised was the children's hospital. The terms of reference for the review by PricewaterhouseCoopers, PwC, into the escalation in costs are currently being revised.

**Deputy Mattie McGrath:** More money for the accountants.

**The Taoiseach:** The review will deal with the accountability of relevant key parties, functions and roles and the prohibition on making any findings against individuals will be removed. It will establish the sequence of events in the cost increases experienced by the project, establish what was known, when and by whom, and cover the bodies, including the National Paediatric Hospital Development Board, NPHDB, its committees, the HSE and the Department of Health. The review will also be asked to identify any areas where potential cost savings or reductions, which are consistent with the applicable contractual undertakings, may be found.

Merlin Park University Hospital, MPUH, provides elective medical and surgical services, renal services and a haemodialysis unit, and two designated rehabilitation units, along with a number of number of specialist outpatient clinics. In September 2017, leaks developed in the roof of the building in the hospital that houses the two orthopaedic theatres. Managers temporarily suspended operations for one week to facilitate repairs. Following the deferral of elective orthopaedic procedures in 2017, the hospital facilitated the transfer of elective sessions to University Hospital Galway on a limited basis with the support of Merlin Park staff and eight orthopaedic elective beds. In addition, some minor procedures were undertaken in hospital one in Merlin Park and-----

**Deputy Micheál Martin:** That is not the question that was asked.

**Deputy Anne Rabbitte:** The Taoiseach must answer the question. That is a history lesson.

**The Taoiseach:** This is the question and the answer. In March 2018, remedial work facilitated the opening of one theatre in MPUH, which advised that it is working towards restoring the full elective orthopaedic service as quickly as possible. A tender process was recently undertaken regarding the provision of two modular theatres for orthopaedics on the MPUH site. A successful vendor was selected for the project and an enabling contract has been signed between the HSE and the modular provider. Contracts have been exchanged between both parties and are currently with the HSE national estates division. A planning application was submitted on 20 December 2018, and subject to a successful determination of that planning application, which I understand is outstanding, it is intended that the work will proceed as planned.

**Deputy Catherine Connolly:** I wish the Taoiseach had addressed my question quicker and not given me a history lesson. I have all of the documentation here. I have raised this issue repeatedly. The Taoiseach is telling me that contracted documents have been exchanged. During last year, I was told twice that they had been exchanged. We are now in receipt of a letter from the consultant orthopaedic surgeon telling us that 1,500 patients are waiting for complex joint replacements, spinal surgery, and foot, ankle and shoulder surgery, while the waiting list continues to expand exponentially. That is the situation; chronic and acute pain is being suffered by these patients, yet the Taoiseach stands there telling me that contract documents are going to be exchanged. At the very least I would have expected him to tell me what happened that they were not exchanged last February, which is when we were told they were being exchanged, and at the very least to learn from the children's hospital project and to give us the information having made the inquiries. Last year, the Taoiseach told me that he was not aware of the question and that I had not notified him. I notified him of today's question so that he would not come to the Chamber unprepared and he would have checked the situation. This is unacceptable in a city where the main hospital is creaking at the seams on a congested site, but with a 150-acre site available in Merlin Park. We are going piecemeal and piecemeal, and we

cannot even provide modular theatres, which are not the answer. The answer is a new hospital. In the meantime, we would like a little bit of honesty about modular theatres.

**The Taoiseach:** There are a number of things to mention. An awful lot of people are waiting a very long time for orthopaedic operations and procedures, and, often, to see a specialist in the first place. It is important to acknowledge that the number of people waiting more than 12 weeks for operations and procedures, which is the Sláintecare target, is now at a four or five-year low. This includes hips and knees and other orthopaedic operations, so we are making a lot of progress in that area-----

**Deputy Michael Healy-Rae:** Thanks to the people in Belfast for carrying out those operations.

**The Taoiseach:** -----but there is a long way to go yet in that regard.

On the MPUH issue, the Deputy will be aware that, very sadly and unfortunately, the Galway hospice planning application for Merlin Park was refused. As such, Merlin Park as a solution for new hospital developments must be considered in the light of planning problems at the site where planning permission for the hospice has just been refused. To answer the Deputy's specific question, a vendor has been selected for the project and contracts have been exchanged between the parties.

**Deputy Mattie McGrath:** Is it BAM?

**The Taoiseach:** It is with the HSE's national estates division in respect of legals. A planning application was submitted on 20 December 2018. Subject to it being successful, work will proceed as planned.

### **An tOrd Gnó - Order of Business**

**Deputy Mattie McGrath:** Today's business shall be No. 13, motion re proposed approval by Dáil Éireann of the agreement between the member states of the European Union on the status of forces and of the NATO Partnership for Peace status of forces agreement, subject to the respective reservations, back from committee; No. 14, motion re Ireland's participation in a European Defence Agency project – military search capability building, referral to committee; and No. 1, Greyhound Racing Bill 2018 [*Seanad*] - Second Stage. Private Members' business shall be No. 213, motion re JobPath, selected by Sinn Féin.

Wednesday's business shall be No. 35, statements on CervicalCheck; No. 11, European Parliament Elections (Amendment) Bill 2019 - Order for Second Stage and Second Stage; No. 1, Greyhound Racing Bill 2018 [*Seanad*] - Second Stage and No. 2, Companies (Amendment) Bill 2019 [*Seanad*] - Second Stage. Private Members' business shall be No. 214, motion re a fair start for every child, selected by the Labour Party.

Thursday's business shall be No. 36, statements on the fourth interim report of the Commission of Investigation into Mother and Baby Homes, and No. 2, Companies (Amendment) Bill 2019 [*Seanad*] - Second Stage. Thursday evening's business shall be No. 15, motion re report on tackling childhood obesity – Joint Committee on Children and Youth Affairs.

I refer to the first revised report of the Business Committee of 4 February 2019. In relation

to today's business, it is proposed that No. 13 shall conclude within 85 minutes and that speeches shall be confined to a Minister or a Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, which shall not exceed ten minutes each, with a five minute response from a Minister or a Minister of State, and all Members may share time; and that No. 14 shall conclude within 45 minutes and that speeches shall be confined to a Minister or a Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, which shall not exceed five minutes each, with a five minute response from a Minister or a Minister of State and all Members may share time. Private Members' business shall take place at 8 p.m. or at the conclusion of No. 14, whichever is the later, for two hours and the Dáil shall adjourn at conclusion of Private Members' business.

In relation to Wednesday's business, it is proposed that there shall be no oral questions to the Taoiseach and that the sós, in accordance with Standing Order 25(1), shall take place at the conclusion of questions on promised legislation; that No. 35 shall conclude within two hours and that the statements of a Minister or a Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each. Following the statements, each party or group shall have five minutes each which shall consist of alternating questions and answers, with a five minute response from a Minister or a Minister of State and all Members may share time.

In relation to Thursday's business, it is proposed that, in relation to No. 36, the statements of a Minister or a Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each and that the statement of each other Member called upon shall not exceed ten minutes each, with a five minute response from a Minister or a Minister of State and all Members may share time.

**An Ceann Comhairle:** There are three proposals to be put to the House. Is the proposal for dealing with today's business agreed to?

**Deputy Richard Boyd Barrett:** No. It would be a gross dereliction of its responsibility for the House to fail to discuss the nurses' strike this week. In the pelting rain this morning every nurse to whom I spoke expressed repeatedly his or her disbelief and fury at the failure of the Taoiseach and the Minister for Health to listen to the reasons nurses were striking and engage with them. I do not believe the House should compound the failure of the Government to engage with the nurses, listen to them and actually discuss the issues that have led them out on strike-----

**An Ceann Comhairle:** We cannot discuss them on the Order of Business.

**Deputy Richard Boyd Barrett:** It is why we need a debate. We need a full debate precisely because of what the nurses are saying that nobody is actually talking about the issues that have led them out on strike. If the Taoiseach wants to resolve it and the House wants to take its responsibility in trying to resolve it, it has to discuss the details of what is going on-----

**An Ceann Comhairle:** The Deputy has made his case.

**Deputy Richard Boyd Barrett:** -----and end the spin and propaganda which the Taoiseach is using to evade his responsibility in the matter.

**An Ceann Comhairle:** Does the Chief Whip wish to respond?

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** This issue was not raised at the Business Committee last week.

**Deputy Richard Boyd Barrett:** I contacted the Business Committee.

**Deputy Seán Kyne:** Two items were raised and they are being discussed this week. The Minister for Health, Deputy Harris, will be here tomorrow to debate CervicalCheck and there will also be a debate on Thursday on the mother and baby homes. The Minister will take Question Time today and be before the Oireachtas Joint Committee on Health tomorrow for a number of hours where I am sure this issue will be raised.

**Deputy Richard Boyd Barrett:** I do not think that is enough. It is not serious enough in the face of what is going on. The nurses do not want to be out. If the Taoiseach is serious about ending the dispute, we need to thrash out the issues fully.

**The Taoiseach:** I have answered several questions about the nurses strike already today and I am sure I will answer more in the coming days. The Minister for Health will be here to answer questions in the afternoon. He will also go before the health committee tomorrow. There will be ample opportunities to make speeches and statements on the strike, but it will not be resolved here. It can only be resolved through engagement at the Workplace Relations Commission-----

**Deputy Richard Boyd Barrett:** The Government is not engaging.

**The Taoiseach:** -----or the Labour Court.

**An Ceann Comhairle:** For the purpose of clarifying the procedures-----

**Deputy Billy Kelleher:** It is engaging the press machine.

**An Ceann Comhairle:** -----the Business Committee, of which Deputy Boyd Barrett is a member, last year agreed to a protocol for dealing with industrial disputes. One of the provisos where a debate was requested was that it would not happen when an Oireachtas committee was already considering the issue. Our understanding is the Oireachtas committee will deal with it in the morning. If it does not do so, the Deputy will be quite in order to come back and say we need to have a debate, but my understanding is that is what the committee will do in the morning.

**Deputy Richard Boyd Barrett:** I am sorry; I am not trying to be disagreeable, but this issue is too serious. There is a need for a full Dáil debate on the issue-----

**An Ceann Comhairle:** The Deputy's point has been made.

Question put: "That the proposal for dealing with today's business be agreed to."

<i>The Dáil divided: Tá, 37; Níl, 70; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Brassil, John.</i>	
<i>Byrne, Catherine.</i>	<i>Breathnach, Declan.</i>	

<i>Cannon, Ciarán.</i>	<i>Broughan, Thomas P.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Browne, James.</i>	
<i>Creed, Michael.</i>	<i>Buckley, Pat.</i>	
<i>D'Arcy, Michael.</i>	<i>Butler, Mary.</i>	
<i>Deasy, John.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Regina.</i>	<i>Calleary, Dara.</i>	
<i>Doyle, Andrew.</i>	<i>Casey, Pat.</i>	
<i>Durkan, Bernard J.</i>	<i>Cassells, Shane.</i>	
<i>English, Damien.</i>	<i>Chambers, Jack.</i>	
<i>Farrell, Alan.</i>	<i>Chambers, Lisa.</i>	
<i>Flanagan, Charles.</i>	<i>Collins, Joan.</i>	
<i>Harris, Simon.</i>	<i>Collins, Michael.</i>	
<i>Heydon, Martin.</i>	<i>Collins, Niall.</i>	
<i>Humphreys, Heather.</i>	<i>Connolly, Catherine.</i>	
<i>Kehoe, Paul.</i>	<i>Cowen, Barry.</i>	
<i>Kyne, Seán.</i>	<i>Cullinane, David.</i>	
<i>Madigan, Josepha.</i>	<i>Curran, John.</i>	
<i>McHugh, Joe.</i>	<i>Daly, Clare.</i>	
<i>McLoughlin, Tony.</i>	<i>Ellis, Dessie.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Ferris, Martin.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Murphy, Eoghan.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Neville, Tom.</i>	<i>Fleming, Sean.</i>	
<i>Noonan, Michael.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>O'Connell, Kate.</i>	<i>Haughey, Seán.</i>	
<i>O'Dowd, Fergus.</i>	<i>Healy-Rae, Michael.</i>	
<i>Phelan, John Paul.</i>	<i>Howlin, Brendan.</i>	
<i>Ring, Michael.</i>	<i>Kelleher, Billy.</i>	
<i>Rock, Noel.</i>	<i>Kelly, Alan.</i>	
<i>Ross, Shane.</i>	<i>Kenny, Martin.</i>	
<i>Varadkar, Leo.</i>	<i>Lahart, John.</i>	
<i>Zappone, Katherine.</i>	<i>MacSharry, Marc.</i>	
	<i>Martin, Catherine.</i>	
	<i>Martin, Micheál.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McDonald, Mary Lou.</i>	
	<i>McGrath, Mattie.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	

*Dáil Éireann*

	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	
	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Richard Boyd Barrett and Bríd Smith.

Question declared lost.

**An Ceann Comhairle:** The House has decided to reject the proposed arrangements for the taking of today's business. I understand the Government Chief Whip has a proposal to put to the House.

*3 o'clock*

**Deputy Seán Kyne:** As I indicated earlier, the Minister is to take oral parliamentary questions today and will be before a committee tomorrow for a number of hours. He will also attend the Dáil for statements on CervicalCheck. I propose that we defer to next week the oral parliamentary questions to the Minister which were to occur this week.

**Deputy Thomas Byrne:** No way.

**Deputy Lisa Chambers:** No. We could have a private notice question.

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**Minister for Health(Deputy Simon Harris):** I will be here to speak about CervicalCheck tomorrow.

**Deputy Seán Kyne:** I propose that the Minister would come in today for two hours at 3.47 p.m. to discuss the matters relating to the nurses' strike, with oral questions scheduled for today deferred until next week.

**Deputy Micheál Martin:** While it is correct to say that the Order of Business has not received the approval of the House, nonetheless the rationale for that is to facilitate a debate on the nurses' dispute. I propose that we continue our activity in the order specified, Taoiseach's Questions and so on, and that the Business Committee would meet to reorder the schedule for the remaining days to accommodate a debate on the nurses' dispute.

**Deputy Richard Boyd Barrett:** That is fine as long as it is taken into account that it could be fitted in today at some stage.

**Deputy Brendan Howlin:** I agree with Deputy Martin's proposal with one caveat. I am opposed to the removal of questions to the Minister for Health. Deputies have a range of health issues and are waiting for answers to them. I ask the Business Committee not to alter the parliamentary questions and to fit the health debate into another slot.

**Deputy Mattie McGrath:** I agree if the Whip was agreeable to have it today. I am easy either way. I know it is important to have oral questions but if we want a debate today, we should have it today.

**An Ceann Comhairle:** I propose that we have a meeting of the Business Committee immediately after this Order of Business and we will come back to the House with a proposal arising out of that. Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Micheál Martin:** It is agreed subject to the outcome of today's meeting of the Business Committee.

**An Ceann Comhairle:** I have to take it as it is.

**Deputy Brendan Howlin:** It is difficult to agree until we have the new business from the Business Committee.

**Deputy Micheál Martin:** We accept it subject to what the Business Committee proposes.

**An Ceann Comhairle:** It is agreed to subject to the Business Committee's proposal. Is the proposal for dealing with Thursday's business agreed to?

**Deputy Richard Boyd Barrett:** Subject to what the Business Committee says.

**Deputy Brendan Howlin:** Subject to the Business Committee.

**An Ceann Comhairle:** It is agreed, subject to what the Business Committee says.

**Deputy Micheál Martin:** Today is Safe Internet Day. Many significant issues arise from the advent of technology. A Cybersafe Ireland survey published today presents worrying and interesting statistics that simply cannot be ignored by policymakers and Government. It confirms that four out of five children own a smartphone and almost half of these children are in contact with adults they do not know and are playing games with people aged more than

18 years. The games contain sex and violence. A recent report by the Economic and Social Research Institute, ESRI, indicated that nine year olds who own a smartphone are potentially weaker at reading than their peers who do not.

The Irish Primary Principals Network called last month for a national policy on smartphone ownership for schoolgoing children. A White Paper on this issue will be published next month in the United Kingdom and there is already a commitment there to introduce a planned compulsory code of conduct. There are issues there. Will the Taoiseach outline the plans under the programme for Government for providing a digital commissioner? Does the Government plan to introduce a code of conduct here to protect children as much as possible?

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** We have debated the issue of a digital safety commissioner at the Oireachtas Joint Committee on Communications, Climate Action and Environment. It was agreed there that I would seek legal advice on the definition of “harmful material” because there is a category the committee wants to identify, harmful but not unlawful. There is no definition in the existing Bill and there are variants on this. The challenge for us is to find a robust set of definitions of what is harmful for the purpose of setting up the code and an enforcement method for take down. I am working with the Attorney General to develop proposals in that area to bring back to the committee.

**Deputy Mary Lou McDonald:** Last year I raised with the Taoiseach the scandalous interest rates being charged by licensed moneylenders who can charge up to 187%. On Monday, Amigo Loans – I kid you not – Amigo Loans, which I raised before with the Taoiseach, started lending here. It is licensed by the Central Bank to charge interest rates of up to 49.9%. It specifically targets people who have a poor credit history. It is daylight robbery and highlights once more the urgent need to cap interest rates as part of wide-ranging reform of the regulation of moneylenders. In December an Teachta Pearse Doherty introduced the Consumer Credit (Amendment) Bill 2018 which would place a cap on the rates moneylenders could charge. The Government opposed the Bill, which was disgraceful, despite the Taoiseach’s assurance that he would examine any legislation brought forward. The Bill passed Second Stage regardless. Will the Taoiseach now accept that legislation is badly needed? Will he move to get it on the Statute Book as soon as possible?

**The Taoiseach:** The Deputy will be aware that her party’s legislation proposes that lenders be allowed to charge interest at a rate of 36% a year. That is a very high interest rate, but it seems to be Sinn Féin’s proposal. The difficulty we have in setting any maximum interest rate, whether it be 36% or another figure, lies in the risk that doing so would drive people towards moneylenders. We need to bear in mind that if people cannot access credit on the market, it is very likely they will find other moneylenders who will provide it illegally.

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## Ceisteanna - Questions

### Departmental Priorities

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the priorities of his Department in 2019. [2738/19]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the priorities of his Department in 2019. [3890/19]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the priorities of his Department in 2019. [5669/19]

**The Taoiseach:** I propose to take Questions Nos. 1 to 3, inclusive, together.

The Department of the Taoiseach's statement of strategy for the period from 2017 to 2020, inclusive, reflects the priorities in 2019 and the period ahead. The main role of the Department is to assist the Taoiseach and the Government in developing a sustainable economy and successful society, pursue Ireland's interests abroad, implement the Government's programme and build a better future for all citizens.

The strategy statement is aligned with the Government's main priorities and policies and sets out the following six strategic priorities: providing excellent support services for the Taoiseach and the Government; ensuring Ireland has a sustainable economy; helping to ensure Government policies and services support a socially inclusive and fair society; ensuring Ireland maintains strong relationships in Europe and the world; ensuring the best possible outcomes for Ireland with regard to Brexit across all four priorities identified by the Government; and planning for the future in the context of all of the many uncertainties in the international environment.

Priorities in the immediate period ahead which my Department will assist in progressing, together with other relevant Departments, include the Brexit negotiations and no-deal preparedness; ongoing reform of the justice sector, particularly in the area of policing reform; issues relating to health policy, particularly the implementation of Sláintecare; continuing to build economic resilience, including through the Future Jobs Ireland framework; tackling climate change; housing and homelessness; pensions reform; Northern Ireland; and doubling Ireland's global footprint. Through these reforms and improvements, we will protect our growing economy and ensure Ireland is more equal society, which will create opportunities for all people to participate and share in its prosperity.

**Deputy Brendan Howlin:** The Taoiseach has rightly acknowledged that, strategically, one of the most important issues within the purview of his Department right now is Brexit preparedness. His analysis at the beginning was right. It is correct to front-load the issue of the unique situation on the Border in Ireland and have it agreed to in advance of future trade talks. One of the proposals which seems to be gaining traction in the United Kingdom Parliament involves the notion that the Article 50 implementation date could be extended and that the United Kingdom could move directly into trade talks, which would fundamentally alter the strategic approach of the European Union which has been to have the question of the Irish Border settled in advance of detailed discussions on long-term trade arrangements between the European Union

and the United Kingdom. Will the Taoiseach give us his take on, and his understanding of, the views of the EU 27 on this matter? In his view, what are the circumstances in which there would be agreement to extend the implementation date for Article 50 of the Lisbon treaty? Is he of a similar mind in believing issues regarding the arrangements on the island of Ireland and the only external border between the United Kingdom and the European Union should be wound into the long-term trade talks with the United Kingdom?

**Deputy Mary Lou McDonald:** On Brexit, I invite the Taoiseach to again confirm to the Dáil that the negotiations remain a matter for the British Government and the EU bloc and that there will be no bilateral negotiations between Ireland and Britain on the matter of the backstop or any alternatives thereto.

Last week I raised with the Taoiseach the urgent need to publish an affordable housing scheme, something for which local councils are screaming. The absence of such a scheme is delaying the delivery of affordable homes. Following our brief exchange on the matter, the Oireachtas Joint Committee on Housing, Planning and Local Government heard from the ESRI, the Housing Agency and the Ó Cualann Cohousing Alliance on the issue. The CEO of the Housing Agency, Mr. John O'Connor, said Government policy should strike a balance between the delivery of affordable homes for sale and rent and that the focus on home ownership must be tempered by the roll-out of affordable cost rental housing. The CEO of the Ó Cualann Cohousing Alliance, Mr. Hugh Brennan, stated his housing association had the capacity to deliver many more affordable homes for purchase and that it was actively looking at sites on which it could deliver such housing. It is vital and ought to be a priority for the Taoiseach and the Government that the heel-dragging in the publication of an affordable housing scheme be stopped. The Government should move on the issue. It is badly needed because affordable homes are badly needed. Will the Taoiseach clarify exactly when the scheme will be published?

**Deputy Micheál Martin:** As we see every day, the breakdown of normal relations within different strands of the peace settlement has caused deep damage. Irrespective of the form Brexit will take, we will need a new approach to relations with Britain. We also need a new approach to North-South relations. Given the problems even before June 2016, does the Taoiseach agree that we have to take a serious look at how the Government operates with respect to North-South and east-west relations? With the rapid decline in the level and quality of political leadership in these areas, does he accept that we need to ask whether we are approaching them in the right way? This must surely have implications for how the Department of the Taoiseach and the Taoiseach operate. A core function of the Department of the Taoiseach is to operate a system of Cabinet committees. The committees are supposed to involve much greater levels of preparation and longer discussions than are possible at a full Cabinet meeting. The committee dealing with European affairs used to meet regularly. The meetings involved detailed cross-government discussion of measures before the European Council. Last week it was revealed that the committee on Brexit and Europe had not met for seven months. That means that there have been no meetings with senior officials, no advance circulation of detailed documents and no separate minutes. The Taoiseach's claim that he prefers to discuss things at full Cabinet meetings suggests he prefers general discussions to getting into the level of detail which used to be involved in Cabinet sub-committee meetings.

Equally, it appears that the Cabinet committees on health and infrastructure have been sidelined on the vital issue of the massive overspend on the national children's hospital, which is quite extraordinary. It is an unfolding saga. The replies to Deputy Howlin's questions beggared belief and lacked credibility. The overspend on the project will have implications for other

capital projects across the board, not just this year but also in future years. Will the Taoiseach outline how the background work which used to happen through the Cabinet committees is now done? If committees are not dealing with the major strategic challenges, why do they exist? If the committee on health is not dealing with the national children's hospital, what is it doing? Likewise, if the committee on Europe has not met for seven months, why does it exist?

**The Taoiseach:** I inform the House that today the Cabinet dealt with Brexit as a line item, as it almost always does. The reason we do not have regular meetings of the sub-committee on Brexit any more is that the issue impacts on pretty much every Department.

**Deputy Brendan Howlin:** Without all the officials present.

**The Taoiseach:** Every Cabinet meeting now dedicates time to Brexit and EU affairs. The infrastructure subcommittee met last week, for example. The way preparation is done is that memos are prepared in the normal way, advisers meet at an advisory meeting and senior officials meet at the senior officials group, SOG, to prepare it. There is a senior officials group dealing specifically with Brexit but when the matters come to politicians they are dealt with by the whole of Cabinet, pretty much every week at this stage. The Minister of State, Deputy McEntee attends on occasion when relevant. For example, there were two memos today at Cabinet on Brexit alone. One was dealing with tax, getting into more detail on the legislative provisions on tax that will have to be in the Brexit omnibus Bill. They particularly relate to corporation tax and VAT and how we can maintain the existing arrangements for a period in the event of a no-deal Brexit, until that gets clarified. There was some time spent on that. A little bit more time was spent today on the transport memo on Brexit, which related to the ports and airports, confirming that we will not need planning permission to make any of the necessary changes at Dublin Airport. It is already covered under exempted development. When it comes to Dublin Port and Rosslare, where we now control the land we need at those two ports, there are different scenarios for no-deal and in the event of a deal. In a no-deal scenario we will be able to use emergency legislation and emergency powers that the Minister for Finance has to direct the OPW to carry out certain works. That will be in the form of parking spaces for trucks and temporary buildings and portakabins to house officials. That will be the no-deal scenario. Obviously if we have a deal, we will have more time to put in place more permanent structures. That memo obviously was prepared in the normal way, seen by officials, put up on eCabinet and discussed by advisers. It is the same process we would use for a Cabinet subcommittee except there are 20 in the room rather than 50 or 60.

Tomorrow I will visit Brussels and we will meet with President Juncker, President Tusk, Mr. Michel Barnier, Mr. Guy Verhofstadt, MEP, and Commissioner Hogan to discuss the ongoing impasse in respect of Brexit and also to have an opportunity to discuss no-deal planning. People will be aware that there is a Commission delegation in Dublin at the moment discussing no-deal planning. They are going to every country. We are the ninth country they have been to so far. That is their main reason for being here. On Friday, I will travel to Northern Ireland where I will meet with the political parties there. When we travel to Northern Ireland, we should always listen to all of the parties and not just to any one party. Certainly I will be listening to the major parties and to the smaller ones if time allows as well. I also plan to speak to business and civil society in respect of Brexit. However, I will not be carrying out any negotiations with any political parties in Northern Ireland because, as Deputy McDonald rightly points out, the negotiations are between the EU and the UK. While we can certainly have discussions with the UK and with political parties or individual politicians, the negotiations can only happen with the EU and Ireland on one side of the table and the UK on the other. We are in a much stronger

position in that regard and will not be departing from it. It is not just our strategy; it is also in the EU negotiating guidelines.

In respect of the various proposals that Deputy Howlin mentions, there are myriad proposals at this stage emanating from the House of Commons and it is hard to keep track of them all. There are no clear proposals yet from the UK Government other than a certain level of revisiting things that have already been rejected by the European Union. Specifically, Deputy Howlin asked about extending Article 50. Obviously, for Article 50 to be extended, the United Kingdom would have to request that, which it has not yet done. The Prime Minister has indicated that she does not intend to do so but, as we have said on a number of occasions now, if Article 50 were extended it would have to be extended for a particular purpose and that purpose would need to be agreed. We should never forget that the threat of no deal on 29 March is not a threat that Ireland or the European Union is making. The deadline of 29 March was set by Britain in Britain and it is open to them at any time to take away that no-deal possibility either by revoking Article 50 or by seeking an extension to Article 50, either of which they can do.

On affordable housing, Deputy English informs me that local authorities have already submitted seven or eight schemes for the construction of affordable housing. Councils can now proceed with those schemes so houses are built and ready so that people can purchase them under the new scheme. Cost rental is under way in Emmet Road. That is the pilot project, as it were, for cost rental in Dublin city. There is another project as well, I cannot remember exactly where, I think it is south Dublin somewhere in Dún Laoghaire-Rathdown. The scheme is going to be one of shared equity similar to what was there before. It will be published in a few weeks' time but there is already wide-scale awareness of how it will work. It will work on a shared equity basis with the council retaining equity in the home which people can then redeem at a later point. The affordable homes obviously have to be built before they can be purchased and there is no delay in allowing local authorities to proceed to build those houses.

### **Departmental Staff**

4. **Deputy Brendan Howlin** asked the Taoiseach the number of politically appointed staff in his Department. [2740/19]

**The Taoiseach:** There are currently 21 politically appointed staff employed by the Department of the Taoiseach. This includes those working directly for me in my office, those working in the Government information service, staff working for the Independent Alliance and Independent Ministers, staff in the office of the Government Chief Whip and staff in the office of the Leader of the Seanad. The ten staff working directly with me are my chief of staff, head of policy and programme implementation, five special advisers and three personal assistants. In addition, the Government press secretary acts as a spokesperson for me and for the Government and is assisted by an assistant Government press secretary in co-ordinating the media relations of all Government Departments. The deputy Government press secretary is also based in my Department and co-ordinates communications for all the Independents in government. Also employed by my Department are the chief strategist for the Independent Alliance and the political co-ordinator for the Independent Ministers in government.

In the office of the Government Chief Whip, which is also based in my Department, there are two special advisers and two civilian drivers. My Department also employs two civilian drivers who are based in the office of the Leader of the Seanad in the Houses of the Oireachtas. Special

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advisers working with the Ministers of State, Deputies McEntee and Kehoe, are employed by the Department of Foreign Affairs and Trade and the Department of Defence respectively.

**Deputy Brendan Howlin:** To be clear, the figure of 21 is excluding the drivers and including everybody else the Taoiseach has listed. Has the Taoiseach given instructions to Ministers to hire journalists as political advisers? There have been some raised eyebrows at the number of journalists who have now been hired to work for Ministers. Is it something the Taoiseach recommends? He has eight special advisers including the Government press secretary, plus a further two for the Independent Alliance and the deputy press secretary. Is that right? A large number of junior Ministers now also have special advisers. I recall in the previous Government, of which the Taoiseach and I were both members, that only two junior Ministers who did not attend Cabinet had special advisers. One was the Minister of State with responsibility for European Affairs and the other was a Minister of State in the Department of Health. Now I understand the figure is up to five, with the latest ones to have special advisers being the Ministers of State, Deputies Halligan, McEntee, Jim Daly, Moran, and D'Arcy. Can the Taoiseach confirm if Deputies Canney and Doyle have been granted special advisers? What are the criteria to determine who gets a special adviser in the junior ministerial ranks? What is the total cost of the political staff in the Department of the Taoiseach? Based on a rough calculation it is at least €1.5 million. Am I in the ballpark with that? Can the Taoiseach confirm the figure?

**Deputy Micheál Martin:** As our most instinctively political Taoiseach for many years, the Taoiseach obviously puts significant store on his appointed advisers. He makes sure that he always has at hand a political attack for when he is under pressure. Equally, his political advisers are expected to be very active in looking for marketing opportunities. What is incredibly surprising is that in spite of the sheer number of times he talked about the children's hospital in the first half of last year - he talked quite a lot about it, including using public money on social media promotion of his good self - for some reason it basically disappeared from his speeches as the year went on. In his Ard-Fheis speech on 17 November he did not mention it or the health capital programme at all. At the start of last August, the Government reappointed the entire board of the National Children's Hospital. A few weeks later, information emerged about the significant scale of overspend and apparently this was accepted by the Government without any review and without calling for any heads to roll. It was only when the overspend became public that the Taoiseach and the Minister for Health, Deputy Harris, began to say they were very concerned and that it was wrong. They then made calls for the PricewaterhouseCoopers review. One has to ask, given the extent of the political operation at the heart of government, whether the Taoiseach is surprised that the issue did not surface earlier. Would it have been identified if the Cabinet committees had met more regularly? Should the Cabinet committees on infrastructure and health have been receiving regular updates on the costings of such a major component of the national development plan as the national children's hospital? Was it buried because the Taoiseach was planning a general election? I listened to the answers he gave to Deputy Howlin. He said the Minister of Health had become aware of the overspends in August. I assume the Taoiseach is saying the Minister did the right thing by waiting until-----

**Deputy Brendan Howlin:** November.

**Deputy Mary Lou McDonald:** November.

**Deputy Micheál Martin:** -----November to tell him and the Minister for Public Expenditure and Reform. The Minister, Deputy Harris, did not ask further questions between then and November. That does not add up and it is not credible, particularly given the major issue of the

overspend in the health service of some €800 million. While we were discussing it, the Minister and many others were aware of a massive overspend on a capital investment infrastructure site but did not mention it to anybody. It is only because the news got out that the Government is racing to try to patch up and cover its tracks by announcing the PwC review. The chairman of the hospital board has also resigned. There was none of this between August and November. The Government must give a meaningful and credible explanation as to why the Minister did not alert his Cabinet colleagues to the overspend of which he was aware in August. We are talking about a massive overspend. Furthermore, in September Deputy Cowen was told that the price might rise to €1 billion. I heard the Minister speak about this on the Sean O'Rourke radio show yesterday and was not happy with his response. He seemed to suggest commercial sensitivities took precedent over telling the truth to the House.

**Deputy Mary Lou McDonald:** The Minister is the not the first to cite commercial sensitivities to keep full information from public view, as we are all aware. Will the Taoiseach confirm or deny reports that the Cabinet has decided to put back the referendum on the extension of presidential voting rights from May until October? Will he give us the rationale for this? He might cite whether his political advisers advised him on the issue and the basis of that advice.

**The Taoiseach:** I note that Deputy Micheál Martin has described me as one of the most instinctive politicians. I am not sure he meant it as a compliment, but as instinct is very valuable in politics, I choose to take it as a compliment.

**Deputy Micheál Martin:** I knew that the Taoiseach would take it as a compliment, which is why I said it. That is the point.

**Deputy Brendan Howlin:** He took it as a compliment instinctively.

**The Taoiseach:** The 21 political staff mentioned include drivers. I am not included as I have garda drivers, but the Chief Whip and the Leader of the Seanad have drivers. The figure of 21 is inclusive of drivers. It also includes staff in my office in the Department of the Taoiseach and my constituency staffs. Also included are staff assigned to the Independent Alliance, independent Ministers and the Minister of State, Deputy Kyne, who, as Chief Whip, is a Minister of State in my Department. While all of the people concerned are on the payroll of the Department of the Taoiseach, they certainly do not all vote for me. I am sorry; I mean that they do not all work for me. I do not know who they vote for, but they certainly do not all work for me.

**Deputy Mary Lou McDonald:** We can safely guess who they vote for.

**The Taoiseach:** They work for the Chief Whip and the Independents. Of course, those who work for the Independents may well vote for Independents.

In terms of the cost, I have fewer political staff than all three of my predecessors-----

**Deputy Brendan Howlin:** What is the cost?

**The Taoiseach:** -----and the total payroll cost is also lower. My forebear had 23 staff and iar Taoiseach Cowen had more again.

**Deputy Brendan Howlin:** What is the cost?

**The Taoiseach:** I do not have the exact figure, but it is the lowest of-----

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**Deputy Brendan Howlin:** How does the Taoiseach know it is lower if he does not know what it is?

**The Taoiseach:** I know it for a fact because I make sure it is lower.

**Deputy Micheál Martin:** Perhaps there are optical reasons for it.

**The Taoiseach:** There are also financial and factual reasons. It is good that I have fewer advisers-----

**Deputy Brendan Howlin:** What is the cost?

**The Taoiseach:** -----and that their salaries cost less than for any of the last three Taoisigh going back to the 1990s.

**Deputy Brendan Howlin:** Tell us what the cost is.

**Deputy Micheál Martin:** The Taoiseach cannot tell us what it is.

**The Taoiseach:** It is uniquely unusual that when this issue arises in the Chamber, I am criticised for not having more advisers-----

**Deputy Brendan Howlin:** What is the cost?

**The Taoiseach:** I am asked why I do not have an adviser for X or an adviser for Y. It must be the first time in decades when a Taoiseach has been criticised for not having enough advisers. I do not have as many as the previous three Taoisigh.

**Deputy Brendan Howlin:** Nobody is criticising the Taoiseach.

**Deputy Micheál Martin:** Who is criticising him?

**Deputy Brendan Howlin:** What is the cost of the advisers?

**The Taoiseach:** I will provide the figure for the Deputy, but I do not have it in front of me.

**Deputy Brendan Howlin:** The Taoiseach says he knows that it is lower than the figure for the previous Taoiseach.

**The Taoiseach:** Yes.

**Deputy Micheál Martin:** Of course, it is; we took €5 million out of the communications unit, which would have put the Taoiseach far ahead of his predecessor. No other predecessor had a €5 million communications unit. Get off the stage.

**The Taoiseach:** To answer the other questions I was asked, I have not given any instruction to Ministers on who to hire. On occasion, they will ask my opinion if they are going to hire someone. They do not always do it, but they usually do. It is true that a number of journalists have been hired by Ministers as their advisers. One of my advisers is a former journalist. It is particularly useful, if one is going to be a press adviser or work in a press role, that one have experience as a journalist. I am surprised at the number of press officers and press advisers who have never actually worked as a journalist.

**Deputy Mary Lou McDonald:** Indeed.

**The Taoiseach:** I believe it is useful experience for a person-----

**Deputy Mary Lou McDonald:** It is, absolutely.

**The Taoiseach:** -----who is going to be working in the media-----

**Deputy Mary Lou McDonald:** Fabulous.

**The Taoiseach:** -----to know how the media work and operate. There are also many journalists who know a lot about topics.

**Deputy Brendan Howlin:** Did the Taoiseach say many journalists know about topics?

**The Taoiseach:** Quite a large number of journalists have been following a particular issue or policy matter for many years, indeed decades. While they may have not worked for an NGO or might not have a particular academic qualification in that area, they do actually know a lot about what they write about-----

**Deputy Mary Lou McDonald:** Many of them are Fine Gael supporters it seems.

**The Taoiseach:** -----precisely because they have been following a particular matter for ten or 20 years.

**Deputy Mary Lou McDonald:** It is an astonishing trend among the commentariat.

**Deputy Richard Boyd Barrett:** The Taoiseach should hire a nurse as an adviser.

**The Taoiseach:** I am fascinated by the quality of the advisers among Deputy Micheál Martin's staff who have trawled through all of my speeches to find out how many times I have mentioned the children's hospital.

**Deputy Mary Lou McDonald:** Will the Taoiseach answer my question on the referendum?

**The Taoiseach:** I am not sure trawling through my speeches is the best use of taxpayer's money. I had not noticed that was the case, but I will make sure to include the national children's hospital in more of my speeches in the future. It is a project the Government will deliver. It has been said many times that it will cost €1.7 billion. One only gets to that figure by including the €30 million or €40 million a Fianna Fáil Government spent on the Mater hospital site on a hospital that was never built. This project will be delivered and there for 100 or 200 years.

*(Interruptions).*

**The Taoiseach:** I am answering the questions as they were asked, but the number of interruptions makes it harder to answer them.

I was also asked-----

**Deputy Micheál Martin:** I asked about the Minister, Deputy Harris.

**The Taoiseach:** I am getting to it. As I said, I believe he did the right thing back in August in seeking full information. He did not have a figure in August.

**Deputy Micheál Martin:** What was he told in August?

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**The Taoiseach:** I do not know what he was told, but he was-----

**Deputy Micheál Martin:** The Taoiseach should know and should tell us. That is the basis of his answer. We have been getting this now for-----

*(Interruptions).*

**An Leas-Cheann Comhairle:** The clock is running down.

**The Taoiseach:** I am happy to answer that question again

**An Leas-Cheann Comhairle:** I ask the Taoiseach to answer the questions he was asked.

**The Taoiseach:** As I was not party to the conversation, I do not know exactly what he was told-----

**Deputy Brendan Howlin:** Has the Taoiseach asked him since?

**The Taoiseach:** -----but what he has told me is that he was told that there was a concern about escalating costs at the national children's hospital and that he wanted due diligence to be carried out. There was no figure and he asked for figures to be provided. It was part of commercial negotiations with the contractor. Due diligence was carried out in order to bring down costs; to negotiate with the contractor to find out what the costs were for-----

**Deputy Micheál Martin:** The costs did not come down; they went up.

**The Taoiseach:** -----to investigate whether there were other options, including retendering-----

**Deputy Brendan Howlin:** The expenditure was profiled in September.

**The Taoiseach:** -----and to see if specifications could have been taken out. There was no definitive figure until November.

**Deputy Micheál Martin:** The Taoiseach has said the figures came down, but they actually went up.

**The Taoiseach:** I explained it earlier. Deputy Micheál Martin referred to it "getting out". It got out in December because we disclosed it. The Government made a decision-----

**Deputy Brendan Howlin:** That occurred on the day the Dáil adjourned.

**The Taoiseach:** -----to allocate €1.4 billion to cover the construction costs of the children's hospital. There was no secret about it; we disclosed it publicly in December, before Christmas.

On the referendum on voting rights for citizens abroad, we had a-----

**Deputy Mary Lou McDonald:** And citizens in the North.

**The Taoiseach:** There was a memo before the Cabinet on the issue today. We agreed that we would proceed with a referendum to extend voting rights to all citizens, no matter where they lived, be it Northern Ireland or other parts of the world. It will not only be passport holders. It will be all citizens because some citizens do not have a passport or cannot afford one or perhaps cannot travel. We have taken the decision that this referendum could be contentious. It

will involve a good deal of planning, it needs a good campaign and we want to win it. Given the uncertainty around Brexit at the moment and the fact that we have local and European elections and other referenda on 24 May, we want to have it in October instead to give us more time to prepare the ground and inform people. This will give us a better chance, I believe, of getting it passed. Of course the next presidential election is not scheduled until 2025, so we have a good deal of time yet to get it done. The commitment is to do it in the last week of October.

### **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 James Browne - to discuss the revision of the local electoral area boundary committee report concerning Wexford; (2) Deputy Éamon Ó Cuív - the need for the Minister for Health to ensure a proper supply chain for the provision of incontinence pads to adults living in the community healthcare west region in view of recent events where the supply chain failed; (3) Deputy Darragh O'Brien - to discuss the urgent need for increased Garda resources for the Dublin metropolitan region north division; (4) Deputy Dessie Ellis - to discuss core funding for the Irish Deaf Society; (5) Deputy Jackie Cahill - to ask the Minister for Health to address the crisis in the ambulance service; (6) Deputy Fergus O'Dowd - the need to review the 23% increase on certain health supplements; (7) Deputy Mary Butler - to discuss the runway extension at Waterford Airport; (8) Deputy Eugene Murphy - the urgent need to provide interim funding to allow the provision of two full days of respite for Alzheimer's sufferers in County Roscommon; (9) Deputy John Brassil - to discuss the implementation of the national cancer strategy; (10) Deputy Maurice Quinlivan - to ask the Minister for Education and Skills if he intends to review the post-primary schools common application system for children entering secondary school; (11) Deputies Fiona O'Loughlin and Sean Fleming - funding for Rath national school, Ballybrittas, County Laois; (12) Deputy Mattie McGrath - the closure of Clogheen post office in County Tipperary; (13) Deputy Catherine Connolly - the decision to close the Youthreach programme, Teagmháil na nÓg, in Tír an Fhia, Connemara; (14) Deputy Donnchadh Ó Laoghaire - to discuss the changes to legal aid in cases of personal insolvency; (15) Deputy Martin Ferris - to discuss the availability of Baldonnell Aerodrome to emergency aircraft; (16) Deputy Eamon Scanlon - to discuss plans to fulfil the commitment given by the former Taoiseach, Deputy Enda Kenny, to award distinguished service medals and military medals for gallantry to veterans of Jadotville; (17) Deputy Michael Harty - the future of planned 96 bed inpatient block and 60 modular bed interim accommodation at University Hospital Limerick; (18) Deputy Noel Rock - the electric vehicle toll incentive and concerns about the operation of the scheme; (19) Deputy Louise O'Reilly - to discuss the provision of home support in north County Dublin; and (20) Deputy Mick Wallace - to discuss the escalating costs associated with the national children's hospital.

The matters raised by Deputies James Browne, Maurice Quinlivan, Fergus O'Dowd and Eamon Scanlon have been selected for discussion.

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## Ceisteanna (Atógáil) - Questions (Resumed)

### World Economic Forum

5. **Deputy Micheál Martin** asked the Taoiseach the persons he met in Davos; the issues discussed; and if Brexit featured at the meetings. [3853/19]

6. **Deputy Micheál Martin** asked the Taoiseach if he met Chinese politicians or companies when in Davos; if they were concerned about the trade war; and if the matter was discussed. [3855/19]

7. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the World Economic Forum in Davos. [3860/19]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his attendance at the World Economic Forum in Davos. [4066/19]

9. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his visit to the World Economic Forum in Davos recently. [4285/19]

10. **Deputy Micheál Martin** asked the Taoiseach if he will report on the meetings he held with chief executives of companies in Davos and the issues that were discussed. [4346/19]

11. **Deputy Micheál Martin** asked the Taoiseach if he will report on the meetings he held with EU and global leaders at Davos and the issues that were discussed. [4347/19]

12. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to or met the Dutch Prime Minister, Mr. Mark Rutte, recently; and if so, the issues that were discussed. [4349/19]

13. **Deputy Michael Moynihan** asked the Taoiseach the American companies he met in Davos; and the issues that were discussed. [5631/19]

14. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent meetings at meeting of the World Economic Forum in Davos. [5698/19]

**An Leas-Cheann Comhairle:** We have 15 minutes left for the next group.

**The Taoiseach:** I did not give the full answer to the question I was asked earlier. The total salary cost is €1.16 million and the average salary is a little under €50,000.

I propose to take Questions Nos. 5 to 14, inclusive, together.

I attended the 2019 annual meeting of the World Economic Forum in Davos from 23 to 25 January. The Minister for Finance, Deputy Donohoe, also attended. This annual event in Davos provides a unique opportunity to network informally with political leaders and senior decision-makers from civil society and the corporate world. I had extensive opportunities, formal and informal, to convey important messages about the strength of Ireland's economy, our perspectives on Brexit and on the future of Europe, our ambition to expand the scope and impact of Ireland's international presence as well as our approach to international challenges like climate action, sustainable development, migration, international trade and taxation.

I had numerous formal engagements. I did several media interviews with Irish and international media, including Euronews, Reuters and Bloomberg. I attended an event hosted by the Gates Foundation, which focused on international development issues. I had the opportunity there to discuss Ireland's approach to international development with Bill Gates and others in attendance and to inform them of the Government's increase in its overseas development aid budget for 2019 as well as our plans to focus on the education of girls, nutrition and some other matters. I participated in a plenary panel discussion on the future of Europe alongside the Prime Minister of Netherlands, Mr. Rutte, Poland's Prime Minister, Mr. Morawiecki, Commissioner Malmström and Ana Botin of Santander Group. I participated in a young leaders session, where I discussed Ireland's perspectives on current European challenges. I attended a lunchtime event with political, academic and business leaders where the challenges and opportunities of globalisation were discussed.

I also had the opportunity to speak bilaterally with a number of my European Council colleagues, including Chancellor Kurz of Austria, the Croatian Prime Minister, Andrej Plenković, the Prime Minister of Poland, the Prime Minister of Luxembourg, Mr. Xavier Bettel, and the Prime Minister of Belgium, Mr. Charles Michel. We discussed Brexit and other EU issues, including the multi-annual financial framework. I also had meetings with UK Chancellor of the Exchequer, Mr. Philip Hammond, briefly, with the UK Secretary of State for Health, Matt Hancock, with the former British Prime Minister, Tony Blair, and the executive director of the International Energy Agency, Fatih Birol. I did not meet any Chinese politicians or representatives of Chinese companies.

I had meetings with senior executives from US multinationals with operations in Ireland, including Tim Cook of Apple, Andy Jassy of Amazon, Chuck Robbins of Cisco, Sheryl Sandberg of Facebook, as well as Nick Clegg, and Mike Nally of MSD. My discussions focused on Ireland's perspectives on Brexit, trade and international taxation. The companies updated me on their operations in Ireland and their plans for future expansion.

I also spoke at the annual IDA Ireland Davos dinner event, which was attended by 50 senior executives of existing and prospective IDA Ireland client companies. I emphasised the strengths that underpin Ireland's success in attracting foreign direct investment. This is now a well-established feature of the annual Davos programme and an important element of IDA Ireland's client engagement strategy.

**Deputy Micheál Martin:** A few days before the Taoiseach went to Davos, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, was publicly corrected by the Tánaiste and subsequently ridiculed by Fine Gael Ministers when he said that a no-deal Brexit would require extra checks at the Border. Despite this, in Davos, the Taoiseach not only said this but also went far further and started talking about the Army being sent to the Border and soldiers being at the Border. We have no need for another around-the-houses self-justification for what was a clearly and deliberately chosen set of words. I asked this last week. I am seeking some basic clarity.

Brexit is due to happen in 52 days unless the UK Parliament and the European Union adopt another legal mechanism to go into a transition period or delay Brexit. The Taoiseach has repeatedly said that the absence of a transitional period and something like the permanent backstop would inevitably lead to cross-Border disruption. No one is threatening Ireland with this. This has been our Government's position from day one and it was on this basis that the Taoiseach asked the European Union to adopt a particular strategy. This being so, it is well past time for a direct answer to the question. What will happen at the Border in 52 days if there is no

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deal? I asked the question last week and the week before and I received no answer. I suggest every community and business in the Border area deserves clarity on this. They need to know what they will be facing in 52 days if there is a no-deal scenario.

**Deputy Brendan Howlin:** I thank the Taoiseach for his comprehensive reply. The Taoiseach held bilateral meetings with several EU Heads of Government. Discordant words were uttered by the Polish foreign minister. The Taoiseach tells us he held a bilateral meeting with the Polish Prime Minister. Did he share the views of his foreign minister? What was the nature of the discussions the Taoiseach had with him? In the other discussions with other EU Heads of Government, was there complete solidarity with the united EU 27 position to date? Did anyone share the concerns expressed by the Polish foreign minister publicly?

The Taoiseach made comments about Ireland closing tax loopholes. Does the Taoiseach accept that Ireland is still perceived by many as a place where corporate tax is not fairly levied? What was the nature of the Taoiseach's discussions on this? Was he able to reassure people that the closure of loopholes that existed in the past has changed fundamentally the tax structure in Ireland?

My last question relates to the entire experience and presence in Davos. Several leading politicians stayed away from Davos this year. What was the total cost of the Irish presence in Davos this year?

**Deputy Richard Boyd Barrett:** The Taoiseach entered into Deputy Enda Kenny territory in Davos.

**Deputy Brendan Howlin:** Only Enda was right.

**Deputy Richard Boyd Barrett:** Yes. We famously remember how the Army was going to be guarding the ATMs such was the severity of the economic crisis. The Taoiseach decided to emulate the rather bizarre comments of the former Taoiseach with the claims that we would have the Army deployed on the Border in the event of a no-deal Brexit. This is despite the fact that the Taoiseach comes into the House and repeats the same answer week after week when we ask him whether he is considering erecting a border to protect the EU Single Market in the event of a no-deal scenario. The Taoiseach says "No" and claims it is not even being considered or dreamt of. Then, the Taoiseach goes on international television at the Davos gathering and says that he is thinking of sending the Army up to the Border. It is bizarre. Could the Taoiseach please explain that? Could he also explain the remarkable comment that we are "forever closing tax loopholes" when he was challenged about Ireland's tax haven status?

Can we just deal with facts instead of spin? According to the last available figures, €144 billion in pre-tax profits are declared in this country. By the time the taxable profit is calculated it is half that at approximately €70 billion. There are, therefore, approximately €70 billion worth of loopholes in the tax code. There are research and development tax credits, inter-group transactions, group losses, and losses brought forward. If one goes through the list, there are myriad tax loopholes, which allow the largest corporations in the world to write down their tax liability to almost nothing. Everyone else in the world knows this and is saying it, yet the Taoiseach continues to claim it is untrue. Precisely what tax loopholes has the Taoiseach closed?

**Deputy Mary Lou McDonald:** The British Prime Minister is in Belfast today. The word is that she is still in the grip of delusion. She is now saying that there will be no backstop but the Good Friday Agreement is entirely safe, and there will be no backstop but there will be no

hard border. It is reminiscent of the earlier position to which she has returned, namely one of, “Don’t worry Ireland, we will look after everything but we are out of the Single Market and out of the Customs Union.” In over two years we have moved precisely nowhere with this Prime Minister or the government that she leads.

Our job is not to help Mrs. May from her deluded state; she will wallow in that if she wishes. Our collective job is to protect Irish interests. That means holding firm on the backstop, not blinking and not budging. The fact is that without an agreement or a backstop we will have a hard border unless there is an intervention and a contingency plan. That raises the possibility of soldiers, not necessarily Irish but British, at such an infrastructure. These are real possibilities. However, it is not the Taoiseach’s job to conjure up the worst-case scenario and leave it hang; it is his job to deal with the realities and facts and offer a plan for the Irish national interest, for the Irish State and to protect the peace agreements and to protect our economy, and I could go on.

I have asked the Taoiseach consistently to identify for us the ultimate contingency in the event of no agreement, no backstop and the terrible vista which he has conjured into view. The obvious answer is to reach for the Good Friday Agreement, the very agreement that everyone has vowed to protect, and to look to the provisions within it to address the issue of the Border. If politics, the Tories or the negotiating process cannot mitigate or deal with the Border, it should be placed in the hands of the people through a democratic process to decide on the Border and to have the opportunity to remove it, which is the ultimate contingency plan, yet the Taoiseach has ducked and dived on this issue.

I believe the Taoiseach has a responsibility as Head of Government to begin planning for that ultimate contingency. We have said that he should convene a forum. He should do that. The Government must lead the conversation around Ireland post-Brexit and particularly Ireland post-crash Brexit. There will be no hard border on this island. It is not happening.

**An Leas-Cheann Comhairle:** There will be no time for a response. We do not have time.

**Deputy Eamon Ryan:** We should also convene the parties in the Northern Ireland Assembly to get them to represent their people during what could be a fraught period in Northern Ireland and in the South.

Returning to Davos, we have always placed our faith in the OECD in respect of corporate governance and new tax rules. I have always argued this should not be done through the EU but should wait for the OECD. There were attacks by the Polish Prime Minister and Spanish bankers but also comments by the head of the OECD which singled out the sweetheart deal which Ireland applied in the Apple tax case. Is the Taoiseach concerned that this is a signal, as mentioned in today’s newspapers, that we are facing a different corporate tax regime, where the OECD itself and possibly America look to new tax laws where the profits would accrue at point of sale rather than in the home city of the multinational, in this case Dublin? Was there a shift this year in what the OECD said at Davos regarding corporate tax? Have the Taoiseach and the Minister for Finance, Deputy Donohoe, discussed the matter arising from what they heard there?

**An Leas-Cheann Comhairle:** We are out of time but I will give the Taoiseach four minutes to respond.

**The Taoiseach:** I do not have the exact costs for the delegation to Davos. There was a delegation of five. Accommodation costs were approximately €7,000. The Government jet was

used so the only added cost was fuel and car transport from Zurich to Davos.

I like broadcast media because anyone interested can get to hear the question and answer in full and, therefore, know the context. In Davos, I was asked by an international journalist from Bloomberg to paint a picture of what a hard border could look like in a worst-case scenario. I am often accused of spin but I am more likely to give a straight answer to a straight question, which is exactly what I did. I painted a picture of what a hard border might look like in a worst-case scenario. I painted a picture of what hard borders look like all over the world and what the hard border used to look like when we had one in Ireland 30 years ago, although I may have incorrectly said 20 years.

**Deputy Micheál Martin:** That was not a trade border.

**The Taoiseach:** Given the response and reaction from some quarters here, one would swear the whole thing was my idea.

**Deputy Micheál Martin:** That was not a trade border.

**The Taoiseach:** Deputies will understand why I will avoid answering hypothetical questions in future. We have not made any preparations for physical infrastructure on the Border between Northern Ireland and Ireland. No matter what happens, deal or no deal, the European Union and Ireland will do everything that we can to avoid a hard border emerging on our island.

I am amused by Deputy Micheál Martin's many conspiracy theories; I should keep a small notebook of them. As always, his conspiracy theory on this is far off the mark.

**Deputy Micheál Martin:** Which theory? I just asked what would happen to the Border in 52 days. There is no conspiracy theory. What will happen?

**The Taoiseach:** I answered that question and will continue to answer it.

**Deputy Micheál Martin:** The Taoiseach did not answer it. For the record, he did not answer the question.

**The Taoiseach:** I met the Polish Prime Minister who confirmed that the views expressed by the Polish Foreign Minister were not the views of the Polish Government, and that the foreign Minister had been trying to find a solution to the impasse we now face. Ireland and Poland are much closer on Brexit than some people may believe. Poland is very close to the UK and they have a very strong security relationship through NATO. There are also many Polish citizens living in the UK. Like us, they want the new relationship between the UK and the EU to be as close as possible after Brexit. Their efforts to be helpful to the UK come from that desire rather than any lack of solidarity with Ireland.

We have complete solidarity from all the other Prime Ministers whom I had the opportunity to meet in Davos. There is a growing concern about what will happen at the end of March and a growing desire to find solutions because no one wants to be the situation whereby Europe fails to find a solution to this at the end of March and into the period thereafter.

International corporate tax law is a matter that arises at many international meetings. It featured less at Davos this year than last year, probably because we are participating in the OECD base erosion and profit shifting, BEPS, process. The OECD does not designate Ireland as a tax haven. We are not on the EU's grey list of tax havens and "everyone in the world", as Deputy

Boyd Barrett put it, does not include the European Union or the OECD, which is the expert body in this matter.

*4 o'clock*

The Deputy's "everyone" does not include the two most relevant bodies in this regard, and it was probably less of a feature, in fact, this year precisely because we have collected the Apple tax claim in an escrow account and are now awaiting a judgment on that, we have abolished stateless corporations, we are phasing out the double Irish arrangement, and we are now one of the few countries that share revenue information with other revenue services so that we can compare how much tax different companies pay in different states.

It is very much our view that profit taxes should be applied where the profits are created. One applies a sales tax or VAT at the point of sale. One applies a profit tax where the profits are generated, and that is one of our objections to the proposed digital tax. Volkswagens are sold all over Europe, but the profit tax is paid in Germany. It does not get divvied out across the European Union. Airbuses are made in France and the profit is made in France, but they are sold all over the EU, and we do not get a cut of the profit taxes because Ryanair buys Airbus or because leasing companies buy Airbus. The profits are paid where the company is based and generates those profits, not where the sales are made.

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

### **Medical Register Administration**

42. **Deputy Stephen S. Donnelly** asked the Minister for Health if he will direct the HSE to mandate that patients are informed when their treating consultants are not on the specialist register, including the reason they are not on the specialist register; and if he will make a statement on the matter. [5519/19]

**Deputy Stephen S. Donnelly:** We were told last May that 149 doctors working in the HSE in consultant posts were not on the specialist consultant register, unbeknownst to patients. We were also told that while some of this was due to legacy administrative issues, some of it was because the doctors had not finished their consultant training. This represents a serious patient safety issue. Will the Minister issue an instruction to the HSE to the effect that any patient seeing a consultant who is not on the specialist register is informed of that and the reason for same?

**Minister for Health (Deputy Simon Harris):** I thank the Deputy for raising this important matter. In March 2008, the HSE amended the qualifications specified for consultant posts to require membership of the specialist division of the register of medical practitioners. The register is maintained by the Medical Council. Notwithstanding that policy position, the HSE has been obliged in certain circumstances to appoint doctors who are not on the specialist division to consultant posts to ensure service delivery. There are also limited circumstances where an experienced senior doctor not on the specialist register may cover for an absent consultant to ensure the provision of care.

Importantly, any doctor who occupies a consultant post, even if he or she is not on the specialist register, would still hold a medical licence and be on a division of the Medical Council's

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register. The doctor would, therefore, be fully qualified to practice medicine. A total of 161 consultants have been identified working in the public health services who are not on the specialist register. Nearly a third of these were appointed prior to the change in the HSE's requirements.

The HSE has established a group to examine posts that are filled by doctors who are not on the specialist register as well as the issues of recruitment and retention challenges. It is undertaking site visits and engaging with senior management at sites and with those not on the specialist division register who occupy consultant posts. Its report and recommendations are to be finalised and will be provided to my Department next month. Once received, officials in my Department will consider the HSE's findings and recommendations, in conjunction with legal advices on the matter.

One of the areas for consideration may be, as suggested by the Deputy, mandating that patients be informed when their "treating consultant" is not on the specialist register. However, this would have to be considered having regard to the legal position and the current guidance of the Medical Council on some of these matters. Once I receive the report next month, I will be happy to brief the Deputy on its contents. His suggestion on informing patients is an issue that will be considered at that point.

**Deputy Stephen S. Donnelly:** I thank the Minister for his reply. I am concerned by the lack of transparency for patients. Last May, our committee was told that the number of doctors working in consultant posts but not on the specialist register was 149. We were given assurances that the HSE would look into reducing that number. However, I received information in recent days saying that the number had increased to 161. Shockingly, my figures show that, in the midlands mental health service, 44% of doctors working in consultant posts are not on the specialist register. In South Tipperary General Hospital, that figure is 31%.

I am glad that a report is on the way to the Minister and I appreciate that some of the recommendations can wait for it, but does he agree that, regardless of what the report says, patients and their families have a right to know if the doctors they are seeing and who they have been told are consultants actually are consultants?

**Deputy Simon Harris:** Instinctively I do, but I want to allow the HSE to complete this work. Given that it is imminent - it is due to be completed next month - I want to be guided by it. The HSE is pursuing a range of initiatives to improve the recruitment process and support those who are not on the specialist register to pursue registration. As the Deputy was good enough to acknowledge in his opening contribution, there may be people involved who are well entitled and have the qualifications to be on the register but have not applied to be so. For example, those appointed properly prior to 2008 could be dealt with by deeming provision to be part of the definition of "consultant". We can reduce the number and address some of these cases through that.

I do not want to be lost in the debate the fact that, notwithstanding recruitment and retention challenges, the number of consultants working in the health service increased by 125 in the 12 months to the end of December 2018 and by 540 in the past five years.

I am happy to revert to the Deputy when I receive the report.

**Deputy Stephen S. Donnelly:** I would like the Minister issue an instruction on three matters. First, it should be mandated that, if a patient is meeting a doctor whom he or she believes

is a consultant and is in a consultant's post but who is not on the specialist register, he or she is told so and why. Second, every patient who believes that he or she has been seen, assessed or treated by such a doctor should be informed that the person is not a consultant. Third, I would like the Minister to instruct the HSE to conduct an analysis of this cohort to determine whether there is an unusual level of issues relating to patient safety, negligence and so forth. There may be serious patient safety issues concerning people being treated by doctors who are not consultants but whom they believe are consultants. I would like the Minister to take these suggestions under consideration.

**Deputy Simon Harris:** I take seriously the Deputy's suggestions and I will reflect on them. However, the Medical Council is the regulator of our doctors. It is important for our citizens and patients to know that there is no suggestion - the Deputy Donnelly has not suggested it - that these doctors who are not on the specialist register are not fully qualified in medicine. This important point has been highlighted by the Medical Council.

I will make a decision on the issue of mandating the HSE to inform patients based on the report that I will receive on the project being undertaken, which is due to conclude next month. At that time, I will also take an opportunity to engage with the Medical Council. The Joint Committee on Health might wish to engage with the HSE and the Medical Council as well to see how best we can square this circle.

### **Cancer Screening Programmes**

43. **Deputy Louise O'Reilly** asked the Minister for Health when his attention was drawn to delays relating to smear tests under the CervicalCheck programme, which meant slides could not be read within the requisite timeframe; the steps he took to alleviate the backlog; the steps he took to relay the delays to those affected through the appropriate channels; and if he will make a statement on the matter. [5462/19]

**Deputy Louise O'Reilly:** As ever, my question is straightforward. I would be grateful if the Minister, in his reply, could concentrate on the measures taken to alleviate the backlog and the communication with those who were impacted because it came to my attention that a number of women found out that there was an issue via the media, which is not acceptable. The Minister might detail exactly what he was doing to ensure everybody knew as much as he knew.

**Deputy Simon Harris:** I thank the Deputy for the question and the succinct way in which she put it. I interpret this question as her specifically referring to the issue that has arisen in respect of secondary HPV testing and she can tell me if she wishes me to talk more broadly.

I welcome the opportunity to clarify this matter in the House. Unfortunately, quite a bit of misinformation was put out, although not by the Deputy, for the sake of making political charges in recent weeks.

Where low grade changes are detected on a cervical smear test, a second so-called "trriage test", which looks for the HPV virus, is carried out by laboratories. If HPV is found, women are recommended to attend for further testing. If HPV is not found, women are recommended to attend for routine screening again in three to five years. In the test used by the laboratory concerned, the manufacturer's recommendation is that the test for HPV should be carried out within 30 days of the sample having been given by a woman.

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The current issue first came to light due to ongoing improvement work across the screening programme, including strengthening of its quality assurance processes, as recommended in Dr. Scally's report. The HSE was advised by Quest Diagnostics that there was a concern relating to secondary HPV testing within the recommended timeframe. The HSE convened an expert clinical team to establish the facts with the company and review the situation.

As I have stated previously, on 5 December I was informed by my Department that an issue had arisen and that the HSE was working to establish the facts and what action, if any, may be required, and received subsequent interim updates pending completion of the work of the expert clinical team and final confirmation of the position.

My priority, exactly as the Deputy suggested, was to seek to ensure that women were the first to be communicated with on this issue, and to learn the lessons of the past regarding CervicalCheck. I have heard patient advocates speak about this. Indeed, I met the members of 221 Plus group for a number of hours last week and they also wanted to hear the information first. It was always my priority, when all the facts were known, to make sure women hear directly or through their doctors. I am advised that Quest Diagnostics has now provided details of all the samples it knows to be affected, and that the vast majority of letters to women affected have now been issued by the HSE.

The HSE has advised that clinical research shows that HPV tests remain effective - this is important - when they are performed outside the recommended timeframe and that there is little risk of inaccuracy. In fact, it was defined as "exceedingly low risk" by the acting clinical director of the programme. Nevertheless, this is a precautionary measure. It is right and proper to do this.

I will come back in on other matters in a moment.

**Deputy Louise O'Reilly:** There were two separate delays. Women should have confidence. Screening saves lives. I have seen it at close quarters. I have great faith in this programme but all that has happened has knocked the confidence that women deserve to have in it.

I refer to a letter that was sent to the Minister by Dr. Maitiú Ó Tuathail in August 2018. It refers to the turnaround time for processing smears of up to 12 weeks being problematic. He also states that he would request that this delay in the processing of smear samples be addressed as a matter of urgency. He advises that his organisation's members will have to deal with women who have yet another repeat smear to face. That is where the confidence slips. It is where a woman keeps being told she must come back. Women deserve to have confidence in the programme. Could the Minister advise us exactly what was done on foot of receipt of that letter raising concerns because my understanding is no reply was received?

**Deputy Simon Harris:** The Deputy is a strong advocate of the screening programme. When raising this issue, she always has been. However, a charge were made in this House by the leader of Fianna Fáil on an occasion when Members knew I was not here to respond. The charge was that I offered free repeat smear tests to women against official advice. That is false. That decision was made in conjunction with my officials, including the Chief Medical Officer, and it was supported by Opposition politicians, including those present, because women wanted that reassurance. Many women took up that opportunity to have reassurance. These were not the only women getting the reassurance. In addition, there were also new women, who had never availed of the programme, taking up screening which we all believe is good.

I accept that has caused a backlog, which cannot be easily fixed merely by resources. If it could, I guarantee it would be done. There is an issue in trying to identify more capacity in what is already a shortage of cytology. The HSE is due to complete a capacity report in the next couple of weeks on how we can look at addressing this and I will act on that immediately.

It is not true for Members to state in this House that the repeat smear test was offered against official advice. That was not the case. Of course, some doctors had views on this matter. Many others welcomed it. Many GPs also wanted to know what were they to do when women were coming to them looking for that reassurance and whether they were to charge them when they had done nothing wrong.

**Deputy Louise O'Reilly:** A serious issue was raised by a representative body in August 2018. It details delays that were happening and the fact that its members were having to deal with women who were yet to have another test. Neither I nor any member of my party made that charge and I am glad that the Minister made it clear. Not putting the necessary resources in place before that offer was made, respecting the fact that it was right to do, caused this delay and this backlog. Whatever about the advice the Minister received in June, which is a matter he needs to sort out with the person who said that as it was not me, I refer to the letter he received in August. He has detailed actions that took place from December. I want to know what was done in August when this letter was received because that is approximately the time the backlog started, according to my friends and family.

I repeat it is important that women have confidence in this service because it should be a good service.

**Deputy Simon Harris:** First, it is not true for anyone to suggest that GPs or many medical bodies oppose this decision. For example, my Department negotiated the provision of the repeat free smear test with the Irish Medical Organisation. We agreed a fee with the organisation. We paid GPs to provide this test and the Deputy agrees with me on this. Had we not done that, we would have had a situation where women who could afford the repeat smear test would have got it and women who could not would not have been reassured. This was one of the top queries coming in to the CervicalCheck helpline, with women stating they did not want to wait for their next date to come around and they would like the reassurance. The Deputy is entirely correct. That led to a significant number of additional women taking that test, many of whom got reassurance. It also obviously added to a backlog.

Long before we received that letter, and consistently, the HSE had been working to try to identify more capacity. Its first priority was to ensure the continuation of the screening, which is not something we could take for granted. We came within hours of not having laboratories provide screening. Once that was done, the next focus was rightly on trying to find additional capacity. They are working hard on that. I hope they can make some progress on it. I expect to receive the capacity report shortly.

### **Drug Treatment Programmes**

44. **Deputy John Curran** asked the Minister for Health when the protocols on the methadone strategy were last reviewed; if he is satisfied that there are sufficient progression pathways for persons on the methadone programme to become drug free; and if he will make a statement on the matter. [5520/19]

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**Deputy John Curran:** When were the protocols regarding methadone treatment last reviewed? Is the Minister of State satisfied with the progression pathways available and are they sufficient to ensure that those who want to progress from the methadone programme to become drug free can do so?

**Minister of State at the Department of Health (Deputy Catherine Byrne):** Methadone prescribing for opioid dependence is a key element of the harm reduction approach to opioid use set out in the national drugs strategy. Methadone is one of the medications used in opioid substitution treatment, along with Suboxone.

As of 30 November 2018, more than 10,000 people were in receipt of methadone maintenance treatment.

The HSE provides opioid substitution treatment in a number of treatment settings to meet the needs of individual drug users, including primary care, treatment centres and residential facilities.

Since 2016, an additional 350 treatment episodes have been provided in tier 4 residential centres at a cost of €2.15 million. Within the past year, the HSE has established services in south Tipperary, Wexford and Limerick, and a service in the midlands opened in September.

A review of the methadone treatment protocol was published in December 2010. Arising from the review, the HSE implemented an opioid treatment protocol to provide appropriate and timely substance treatment and rehabilitation services tailored to individual needs.

In 2016, the HSE published clinical guidelines for opioid substitution treatment. The guidelines are the first that specifically relate to opioid substitution treatment in HSE clinics and primary care settings.

Opioid substitution treatment supports patients to recover from drug dependence. HSE addiction services work within the national drugs rehabilitation framework to support progression pathways. The framework ensures that individuals affected by drug misuse are offered a range of integrated options tailored to meet their needs and to create rehabilitation pathways.

Methadone treatment reflects the public health approach to drug and alcohol misuse set out in the national drugs strategy. Moreover, it is an important tool to reduce harm and to aid people to recover from drug use. I am committed to improving the availability of this treatment and to developing services to meet the needs of people on opioid substitution treatment.

**Deputy John Curran:** I thank the Minister of State for her reply. I recognise that methadone has a significant role to play in harm reduction, be it in respect of health, criminal activity and so on, and I do not dispute that. My concern, and the purpose of the question, is that more than 10,000 people are currently on a methadone treatment programme, as she indicated. More than 6,000 have been on it for five years or more, while more than 4,000 are on methadone for ten years or more. Since 2016, between 70 and 80 teenagers have been on a treatment programme. I am concerned that some people seem to remain on a programme for a long time. There must be better outcomes. The Minister of State referred to a 2010 review. In 2019, it is time we reviewed it again, knowing that people are on this programme indefinitely. Are we suggesting to somebody who goes on such a programme when he or she is aged 17, 18 or 19 that he or she will still be on methadone treatment in ten or 15 years? There has to be a better outcome and the figures indicate that some people are on the programme way too long.

**Deputy Catherine Byrne:** I agree with the Deputy in raising the issue here and in looking at how we can proceed at looking at another programme to identify the length of time people are on methadone. As he said, people are on methadone over a long period. Some of them have been on it for more than ten years. For many, it is an opportunity to remain stable and to continue their lives and work. I know many of these people. There are limitations, however, in the opportunities for GPs in areas with regard to methadone services. A number of doctors are available for level 1 and level 2 GP services. There are, however, problems recruiting doctors for level 2 GP services for methadone treatment. We are succeeding around the State and with the funding made available through the HSE for services in primary and community care, I believe there will be an outcome into the future.

Suboxone use has also been established as a treatment in Ireland. To facilitate the increase in the use of Suboxone, €750,000 was allocated in each of the years 2017 and 2018, giving us a sum of €1.5 million for the full year costs. Suboxone is a new initiative in Ireland to help some people, while others will never be on Suboxone because that treatment does not suit them. We will continue to roll out the Suboxone treatment.

I agree with the Deputy that it is a while since the 2010 review of the treatment programme and that we may need to look at it again. People are, however, surviving on a daily basis, living out their lives, going to work and rearing families while they are on methadone. We cannot forget the fact that it is also available.

**Deputy John Curran:** I do not suggest that one size fits all but I am concerned that more than 4,000 people are on a methadone programme for longer than ten years. When a person goes onto the programme, there needs to be personal plan for those who are suited to it to progress beyond a life on methadone. For some of those people it is a life on methadone.

I welcome the Minister of State's comments on Suboxone. Ireland, however, is a bit of an outlier in comparison with most European countries that have 20% or 30% of those on opioid substitution treatment, OST, using Suboxone. We have a very small cohort. This is not the same as in Europe. Suboxone has a lot of benefits. It is less addictive and easier to withdraw from, there is less chance of overdosing, and so on. The roll-out of Suboxone in Ireland for those who could benefit from it has been slow.

We often talk about the risks of taking somebody off methadone. There are risks also for people who remain on methadone. The drug-related death index shows there are some 700 drug-related deaths per annum, half of which are from poisonings. Approximately 20% of those who are poisoned have been in receipt of methadone. That means 1% of the population that receives methadone treatment per annum is dying. The treatment programme needs to be reviewed with personal progression plans being considered and the alternative Suboxone being made more widely available.

**Deputy Catherine Byrne:** I agree with the Deputy that there is a small percentage of people on Suboxone, but we are heading in the right direction. We have had additional funding this year to roll it out further. We will do that. Under the new strategy it is very clear to me and my Department that we will have to evaluate some of the methadone treatment numbers to see what we can do in the future to help people to reduce the time they are on the programme. We need more GPs to come on board, especially in level 2 GP services, to help with chronic people coming into clinics. This can also be the first port of call for them. We are approaching the issue in the right way. We may differ in how quickly we can get through it but I agree there needs

to be a review. It has been a long time since the methadone treatment services were reviewed in 2010. There are a lot of good services in the community, in pharmacies and GP practices, and they have made a significant difference to peoples' lives. I know we are not knocking it, but I do not believe we should constantly target those people who are making a major recovery because they have been on methadone, even for a short time.

### **Abortion Services Provision**

45. **Deputy Louise O'Reilly** asked the Minister for Health the status of the provision of abortion services for women resident in Northern Ireland further to the enactment of the Health (Regulation of Termination of Pregnancy) Act 2018; when he will deliver on his commitment for free provision for these women; and if he will make a statement on the matter. [5463/19]

**Deputy Louise O'Reilly:** I have a straightforward question; I want to know the status of the provision of abortion services for women who are resident in the North of Ireland, further to the enactment of the Health (Regulation of Termination of Pregnancy) Act. When will the Minister for Health deliver on the commitment he gave for the free provision of access for these women?

**Deputy Simon Harris:** I thank the Deputy for the question. I am very much aware of the concerns that women in Northern Ireland have regarding access to termination of pregnancy, which are similar to those faced by women in the Republic prior to the recent change in the law here as a result of the referendum. I hope that we arrive at a situation in the not too distant future where Northern Ireland makes its own decisions on this issue and moves in a direction where it can care for women in its health service. As long as that remains not to be the case I want to make sure we can offer care. I know that the Deputy and I share this view for women on the island of Ireland, regardless of whether a person lives North or South.

I believe it is welcome and it is progress that women who live in Northern Ireland can now access termination services in this jurisdiction. The Deputy will be aware, however, that under the Health Act 1970, eligibility for public health services is based on a person being ordinarily resident in the State. This is the bedrock on which our eligibility system for health services, and many other public services, is founded. The necessary provisions were made in the Health (Regulation of Termination of Pregnancy) Act 2018 to enable universal access for women living in the State to the services in question without charge. Women who live in Northern Ireland can access termination services in this jurisdiction - which is an important message to send out - but would, in effect, be doing so not in the universal and free way that women in the Republic of Ireland can.

To be very clear, I do not believe this is fair and I share the Deputy's wish to facilitate access without charge to termination of pregnancy services to women from Northern Ireland. Such a proposal, however, raises a number of legal and policy issues. I have had some initial discussion with the Attorney General about the matter. He has indicated that as a proposition along these lines appears not to have been considered before, it would require a fair bit of work. I, therefore, intend to undertake such an examination of the issues in conjunction with the Attorney General and other Government colleagues as necessary. We had a good meeting when Deputy O'Reilly brought civic society groups that are campaigning on this matter in Northern Ireland to Leinster House. I was pleased to have a chance to meet the Deputy and those groups. I would very much welcome the chance to do that again and to see, together and on a cross-party basis, how we can rectify this. My policy intention was clear; I want women in Northern

Ireland to be able to access the services they can. To make sure they can access the services in a universal and free way is something I am currently trying to find a solution to. I remain absolutely committed to working to find one.

**Deputy Louise O'Reilly:** For some women the €450 they have to pay to access the service represents a prohibitively expensive barrier they cannot overcome. In 2017, just over 900 women from the North of Ireland travelled for an abortion. The figure is low and I venture that the financial commitment is not huge, but I do not dispute that it is a financial commitment. All of the circumstances that the Minister outlined in his reply were known to him when he made the commitment. However, nothing has changed in the meantime. All of the circumstances were known. My colleague, Megan Fearon, MLA; Grainne Taggart of Amnesty International, the Alliance for Choice and other groups are working hard to do what they can for women in the North. However, I put it to the Minister that it was he who made the commitment and that it is up to him to deliver on it. I would welcome an opportunity to meet him again to discuss the matter. As I have said before, I assure him that he will have my party's support in bringing this about, but for many, €450 does not represent access but a barrier.

**Deputy Simon Harris:** Yes and for many others, it facilitates access. It means that people can access services on the island of Ireland without having to travel to another island and stay overnight in the United Kingdom or experience high air fares and so on. It means being able to visit a GP in the Republic at an early stage of pregnancy to access services at primary care level. However, the Deputy should not take this to suggest I think it is satisfactory. My commitment was given in good faith. My commitment that women would be able to access the service has been acted on. The commitment on which I want to deliver, however, is that they can access it freely, like women living in the Republic. I have outlined matters truthfully to the Deputy and the Amnesty International and other groups she brought to see me that day and we are trying to find a way through it. What I am outlining in the Dáil today is the fact that eligibility for public health services is based on a person being ordinarily resident in the State. The work taking place is to find a legal way around this. I am committed to working hard on the issue with the Office of the Attorney General and keeping the Deputy up to date. It would be useful to meet her, any other interested colleague and the group to which she referred in the coming weeks.

**Deputy Louise O'Reilly:** We will be very happy to take the Minister up on the offer of a meeting. We want to see some progress. It is not as if we would have to reinvent the wheel because there are already circumstances in which health services in both jurisdictions are accessible from either side of the Border. It is possible to do this. I do not want to pour cold water on the Minister's commitment, but while we welcome the offer of a meeting, we are conscious of the fact that, albeit the numbers are small, women continue to travel. While I accept that €450 may not be a barrier for some women, it is a significant barrier for many others-----

**Deputy Simon Harris:** Of course.

**Deputy Louise O'Reilly:** -----and one we would like to see removed. As such, I restate Sinn Féin's commitment to work with the Minister to deliver this. I welcome the opportunity to meet him. I hope we can mark some progress at the meeting and put in place a deadline for the conclusion of the negotiations or work that must take place to be able to say with confidence that this will be delivered by a certain date.

**Deputy Simon Harris:** I would like to work with the Deputy to arrive at that point also. I would also like to work with her and groups in Northern Ireland on the support the 24/7 helpline

we now operate can provide for women, regardless of where they live on the island. It ensures women can talk to qualified healthcare professionals and councillors and that all of their options can be signposted in terms of how they can access services. While we are proactively promoting the existence of services in this jurisdiction, the helpline ensures there is knowledge and awareness of the existence of the services and information and support north of the Border also. We do not disagree on where we want to get to, but I need to find a way to get there. I am not the font of all wisdom on this issue and while I have access to the Office of the Attorney General and the like, I am also happy to hear the Opposition's ideas on how we can legislate in that regard. I will be in touch to arrange the meeting with the Deputy.

### **Cancer Screening Programmes**

46. **Deputy Alan Kelly** asked the Minister for Health if a guarantee will be provided that the 24-week delay in smear testing under the CervicalCheck programme has not adversely affected the health outcomes for some women [5414/19]

**Deputy Alan Kelly:** As stated, there are comprehensive delays in screening women for cervical cancer. The delays have maximised at 24 weeks, if not longer. While I accept the Minister's bona fides in respect of why he did this, I ask him to provide a guarantee for the House that the delay will not have a significant impact on any woman's health prognosis.

**Deputy Simon Harris:** I thank the Deputy for his question and acknowledge the significant advocacy work he has done in this area. The unprecedented demand for cervical screening in 2018 owing to understandable concerns of women, as well as an increased uptake of screening, has led to long and very regrettable delays in the reporting of results. The fact that new women have opted into the programme for the first time is important. The HSE has advised me that results are being reported on average within 22 weeks of the test being taken. As with all averages, some case results are reported in a much shorter period, while in other cases, the period is longer. Addressing these delays is a top priority for me, my Department and the HSE. The HSE is working actively to manage the issue and identify additional capacity, where possible. However, the global shortage of cytology capacity must be borne in mind as it means that this is very challenging.

To provide the information the Deputy seeks, in particular, I note that, clinically, the HSE has advised that the natural history of cervical cancer indicates that the disease will normally develop over a period of ten to 15 years. Owing to this very fact, it is important that any woman of screening age attend for cervical screening when she is invited to do so. In that context, the current reporting time for cervical screening results, while absolutely undesirable and regrettable, poses a very low risk to women. As the Deputy knows, false negatives are inherent in all cervical screening programmes and screening cannot prevent all cancers. However, cervical screening saves lives. Regular smear testing is the most important thing a woman can do to prevent cervical cancer, which is why my focus is on ensuring the continuation of the screening programme and that the current challenges in relation to smear test turnaround times are addressed.

I am obviously not a medic, but the medical advice I have been given is that the delays pose a very low clinical risk to women. Obviously, I want to see the delays continue to reduce. I do not find the current delays acceptable, but I want the Deputy to know, as I think he does, having come to know a lot of the people working on this issue in the HSE very well in the last while,

that they are doing everything possible to identify additional capacity. I will certainly keep the Deputy and others informed as it comes on stream.

**Deputy Alan Kelly:** I accept the Minister's bona fides regarding the decision-making on this issue. However, I must question the making of a decision like this without knowing whether we had the resources to meet demand. The Minister is in a unique position which those of us in opposition are not. As for the consequences, I was glad to hear in reply to a previous question that the Minister's chief medical officer supported him 100% and advocated that we do this. We had not heard that before in the House. Specifically I want to know the following. In November I stated at the joint committee that women who were being referred for their triennial smear test or who were being referred for six-monthly or annual checks and needed greater priority could not be distinguished between. Therefore, women have had to wait 24 weeks, whether they were seeking six-monthly smear tests due to significant issues of change or they were presenting for their triennial check. I am not a clinician either, but that certainly creates risk. Mr. McCallion said it to me at the time. I seek an assurance that the lack of capacity to prioritise between the different women referred for checks does not create a risk to their health.

**Deputy Simon Harris:** While the Deputy said I was in a unique position to know certain things and while I accept that, as Minister, I have access to officials, advisers and the Chief Medical Officer, no one, including the Deputy or me, could have known the degree of public unease that would develop in this situation last year, the length of time for which it would go on or the number of women who would take up the offer of a free repeat smear test. I do not know how the Deputy views it, but certainly the numbers would have been almost impossible to estimate. What was very clear, however, was the need to provide the tests. The Deputy and I do not differ on this issue. I welcome the opportunity to state in the House that I did not act against official advice. Such cheap political charges which the Deputy did not make only added to the unease. I met the 221+ group of women and their partners who had been through cervical cancer and relatives of people who had died. They get very annoyed when we start to play petty party politics by putting half-truths in the public domain. I know the Deputy agrees.

I have asked about triage which I think is what the Deputy is referring to. He is asking whether, if we know that there is a greater risk, we can ensure those subject to it will be seen sooner. I have been assured that work has been done on this issue. I will be attending the Joint Committee on Health tomorrow and will answer questions about CervicalCheck in the House tomorrow. I might provide the Deputy with a definitive answer on this issue in our next exchange in 24 hours' time.

**Deputy Alan Kelly:** What I am getting at is very clear and I think the Minister knows I am into the detail. I accept that some of the women concerned could have had false negatives. Some could have issues related to the laboratories about which we do not yet know because we do not know about percentages in the RCOG review. The issue is whether the Minister can guarantee that no woman's health has been affected because of the lack of prioritisation in a triage setting. I have been contacted by some people who have deep concerns that this delay, possibly combined with other issues, has put their medical situation in a far worse position than it should be. This is a big problem for the Minister. A second tranche of women being affected could also have a financial impact on the State. I need an assurance from the Minister today. Given what I said at committee meetings in November, given the fact we now know of the 1,000 cases where the slides must be redone, and I understand the distinction between these and the 6,000 cases, and given the situation we know about with regard to false negatives, and we do not know the full details of potential issues with laboratories, is the Minister able to guaran-

tee the delay has not had a negative impact on the health of these women?

**Deputy Simon Harris:** The Deputy mentioned the Royal College of Obstetricians and Gynaecologists, RCOG, review. As he has done so, and in the interest of completeness, I want to take this opportunity to inform him and the House that I am pleased to say slides have begun to transfer to the RCOG. This was an issue causing concern and it is now under way.

As the Minister for Health, I rely on clinical advice. The clinical advice available to me is what I have stated on the record of the House. The HSE has clinically advised me that the natural history of cervical cancer indicates it is a disease that would normally develop over a period of ten to 15 years. Due to this fact, regular screening is very important in terms of reducing the risk. Medically and clinically I am told that in this context, although the current reporting time of cervical screening results was absolutely undesirable and regrettable, it poses a very low clinical risk to women.

## **Ceisteanna Eile - Other Questions**

### **Dietician Service Provision**

47. **Deputy Dara Calleary** asked the Minister for Health the action being taken to reduce waiting times for dietician consultations in County Mayo; and if he will make a statement on the matter. [5401/19]

**Deputy Dara Calleary:** At the end of October, we received information from the Minister that 635 people were on waiting lists for dietician services in County Mayo and that 226 of them had been waiting for more than a year. This affects every cohort of the population, including teenagers and older people, with conditions linked to obesity and diabetes. What plans does the Minister have in place to address these waiting lists? What is the current state of the dietician service in County Mayo?

**Deputy Simon Harris:** I thank Deputy Calleary for the question. In line with the all-party vision set out under Sláintecare, the Government is prioritising investment in the expansion of primary care services, including dietetics. Overall funding for primary care increased by more than €50 million, or 6.1%, in the HSE's national service plan for 2019. Among other things, this will enable the recruitment of additional nurses, therapists and other health professionals such as dieticians. I acknowledge the role of Deputy Calleary's party on this during the budgetary process.

I understand that the dietician service in Mayo has been under particular pressure as some staff are on extended leave, while the number of referrals rose significantly during 2018 to 830 compared with 425 in 2017. Nonetheless, despite these pressures, the number of individuals waiting for treatment fell from 700 at the end of 2017 to 523 at the end of 2018, a reduction of 25%. I recognise a large number of people are still waiting, and although such progress is to be welcomed, the numbers waiting to access this important service are still too high. I am very aware of the stress this can cause to families.

With regard to measures now being taken specifically to improve access times further in County Mayo, I can inform the Deputy that community healthcare area west recently completed

panel interviews for senior dietician posts, which will fill two dietetics vacancies in Mayo, and dieticians are adapting their working methods by using web texts and opt-in letters to enable them to plan clinics more effectively. Although it is too early to determine the impact of these measures, it is anticipated that they will help to improve access times throughout the county during 2019.

I have asked the HSE to outline specifically the impact of these measures on waiting times for those seeking the service in County Mayo in 2019, and it has said it will revert to the Deputy directly.

**Deputy Dara Calleary:** I welcome the news of the appointment of two new dieticians. Will the Minister confirm the timeline for these appointments? When will they take up their positions? Will they be assigned to cover the entire county? How many of the 523 people on waiting lists in 2018 had been on it for more than one year and how many were under the age of 18? I ask that particular emphasis be placed on the cohort aged under 18 so their treatment is prioritised. This is causing concern to a number of my constituents, including parents of children with particular difficulties. Given the focus we have as a nation on obesity, early intervention through this service is crucial to preventing conditions such as diabetes taking hold down the line.

**Deputy Simon Harris:** Some of my statistics are not exactly in the order the Deputy has asked for, but I will get the information for him from the HSE. The number of clients waiting for treatment at the end of 2018 was down to 523 from 700 in 2017. Of these, the number waiting for more than 26 weeks was 216. I will try to get the Deputy more information. I do not have information in my briefing on those under the age of 18 but I will get it for the Deputy.

At present, four dieticians work in County Mayo, with three other staff on extended leave, which has led to significant pressures. We now have two additional appointments, which will bring the number back to six. I am told the appointments are to be made shortly and I will get a specific timeframe for the Deputy. I will ask the HSE to revert to him on this and ask that it pays particular attention to the cohort aged under 18.

With regard to the other innovative developments that local staff have introduced in Mayo, which are to be welcomed, the opt-in letters are issued to those who have been waiting a long time to check whether they are still in need of the dietetic service in primary care. This makes better use of the dieticians' time. Web texts now issue approximately one to three days before an appointment reminding clients of the date, time and location of their clinic to help avoid issues of non-attendance. I pay tribute to the local HSE Mayo staff for these innovations.

### **Cardiac Service Provision**

48. **Deputy Marc MacSharry** asked the Minister for Health when a permanent cath lab will be located at Sligo University Hospital; and if he will make a statement on the matter. [5400/19]

**Deputy Marc MacSharry:** Against the backdrop of the overruns in the cost of the children's hospital, there is considerable concern about the provision of a cardiac catheterisation laboratory facility at Sligo University Hospital. A review has been going on for more than a year. There is concern about the provision of the laboratory and the provision of other capital projects in the region as a result of the children's hospital cost overrun. Will the Minister out-

line a timeline for when it will be provided, particularly against the superior influence, it seems, that the Minister of State, Deputy Halligan, has over Deputy McLoughlin from the Minister's party in terms of the provision of a second cath lab in Waterford while we still wait for one in Sligo.

**Deputy Simon Harris:** Deputy McLoughlin has plenty of influence within the party structures and the Government structures. I thank Deputy MacSharry for the question. The Government is committed to ensuring that all citizens have access to safe, high-quality and evidence-based care, in line with international norms. Sligo University Hospital, which I had the pleasure of visiting recently, provides high-quality healthcare to the people of Sligo, Leitrim, south Donegal and west Cavan. At present there are two cath labs based in Galway that service acute cardiac cases for Sligo and the north west. For elective cases there is a mobile cath lab unit that operates two days per week in Sligo.

It is important to note that specialist cardiac catheterisation laboratory services are provided in a small number of hospitals to ensure that the services provided achieve the required standards of safety, quality and sustainability in the interests of patients. I want to check whether there is a fair distribution of these throughout the country because I have heard the concerns of Deputy MacSharry and others about how they are located. For this reason, I established the national review of specialist cardiac services. This is ongoing and it is expected that its work will be completed in June. The aim of the review is to identify where we should have the cath labs to achieve optimal patient outcomes at population level and an optimal configuration of a national adult cardiac service.

As set out in the national development plan, investment in such laboratories and other cardiac services nationally will be informed by the outcome of the national review. This was sought by Deputies on all sides of the House. It will provide us with the detailed information we need by June, and I will certainly act on it then.

**Deputy Marc MacSharry:** I thank the Minister, but unfortunately the facts do not bear out what he has said. Is the review that was commissioned and begun in January 2018 being prepared in Aramaic, hieroglyphics or some other ancient text or form of writing? It does not take a year. I do not mean any personal disrespect to the Minister, but increasingly Ministers are becoming commentators, and very expensive commentators at €190,000 a year, telling us a review is taking place. A five year old child looking at the map could tell us about the gaping wound in the north west with no cath lab while there are two in Waterford. Before anyone from Waterford attacks me for saying Waterford is not entitled to them, I am not saying that. I am saying it is clear what type of review is required. Clearly, it is just a tactic to state it is under review. When did the last meeting of the review group take place? When is it reporting? How much does it cost? We must tell the truth to the people in the north west.

**Deputy Simon Harris:** We do have to tell the truth but I would not have a five year old deciding where to locate our specialist cardiac services.

**Deputy Marc MacSharry:** Perhaps we should when we look at some of the decisions that have been made.

**Deputy Simon Harris:** Perhaps we should but I would like doctors to decide that. The national review of specialist cardiac services is independently chaired by the very eminent Professor Phillip Nolan who is president of Maynooth University. He is an independent chair.

The aim of the national review is to achieve optimal patient outcomes at population levels. The scope of the national review is broad and was welcomed by many in the Deputy's party. It is badly needed. The report will examine services for adults that address elective, urgent and emergency need for hospital-based diagnosis and treatment of cardiac disease. That will include diagnostic and interventional cardiac procedures and associated interdependent services.

There are 15 members on the steering committee. The Deputy will be pleased to know they include healthcare professionals and, crucially, patients. Patient advocacy is important in this area. Officials from the HSE and my Department are also on the steering committee. The review will also consider responses gathered from public consultation. There has been an opportunity for people, including those from the north west, to have an input into review and I believe a number of people from the Deputy's part of the country gave their views. The steering committee will report in June. It will recommend the best service configuration for a national adult cardiac service. I understand how important and sensitive this matter is in the north west. That was made clear to me on my recent visit to Sligo.

**Deputy Marc MacSharry:** The problem we have is the overrun in the national children's hospital and all of these capital projects we are told are now going to be put on hold. There is no specific information on which projects will be affected yet but we are all concerned. St. Patrick's Hospital in Carrick-on-Shannon and Shiel Hospital in Ballyshannon are both new hospitals and have been announced, expected and celebrated in press releases and photocalls by the Minister and his colleagues. Many capital developments are due to take place in Sligo University Hospital. There were also lots of photocalls, etc., but the Government should show us the money and the building. When are these projects going to happen?

We are worried about the level of autopilot and commentary from the Government. I do not mean that personally, but that is how this looks. We want leadership from the Minister and the Taoiseach. They should show us the money and tell us the facts. We certainly do not want the kind of autopilot that seems to be at play in the context of the national children's hospital. It appears that will have an adverse impact on the provision of a cath lab for the people of the north west. There is none there at the moment. Some 550 people a year, treated at the moment at a cost of €10.6 million to the Exchequer, are being shipped to Galway for treatment. The cost to rent the temporary truck that wheels in two days each week is €3.6 million, as the Minister mentioned. If that money was banked, it would make much more sense to finance a cath lab and put the staff in place as well.

**Deputy Simon Harris:** That was a good effort but there is no linkage between the national children's hospital and the decision to provide a cath lab in Sligo.

**Deputy Marc MacSharry:** There is one budget.

**Deputy Simon Harris:** Let me explain why that is the case. We will make that decision on the cath lab in Sligo based on the clinical advice and the report that will be given to us by the national review group in June. I do not think that is being a commentator; that is asking medics and patients to come together under an independent chair and look at the best and fairest way to distribute specialist services across our country. While the national children's hospital will take up approximately 20% of my Department's capital budget- by the way 25% of our population comprises children - 80% of the budget will be spent on items that have nothing whatsoever to do with that hospital. There will be significant increases in capital expenditure in health. That is clear to see. The budget for the next ten years is almost €11 billion compared to just €4

billion for the past ten years. That will enable us to invest in furthering services in the north west, not just the cath lab but the additional bed block that is badly needed at Sligo University Hospital. I will keep the Deputy informed as this review comes to a conclusion this summer.

### **Mental Health Services Provision**

49. **Deputy James Browne** asked the Minister for Health if he will report on the construction of the National Forensic Mental Health Service complex at Portrane, County Dublin; and if he will make a statement on the matter. [5262/19]

**Deputy James Browne:** Will the Minister report on the construction of the National Forensic Mental Health Service complex at Portrane, County Dublin?

**Deputy Simon Harris:** I thank the Deputy for the opportunity to update the House on this project. My colleague, the Minister of State, Deputy Jim Daly, visited the project this afternoon. I am pleased to advise that construction is currently under way for the National Forensic Mental Health Service Hospital and is due to be completed at the end of the year. It is anticipated this new facility will open in 2020, following its equipping and commissioning. The new 170 single-bedroom National Forensic Mental Service Hospital is designed to facilitate segregated high and medium secure services. It will include a number of shared facilities, which will comprise the 130-bedroom National Forensic Hospital to replace the existing 94-bed Central Mental Hospital complex at Dundrum. It will also include a co-located ten-bedroom forensic child and adolescent mental health unit, CAMHS, and a 30-bedroom intensive care rehabilitation unit, ICRU.

The new complex will position Ireland's forensic mental health service as a world leader in best clinical practice. Developing mental health services remains a priority for the Government, as I know it is for the Deputy. Budget 2019 provided an additional €55 million for new developments in mental health, which brings overall HSE mental health funding to nearly €1 billion this year. This funding will help to make mental health services more person-centred, user-friendly, responsive to need, and recovery orientated. Separate from the project team responsible for the construction and commissioning phases of the new facility, the HSE recently established a high-level governance group for the transition of the forensic mental health service from the old Central Mental Hospital, Dundrum to Portrane.

**Deputy James Browne:** I hope the service provided within the new hospital in Portrane will be world class. The difficulty with this project is similar to much of our healthcare and concerns whether it will be possible to access the services provided. That provision will put us at approximately just two such beds per 100,000 people. The international norm is between five and nine per 100,000. We are significantly behind and this has led in the past to some significant criticisms from Professor Harry Kennedy. He has been critical of the difficulty of getting people in our prisons with serious mental health issues into the Central Mental Hospital due to a lack of places. Is this project is expected to finish on or under budget?

**Minister of State at the Department of Health (Deputy Jim Daly):** The short answer is "Yes". I was out there today and met with the team. We have continued to engage with them. I must also compliment the HSE which has been successful in this project. It began clearing the site in 2017 and the keys will be handed over by the builder in October 2019. The project is coming in within budget. No issues are arising in that respect. The completion date is ahead of

schedule and it will be a state-of-the-art hospital. From a capacity point of view, and to address the issue that the Deputy raised and the fears expressed by Professor Kennedy and others, we are going from 92 beds in the Central Mental Hospital in Dundrum to 170 beds in the new facility in Portrane. That is almost a doubling of capacity when it comes to forensic mental health. As the Minister said, there will be a ten-bed CAMHS unit and a 30-bed ICRU. Capacity will be significantly improved as a result of this development. It is a testament to the ability of the HSE to deal with and manage this project very well, thus far. I acknowledge that.

**Deputy James Browne:** Perhaps the Minister of State might examine why this project was able to come in on time and on budget in comparison to the national children's hospital. He has been economical with the numbers in respect of 170 beds. We are moving from 92 to 130 forensic beds. The other beds are welcome, but ten are for children and 30 are for intensive rehabilitation. They are additional beds, which are needed, but they are not replacement beds. We are comparing the current 92 beds to 130 beds that will be provided.

It was highlighted previously that about 28 people were waiting in prison last summer to get access to the Central Mental Hospital. Does the Minister know how many are currently waiting to access to that hospital? How many patients within the Prison Service are being serviced by inreach teams from the Central Mental Hospital?

**Deputy Jim Daly:** I differ with the Deputy's view that this is not an increase in capacity. I accept that the ten CAMHS beds may not be an increase in capacity but the other 30 ICRU beds in that unit are intended to get people out of the system. We are not just building a prison; we are building a hospital that is transformative, where there is care and from where people will progress. That is why there will be an ICRU. That is a progressive step and it will be ideally suited to many of the patients currently in the Central Mental Hospital in Dundrum. That is, therefore, an increase in capacity. We have 160 beds, so we will be going from 92 to 160. I agree with the Deputy in respect of the prison population and the lack of opportunities for them. That is especially the case with rehabilitation to improve their well-being and move them on from the system. That is very much the focus. An ICRU is a first for Ireland. It is a progressive development and one to be acknowledged by all.

## **EU Directives**

50. **Deputy John Brassil** asked the Minister for Health the action he is taking to address the concerns being expressed regarding the falsified medicine directive; and if he will make a statement on the matter. [5264/19]

67. **Deputy Louise O'Reilly** asked the Minister for Health if he is seeking a corporate transfer of responsibility in moving the responsibility for the provisions of the EU falsified medicines directive from the pharmacy owner or proprietor and onto pharmacists and employees; and if he will make a statement on the matter. [5315/19]

68. **Deputy Tony McLoughlin** asked the Minister for Health if his attention has been drawn to the concerns expressed by HSE hospital-based pharmacists with regard to the provision of the EU falsified medicines directive and the statutory instrument that will be used to make it law here; and if he will make a statement on the matter. [5274/19]

**Deputy John Brassil:** On 9 February, the EU falsified medicines directive will come into

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operation. Many concerns have been raised with the Minister, particularly by the cohort of hospital pharmacists. These issues include who is liable, the status of those pharmacists as HSE employees and not owners of the pharmacy, which is a major concern, staffing and IT requirements needed to implement this directive, technical problems that may occur which take precedent to the safety of the patient and a consultation regarding a statutory instrument. Has that now been finalised and will it be in place prior to 9 February?

*5 o'clock*

**Deputy Simon Harris:** I propose to take Questions Nos. 50, 67 and 68 together.

The safety features delegated regulation introduces new rules for the supply of medicines from 9 February 2019. As Deputy Brassil noted, the safety features include a form of an anti-tamper device and unique identifiers embedded in a two-dimensional barcode on the pack. The purpose of the regulation is to improve patient safety and maintain confidence in the safety of medicines supplied to patients.

A statutory instrument will provide that the Irish legislative system is consistent with the requirements of the regulation. Nothing in the new regulations seeks to alter the existing legal and regulatory responsibilities of persons authorised to place medicinal products on the market or supply them to the public. It will apply to manufacturers, wholesalers, pharmacy owners and pharmacists equally.

The regulation provided for a three-year transition period, starting in 2016, to facilitate preparation for its introduction. Details of the requirements of the delegated regulation have been communicated to all sectors during this period by the Irish Medicines Verification Organisation, the Health Products Regulatory Authority, the Pharmaceutical Society of Ireland and the Irish Pharmacy Union.

I recognise the sincere concerns raised by stakeholders and articulated by the Deputies regarding the practical implementation of the regulation. Above all, I want to ensure that the normal supply of medicines to patients is maintained. I intend, therefore, to implement the system in a pragmatic manner and defer operating the offences provisions in the legislation for an initial period. This will allow everyone involved to develop familiarity with the new arrangements and overcome any teething issues before we proceed to the introduction of the provisions that deal with offences.

I considered the implementation issues and, on 25 January, decided that a pragmatic approach should be taken to the use of the system. This approach will ensure there is no break in the supply of medicines to patients, which is crucial, until the new system is bedded in, alleviate the concerns of pharmacists as to whether the offences and enforcement provisions would be commenced on 9 February and ensure that the offence's commencement and the proposed pragmatic implementation period will be subject to ongoing review. These three policy decisions, which I took at the end of January, were communicated by the implementation stakeholders to all parties concerned on Monday, 4 February in a co-ordinated manner, and have been well received by such stakeholders. We are trying to do what we need to do under the regulation and achieve what we need to achieve, but in a pragmatic way that does not rush in offences until the new system is bedded in.

**Deputy John Brassil:** I welcome the Minister's response. Forgive me for not being up to date with the matter but 4 February was only yesterday. While many pharmacists who have

contacted me, and Deputy O'Reilly and all the other Deputies will be delighted that a pragmatic approach is being taken, one or two issues arose. I was in contact with a number of pharmacists who were partaking in a pilot project to see how it would be implemented. On that pilot project, approximately 80% of the medicines put through the system were returned with a red flag, that is, if the medicine was operational at the time, the pharmacist would not have been able to dispense it even though he or she knew it was perfectly safe to do so.

There is much work required, therefore, to get the system working and operational. Particularly in the hospital setting, space, storage and IT systems are critical. I submitted a parliamentary question about robotic dispensing, which some hospital pharmacies have but most do not. There needs to be a levelling of the playing field in that area.

**Deputy Louise O'Reilly:** I welcome the deferral of the offences and the engagement that will happen, but will the Minister reconsider the manner in which the statutory instrument is being enacted? The directive places the responsibility on the corporate entity but the manner in which it will be implemented places much responsibility directly on the pharmacist but does not place enough emphasis on corporate responsibility. The employer has no obligation, for example, to provide the infrastructure or resources for a worker to carry out his or her duty. While it is all very well to defer the offences, if someone is guilty of an offence, regardless of when the offence might be introduced, there will be no allowance for the fact that it might not be his or her fault. There should be some obligation on the employer, therefore, to ensure the pharmacist has the best chance of not falling foul of the law.

**Deputy Tony McLoughlin:** I was not expecting the House to reach Question No. 68 but I heard the end of the Minister's statement and welcome it, although I hope he will send out a brief on the matter. Similarly to the other Deputies, I have been approached by HSE hospital-based pharmacists who had concerns about the matter. The Minister's comments are welcome and I hope we will continue to negotiate or, at least, that we will receive detailed updates from him.

**Deputy Simon Harris:** A rare moment of harmony is to be welcomed. I thank Deputies Brassil, O'Reilly and McLoughlin, along with other Deputies, for their advocacy on this issue and for highlighting people's concerns. I will reflect on Deputy O'Reilly's comments and revert to her.

We will adopt a pragmatic approach. Once the new system becomes live on 9 February, it should be considered to be in a use-and-learn mode. Pharmacists will be able to continue for a defined period to dispense packs unless they have an overriding concern that a falsified medicine is involved. Within the defined period, which will possibly be between six months and a year, further intensive work can be carried out to devise and communicate a workable EU-wide process for the management of alerts and ensure that all parties affected by the regulation comply with its requirements and can join the new system. There will be a review by regulators after three months to assess the initial implementation period and whether the pragmatic approach needs to be continued for a further period. After 9 February, pharmacists will continue to carry out the professional product checks that they have carried out to date, which are important when dispensing any medicine to a patient.

Some other EU member states have voiced concerns about implementation at a technical group meeting in Brussels last week. While we cannot speak for them, it is likely that other member states, due to their size, will have similar implementation and alert problems and may

well also operate a national pragmatic approach, such as that taken by Ireland.

**Deputy John Brassil:** I welcome the pragmatic approach. It is clear that the Minister has read and listened to the concerns of the industry, but I reiterate the specific issue of hospital pharmacies. In a public hospital, the pharmacist does not have the authority to determine the human resources, space, logistics and equipment necessary to comply with the directive. All those factors must be taken into account to allow hospital pharmacists to carry out their duties without fear of being liable because they are not the hospital owner.

I look forward to working with the Minister and his Department on the implementation of the directive. Anything that improves safety of products is to be welcomed but must be done in the pragmatic manner we discussed.

**Deputy Louise O'Reilly:** We look forward to working with the Minister to implement the directive and I welcome that he will reflect on the points I made. They are practical points and are not made for any reason other than my belief that it is a little unfair to shift that level of responsibility onto an individual without placing the same level of responsibility on the employer to ensure compliance.

Another issue that was raised and must be considered is what will happen in the event of an IT malfunction. I welcome that the Minister will engage in some consultation and that there will be an opportunity to review. I ask that the concerns I have raised be taken on board.

**Deputy Tony McLoughlin:** Hospital pharmacists had concerns and I welcome the Minister's comments on them. He mentioned the date, 9 February, and I wish to be associated with his remarks on the matter.

**Deputy Simon Harris:** It is fair to say that in recent weeks concerns were raised by hospital pharmacists and other pharmacists about who might be prosecuted for a breach of the statutory instrument, as noted in my initial reply. Pharmacists who are employees of a pharmacy owner or the HSE are concerned that if they were to dispense a medicine where the pharmacy was not connected to the new system through an omission of the employer or issue a medicine that failed in its alert, they could end up being prosecuted. The concerns that were raised were valid and helped to inform the decision that while certain elements of the statutory instrument will be commenced before 9 February, the offences provision will not be commenced for a period afterwards to let the final registrations of the new system take place, the system be bedded down and a definitive alert system be developed. There are some challenges remaining, including the impossibility of predicting the volume of alerts and identifying the percentage which are true alerts. It would probably be a small percentage. There is also the matter of possible medicine shortages while alerts are investigated and medicine supply must be a key priority. We must also manage good communication between parties and queries from pharmacies about refunds for products with alerts. Ireland will proceed to implement the regulation, but it will do so in a common sense and pragmatic way. As I said, I do not expect that we will be alone in this with regard to the position of other EU member states.

### **Cancer Screening Programmes**

51. **Deputy Lisa Chambers** asked the Minister for Health the number of women who have received a notification asking them to take another smear test in view of the fact their original

one was made unreliable as a result of being delayed; and if he will make a statement on the matter. [5255/19]

**Deputy Lisa Chambers:** How many women have received a notification asking them to take another smear test in the light of the fact that an original test was made unreadable or unreliable as a result of a delay arising because of the CervicalCheck scandal? The Minister made a political promise last May to extend free smear testing and it resulted in 84,000 additional and unscheduled smear tests being added to a system that was already overloaded. He might have been aware at the time that this would put additional pressure on the system and the political promise he made was not resourced.

**Deputy Simon Harris:** The Deputy's party leader raised this matter in the Dáil last Tuesday week and referred to me making this "political promise", as she calls it, against official advice. I hope the Deputy or Deputy Michéal Martin will clarify the official advice I was not following because I clarified for the House this afternoon that I followed the advice of my officials, including the Chief Medical Officer, in providing this important reassurance for women. It was welcomed by many members of the Deputy's party and across the House.

The Deputy made an important point about resources, but it is an issue of capacity. As I stated to Deputy Kelly, it was almost impossible to estimate how many would take up the offer of reassurance or how long the period of unease would be. Almost 350,000 screening tests were submitted to CervicalCheck laboratories during 2018, of which approximately 82,000 are still being processed. The increased workload has led to delays in the reporting of results. Results are being reported, as I stated, on average within 22 weeks of the test being taken. Owing to this processing backlog in the period April to December 2018, a proportion of cervical screening samples were not transferred to slides within the six-week timeframe. Repeat testing was required in 550 cases or 0.25% of total samples. This compares with a rate of 0.23% for the same period in 2017. CervicalCheck contacted the women concerned and their GPs to inform them of this issue and invite them to attend for a repeat smear test in three months, as repeat tests can only be carried out three months after the last test to allow time for cells to grow back.

I am conscious that there are two matters and I want to be clear on them. As I indicated, Quest Diagnostics has advised of an issue related to a number of human papillomavirus, HPV, tests carried out outside of the manufacturer's recommended timeframe of 30 days. The HSE advises that, subject to final confirmation, approximately 4,600 women will require a retest - the original estimate was 6,000 - and that the vast majority of letters to the women concerned have now issued. The clinical risk is deemed to be exceedingly low. I know that is a message all of us and patient advocates will want to get out. The two separate issues are the backlog, with 550 women recalled for repeat smear tests through their GP, and HPV testing, which has resulted in 4,600 women being recalled on a precautionary basis for a retest, despite the clinical risk being exceedingly low.

**Deputy Lisa Chambers:** The Minister has said the Chief Medical Officer advised him to offer reassurance, but was he advised to offer repeat free smear tests to every woman in the country who wanted one? Was that the clinical advice given to the Minister? My information is that he was advised this would put additional stress on the system, that the capacity was not available and that he was repeatedly advised, month on month, to end the free smear tests because the backlog had started to build. There has been an attempt to muddy the waters with references to tests in 2015 that had expired. The focus is on the additional tests that took place from May to December last year, with 80,000 to 100,000 additional and unscheduled smear

tests putting extra pressure on the system. We do not know the clinical impact of that decision and the delays. When will the backlog be cleared? When a woman presents for a smear test today - she may have high-grade or low-grade changes - her test will not be read for six months. If there is an interpretation of a smear slide that there are low-grade changes, the second part of the test - the HPV element - is necessary to decide if a colposcopy is required. The impact of a delay meant that women were not reassured, but rather there was additional panic and anxiety because of the lack of results. The six-month waiting time is an average and the wait is beyond six months for some women. As the Minister has said not all women have yet been notified, is he saying some of the 4,600 women in question are waiting for a letter? Another impact is delayed referral for a colposcopy and potentially delayed treatment. When will the backlog be cleared and has everyone in question been contacted?

**Deputy Simon Harris:** The Deputy has said I was advised month on month to end the repeat smear tests by officials, I presume, or medical experts working for me or the HSE. I ask her or her party leader to clarify who advised me to do that. I have told her in this House that I worked hand in glove with the officials in my Department, including the Chief Medical Officer, at a very intense time. I could reference some of the calls made by the Deputy's party colleagues who sought free repeat smear tests to be provided, but I will not. They were making such calls for good reason, with members of my party and Members across the House. It was one of the primary queries coming to the helpline. I took the decision, but I did so with bipartisan support across the House. GPs spoke about the importance of being able to provide a repeat smear test without being worried about whether a woman could afford it if she sat in front of them looking for it.

As I indicated to Deputy Kelly in response to his similar question, the clinical advice given to me by the HSE is that the risk is very low, although I do not in any way suggest waiting does not cause worry and stress. On the specifics of HPV testing, there were 4,600 women who would require a retest on a precautionary basis, despite the clinical risk being exceedingly low. My briefing tells me that the vast majority of letters to the women concerned have been issued, but I will get the Deputy a very specific figure.

**Deputy Lisa Chambers:** CervicalCheck became aware of this matter in November last year and we are now in February. Why have some women in the group of 4,600 not yet been notified three months on? When will the backlog be cleared? If a woman presents for a smear test today, when will she receive her results? My understanding is that, with current capacity, it will take in excess of one year to clear the backlog. Will the Minister update the House on how he is getting on in securing extra capacity and resources, as it is my understanding he is finding it difficult to source the extra capacity? Why are we still waiting to inform some of the women, as the Minister knew about this last November? When will the backlog be cleared? What is the update on increasing capacity and resources?

**Deputy Simon Harris:** Accuracy is important. I did not know about this last November; I knew on 5 December that there was a potential issue highlighted by Quest Diagnostics that might or might not have required action, and that work was being done in that regard. I understand that only as recently as this week did my Department finally receive the report from the HSE as it was a major body of work to, first, ascertain the exact women who needed to be recalled and if there was a need for the precautionary retest to take place. I have been informed that there are 4,600 women who will need to be offered a retest as a precautionary measure arising from better quality assurance resulting from Dr. Scally's report. I will check how many are outstanding and revert to the Deputy directly as, truthfully, I do not know the number.

The Deputy is entirely correct that we are finding it extraordinarily challenging to find additional capacity because there is a cytology shortage globally. The Deputy will accept that it is not an issue of writing a cheque or providing more funding. The HSE - particularly Mr. Damien McCallion - is working extraordinarily hard and due to provide me with a capacity report in the coming weeks that I will be happy to share with the Oireachtas and relevant committees. The HSE is working extremely hard in trying to find additional capacity which is vital to clear the backlog.

**Deputy Lisa Chambers:** When will it be cleared?

**Deputy Simon Harris:** With some laboratories the backlog is beginning to decrease as levels begin to return to more normal levels, but it has not decreased in all laboratories. Currently, the average waiting time is 22 weeks, which is far too long for women, for whom I understand it is causing significant concern. I want to see it reduced. Extra capacity is key in that regard. I should point out that not all of the backlog is due to repeat smear tests as other women entered the screening programme for the first time who had never been involved with it. That is, of course, good.

### **Home Care Packages Provision**

52. **Deputy John Curran** asked the Minister for Health the provision he will make for home support services for the elderly in view of the significant increase in the number of persons waiting for home support services; and if he will make a statement on the matter. [5026/19]

**Deputy John Curran:** The Minister will recall that in 2018 many people had significant difficulties in accessing home support services, particularly elderly people and those who had been discharged from hospital. What level of provision of home support services is the Minister making available in 2019 in recognition that last year there was a constant significant waiting list for services?

**Deputy Jim Daly:** Home support is an important support that enables older people to remain in their homes and communities for as long as possible. It also facilitates timely discharge from acute hospitals. As a Government, we have made improved access to home support services a key priority. In the past four years we have seen sustained investment in these services, with a considerable increase of nearly €140 million in the budget, which has grown from €306 million in 2015 to almost €446 million this year. The HSE's national service plan provides for a target of almost 18 million home support hours to be provided to 53,182 people. This represents an increase of 800,000 hours and home support for 2,682 more people over last year's target. In addition, 235 intensive home care packages will provide 360,000 home support hours for people with complex needs. Despite this significant level of service provision, demand continues to rise.

While the existing home support service is delivering crucial support to many people throughout the country, it needs to be improved to better meet the changing needs of people. That is why we propose to establish a statutory scheme for home support which will improve access to the service and put it on an affordable and sustainable basis, while also introducing a system of regulation that will ensure public confidence. This is a significant and complex undertaking, and the Sláintecare implementation strategy commits to the introduction of the statutory scheme in 2021.

**Deputy John Curran:** I thank the Minister of State for his reply. I acknowledge the increase in figures he has outlined. It is fair to say that last year was problematic. It is an indication that we have an ageing population that is growing. Most public representatives would have had an increased number of people presenting at their offices looking for support.

The Minister of State has indicated that there will be home support services for 53,000 people. Last year the budget was for 50,500. Most times we asked questions, there were 52,000 to 52,500 people in receipt of service. At the same time, there were 6,000 to 7,000 on a waiting list. If the 52,500 is added to 6,500, there were 59,000 people looking for home support services at any given time. Making a service for 53,000 available does not seem sufficient to meet current need. Will the Minister of State look at that in the context of the constant demand last year, where hours were being recycled or diminished, and in the context of the problem for elderly people in hospital in particular where they are trying to come home and that demand is not being met by the number of hours being made available?

**Deputy Jim Daly:** I would be the first to acknowledge that we will not meet the demand that will be there this year. We do not have an infinite budget and there are many competing demands that we discuss all day every day on the floor of this House such as more pay for the nurses, the drugs we want approved and so on. There are so many competing budgets, and this is just one more cog in that wheel, but €140 million over a four-year period is a very significant increase by any standard. It has allowed for an increase of 800,000 home help hours this year. I can categorically and regrettably state that we will not meet the demand for home help this year. There is no point in my pretending to dress that up in any way. I am sure the Deputy and I will have this conversation again during this year and that we will debate it many times during Leaders' Questions, but we have a finite budget and, as in all the other areas, the demands are increasing. That is why we have undertaken to do a statutory home care scheme where we can provide to everybody. That is our ambition for 2021 and significant work has been done, even by the Health Research Board, looking at Germany, Sweden, Scotland the Netherlands where they have similar schemes in operation. We are trying to build a scheme along those lines. That is complex challenge.

**Deputy John Curran:** I recognise that the Minister of State does not have an infinite budget and has to work within constraints. In that regard we need to consider how things are done. For somebody who on a delayed discharge from hospital, there is an opportunity cost. When I asked a parliamentary question and got a response from the HSE, I was told that the number of direct employees of the HSE providing home services is reducing. The dependency on agencies to provide this type of service is increasing. Does the Minister of State believe that is the best value for money rather than having direct employees? Is there scope to examine that and increase capacity?

Something peculiar has been going on in my area, which falls under community healthcare organisation, CHO 7, that needs to be addressed. In March 2018, there were 724 people waiting for home support services, but by August that figure had gone up by over 50% to more than 1,100 people. That is out of kilter with all of the other figures. I do not expect the Minister of State to have the response here but I would like him to consider it directly. In terms of cost saving, will an analysis be done between using agency staff with a diminishing number of HSE direct employees, which had been the previous model? Would that be a way to provide additional hours?

**Deputy Jim Daly:** We will try to get the best value for and best utilisation of the limited

budget we have. While I have not focused on managing the existing system, neither have I directed many officials to spend time on that. I could start tinkering around the edges of the existing system, but there are problems with training and regulation, supply and the postcode lotteries, as they are referred to. There are myriad challenges in the existing system. I have taken the political decision to move away from that and develop, from the ground up, a new system that is fit for purpose and that will address many of these issues collectively.

I will certainly look into the disparity in the Deputy's area that he asked about. It seems unusual for it to jump by 50%, particularly in those months.

The Minister, Deputy Harris, has asked me to chair an implementation body on delayed discharges, so that is an area in which I have a particular interest. I absolutely accept the financial point the Deputy makes that we can be penny wise and pound foolish, but there is a cost basis to this and we will be considering that. I will focus keenly on that with a view to tackling the issue of delayed discharges in the acute hospital system, because I have responsibility for the home care service. I will come back to the Deputy about his local query.

### **Hospital Waiting Lists**

53. **Deputy Anne Rabbitte** asked the Minister for Health the reason 3,135 persons have been waiting for an outpatient consultation in University Hospital Galway since before 1 January 2017; and if he will make a statement on the matter. [5258/19]

**Deputy Anne Rabbitte:** Why have 3,135 persons have been waiting for an outpatient consultation at University Hospital Galway since before January 2017? Will the Minister for Health make a statement on the matter?

**(Deputy Simon Harris):** I thank Deputy Rabbitte for raising this matter. It is quite timely because improving access to hospital appointments and procedures is a key commitment of Government and of hers. As a result of some of the work we have done together in recent budgets I hope to publish the joint Department of Health, HSE and National Treatment Purchase Fund, NTPF, scheduled care access plan 2019 shortly. This will set out commitments aimed at improving access for patients waiting for hospital operations or procedures. We have made a lot of progress on that side over recent months and years. It will also set out commitments for patients waiting this year for a first outpatient appointment, in keeping with the HSE national service plan and the increased funding totalling €75 million given to the NTPF this year.

Access to outpatient services remains a significant challenge although we have seen significant reductions in the number of people waiting for an operation or procedure, but outpatients remain the big challenge. That is what we need to focus on. In 2019, more than 3.3 million patients will attend HSE outpatient clinics while the NTPF will fund an additional 40,000 first outpatient appointments.

The outpatient waiting list figures for the end of December for University Hospital Galway show that there were more than 39,000 patients waiting for a first appointment, 71% of whom were waiting 12 months or less. These numbers are still far too high. There has been some stabilisation of the waiting list compared with December 2017.

Last year I met the CEOs of all hospital groups, including the Saolta hospital group, which

has responsibility for Galway, and asked them to come up with outpatient initiatives, including the use of virtual clinics to address outpatient waiting lists so that we can fund new initiatives this year. Some progress has been made by the Saolta hospital group as a result of new initiatives, including an 11% reduction in the number of patients waiting in excess of nine months for an ear, nose and throat, ENT, appointment, a 30% reduction in those waiting over nine months for a rheumatology appointment, and a 42% reduction in the number of children waiting more than nine months for a paediatrics appointment. The Deputy's question is timely because we are finalising the outpatients plan, and in light of her raising this issue, I will specifically and personally consider the issues at University Hospital Galway and make sure that Saolta is bringing forward plans to benefit from the additional outpatient funding available in 2019.

**Deputy Anne Rabbitte:** The Minister's response is very welcome. There are long waiting lists of 12 months or more in many outpatient departments: urology, orthopaedics, paediatrics, plastic surgery, respiratory, dermatology and gynaecology. This comes up daily in my clinic as people try to get their first appointment. People are very frustrated. If the Minister could link with, and make a priority of, the Saolta group, we could put pressure on to ensure this is not put on the long finger but is delivered as quickly as possible. That would bring great comfort to many in the west. The hospital is a centre of excellence. It is a level four hospital and covers Donegal, Roscommon and Mayo as well as Galway. It is vital that the NTPF considers the outpatients department as quickly as possible.

**Deputy Simon Harris:** I agree with what the Deputy said. I assure her that we will do that. I will take the opportunity to put some of the new measures to deal with outpatient waiting lists that are being tried in the University Hospital Galway on the record of the House. There is a urology pathway pilot scheme which should result in significant progress on wait times. The plastic surgery service in Galway has been running an innovative "see and treat" clinic. This involves patients attending outpatient appointments and, where a minor surgical intervention is required, receiving it on the same day. Approximately 220 patients were treated in this way last year. The National Treatment Purchase Fund, NTPF, agreed to fund this initiative from September 2018 onward, with an additional 143 patients accessing the service. Galway University Hospital has also put in place virtual clinics for ear, nose and throat, ENT, and vascular services. This is only appropriate for certain conditions, but should result in an improvement.

We have an issue with patients not attending and the hospital is working on this. Some 8,494 new patients and 28,689 review patients did not turn up for their appointments in Galway University Hospital in 2018. I am not blaming the patients but these figures show that there is a need to maximise attendance. The hospital is looking at a text reminder service and at over-booking clinics so that, if some people do not turn up, another patient will be waiting to be seen. Saolta is going to continue to work on that. I will certainly reflect on the Deputy's comments. We will make sure that Saolta and Galway benefit from the additional resources we have in place for outpatients and inpatients for 2019.

**Deputy Anne Rabbitte:** I would have liked the Minister to address the issue of paediatric diabetics in Galway University Hospital in his commentary. Perhaps he can come at it again. This is an ongoing issue. Patients have to go to Limerick or Dublin for some services. It is an ongoing outpatient issue. Perhaps it is due to hospital appointments or something like that - I do not know - but this issue, which affects children, is often raised in my office. I welcome the fact that progress is being made in the area of ENT services. Issues with the ears, nose and throat can affect everyone from the very young to older adults. Everything the Minister has said today is welcome, but action on delivery is what we are really looking for. The results will only be

known when the figures come to hand.

**Deputy Simon Harris:** I thank Deputy Rabbitte for raising the specific issue of paediatric diabetics. I will certainly look into it and either myself or the HSE will revert to her directly to see if we can make improvements in that regard. I thank the Deputy very much for highlighting the issue.

*Written Answers are published on the Oireachtas website.*

### **Gnó na Dála - Business of Dáil**

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** It is proposed, notwithstanding anything in Standing Orders, that, in relation to today's business, Tuesday proposals No. 1 and 2 as contained in the first revised report of the Business Committee are hereby agreed to and, in relation to Thursday's business, the Dáil shall sit at 10 a.m. to take statements on the nurses' and midwives' strike to which the following arrangements shall apply: statements of a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, shall not exceed ten minutes; following the statements, each party or group shall have five minutes each which shall consist of alternating questions and answers; there will be a five-minute response from a Minister or Minister of State; and all Members may share time. Oral parliamentary questions to the Minister for Public Expenditure and Reform shall take place immediately following the sós.

**Acting Chairman (Deputy Alan Farrell):** Is that agreed? Agreed.

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

#### **Local Electoral Area Boundary Committee Report**

**Deputy James Browne:** The electoral boundary committee was established by the Minister of State on 13 December 2017. It was provided with its terms of reference, which were set out. Its report on 13 June 2013 set out the boundaries in a clear and independent manner. A boundary committee is an independent body charged with setting out the boundaries for elections. For clarity, section 28 of the Local Government Act 1991 provides that "A boundary committee shall be independent in the performance of its functions." Under section 32(2), the Act states: "The committee shall if so requested prepare and furnish to the Minister a report in writing which shall include its recommendations". This was done. The Act goes on to say "the Minister shall publish the report and shall have regard to it". The word "regard" is not meaningless.

The committee very helpfully pointed out by way of additional background that the last such local electoral area boundary committee was established in November 2012. It reported on 29 May 2013, 12 months in advance of the 2014 local elections. The recommendations of the report of that committee were accepted in full by the then Minister and statutory instruments giving them effect were made.

On 11 January the Minister of State signed a statutory instrument in which he deliberately

changed the boundaries recommended by the independent boundary committee for County Wexford in respect of the upcoming local elections. This has created farcical situations in County Wexford. For example, people from Oilgate, some of whom live only 4 km from Wexford town, will now have to drive 40 miles north, through Enniscorthy, to attend civic offices in Gorey for help. People who only live 1.5 miles south of Enniscorthy town, who vote in the town, and who consider themselves to live in its suburbs are now being told that they are Gorey people. They now have to go to Gorey rather than to the town where they do their shopping, where their families live, where their kids go to school and where they have spent their entire lives.

Why did the Minister of State make these changes? Why did he take the electoral area of Kilmuckridge, which an independent boundary committee recommended be an electoral area of Enniscorthy municipal district, and attach it to Gorey? The committee was made up of experts and it spent time considering this. I have no doubt that the committee wanted Gorey to have ten councillors, but it certainly would not have done it in this way. The committee took the areas of Ferns and Kilbora out of the Gorey municipal district and put them into that of Enniscorthy. These areas are halfway along the road between Enniscorthy and Gorey towns. I have no doubt that if the committee wanted Gorey to have ten councillors, it would have left Ferns in Gorey. It certainly would not have done it this way.

I cannot express the level of disbelief and anger felt by people, especially people in the south of Kilmuckridge municipal district. Glenbrien is pretty much a suburb of Enniscorthy. The people of Glenbrien were bemused when I was out there two weeks ago trying to explain to them that they are now Gorey people. The people in Oilgate are just laughing at the idea that they are part of a town they have no connections to. There might have been some rationale for Oilgate to be put into Wexford town, because parts of it are closer to Wexford town, but most people in Oilgate do their business in Enniscorthy. Putting Oilgate into Gorey, however, makes absolutely no sense whatsoever.

I want a clear explanation as to why the Minister of State did this, because it was a personal request of his rather than a recommendation of the Department. I am curious as to why he sought this change.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan):** First, it was not a personal request. The report conducted by one of the committees in respect of municipal districts recommended changes to nine or ten areas that were in conflict with stated Government policy.

Changes to local electoral area boundaries may only be carried out following the completion of a review by an independent boundary committee. As Deputy Browne pointed out, these committees are established under section 28 of the Local Government Act 1991. The Act states that the Minister must have regard to the report of a boundary committee before deciding on whether to make an order amending local electoral areas. The key phrase there is “local electoral areas”. In this case I set out the terms of reference for the boundary committee myself. Section 28 deals exclusively with local electoral areas. In this instance the reports of both committees in respect of local electoral areas were adopted in full. I established two independent groups, committee No. 1 and committee No. 2, in December 2017 to review and make recommendations on local electoral areas having regard to, among other things, the results of the census of 2016 as well as the commitment to consider reducing the size of territorially large local electoral areas and to ensure adequate levels of representation for towns and urban centres.

Concerns had been raised by a number of local authority members across different areas and by the Association of Irish Local Government about the territorial size and configuration of some of the local electoral areas specified following the last boundary review. The demands on councillors in territorially large areas are greater than those on councillors in more compact areas, even when member to population ratios are broadly similar. This can arise due to distance, travel time and the difficulty in keeping abreast of local issues. A further concern which had been raised was the perceived loss of focus on some of the large urban centres by virtue of their inclusion in territorially large local electoral areas.

A further concern raised is the perceived loss of focus on some large urban centres by virtue of their inclusion in territorially large local electoral areas. The report on local government, *Municipal Governance - Districts, Towns and Local Electoral Areas*, submitted to the Government last year, builds on these concerns and makes several recommendations, including a distinct municipal district to be designated for each of the former boroughs and towns with a population of 30,000 or more within the relevant county, each with a minimum of five members and one or more local electoral areas; and distinct town based or urban electoral areas to be created specifically for the 24 largest urban centres with a population of 15,000 or more.

In the case of Wexford, the commitment to consider reducing the size of territorially large electoral areas, together with the requirement to assign no more than seven councillors to each electoral area, has led to the recommendations in the report that would see the creation of six local electoral areas, LEAs, formed, with a focus on the centres of Enniscorthy, Gorey, Kilmore, Kilmuckridge, New Ross and Wexford. The recommendations made in the local electoral area boundary committee reports in respect of LEAs were accepted in full. This is reflected in the statutory instruments which I signed on 19 December 2018. The overall policy objectives have, in the main, been met, particularly in respect of the creation of distinct town based or urban electoral areas for large urban areas with a population in excess of 15,000.

In respect of the Gorey-Kilmuckridge issue, it is an area that I do not know as well as the Deputy. Geographically, more than half of what is now the Kilmuckridge electoral area was previously in the Gorey district. The view was taken that the east coast part of Wexford was more associated with Gorey than with any other town in County Wexford. I have today written to the chairman of Wexford County Council asking for consideration to be given by him and the members and executive of the council to changing the statutory instrument if there is a recommendation that it be changed. We were limited in respect of the boundary review that the old Enniscorthy area of eight seats and the old Gorey area of eight seats meant that there had to be changes in the district. I emphasise that the local electoral area as drawn up by the committee has not been changed by this. It is an administrative issue and if Wexford County Council believes there is an economic, social or political reason it should be reversed, I am more than open to considering it.

**Deputy James Browne:** I thank the Minister of State for his reply and welcome his remark that if a request is received from Wexford County Council, he will consider it. He might clarify whether he is talking about the county manager or the councillors making that decision. We did have a freedom of information request and it was clear that it had come from the Minister of State as opposed to anybody within the Department. We still have had no reason or explanation as to why he made the recommendation that Kilmuckridge be taken from the Enniscorthy municipal district as recommended by an independent boundary committee and that it was suddenly whipped into the Gorey area. We talk about town centres being the focus, yet we have an area one mile and a half south of Enniscorthy bridge that is now part of Gorey which is 35 km

further north. People's minds there are completely boggled by it.

The Minister of State will understand people are asking questions. The independence and integrity of the electoral system are sacrosanct. On this island we have a very murky past in boundaries being changed for political reasons and I certainly hope that was not the case in this instance. At the same time, no explanation or reason has been given for this almost random decision. I assure the Minister of State that the idea of a contiguous coastline is flawed. Only a little further south, the eastern coastline was split into two separate municipal districts against the recommendation of the municipal district. There is an explanation for it in terms of Wexford being a stand-alone town, but Enniscorthy is the second biggest town in the county. It has a population of 12,000 and an historical town, with ties to the events of 1798 and 1916 and the first unfurling of the tricolour, although we share it with Waterford. I cannot describe the outrage felt there. There were mistakes. What we wanted in Wexford, the ideal that was working perfectly well, was three eights and a ten, but the independent boundary commission made its decision for its reasons. However, it was totally unacceptable for it to have been changed after that.

**Deputy John Paul Phelan:** I reiterate that I have written to the chairman requesting views not just from them but also from management and councillors in Wexford. More than half of the new Kilmuckridge area was previously in the Gorey district and there have been nine or ten changes to municipal districts across the country. Most of them are in respect of former boroughs, but, for instance, in County Kerry the Castleisland area and the Dingle area have been brought into one municipal district because of geographical factors similar to what was considered in Wexford. I am not disputing my role in ensuring we will have municipal districts that, rightly or wrongly, are more reflective of the lie of the land. The Deputy will know the villages and towns that anyone could list off in the northern part of the Kilmuckridge area that are far closer to Gorey. The process is that if there are strong reasons for a change in Wexford, I will have no difficulty in accepting them. However, I absolutely refute and believe it is disingenuous of the Deputy to bring into the House the argument about the independence of the electoral committee. We are not talking about an electoral boundary. The local electoral areas report was adopted in full. This is an administrative linking of two separate local electoral areas, whether it be Gorey and Kilmuckridge or Enniscorthy and Kilmuckridge. The independence of the committee's actions and the preserving of people's support for the independence of the committee's report should not be called into question. As I said, we are not talking about an electoral boundary. Any murky past about electoral boundaries, Tullymandering and everything else that happened has no bearing on this issue. It is about administering County Wexford. More than half of the new Kilmuckridge district was previously in the Gorey area. That is from where the decision came. That east coast part of Wexford, north of the town, is more associated with Gorey than any other town in County Wexford. If the Wexford local authority and its members and management have a strong view that it should be changed, it will be. I reiterate that the report of the committee on the electoral areas was adopted in full.

### **School Admissions**

**Deputy Maurice Quinlivan:** I draw the attention of the Minister to a fault in what we call the post-primary schools common application system which is in place in Limerick. By and large, it works pretty well. It sees sixth class students list nine schools in order of their preference and they are usually offered a place in one of these schools. I understand the system

is unique to Limerick and tries to do away with the class-based issues that unfortunately still arise, particularly in the city. However, it clearly does not work for everyone. Every applicant has to list nine schools in order of preference. Often, many of the nine schools included in the application will be totally unsuitable due to their location or other reasons, but pupils still have to list nine schools.

One family got in touch with me last week in a highly distressed state about the situation in which they found themselves. The child in question had submitted his application for a secondary school place like all of his friends, but last Wednesday he received a total of nine rejection letters from all of the schools included in his application form. I have copies of the letters before me and can count them from one to nine. He also received a letter telling him that there was no place for him in any of the schools and asking him to apply to two schools he had not put on his list which were not in the area. One is 30 km away and the other 27. He was the only child in his class who did not receive a school place acceptance letter. He was very distraught and did not know what to tell his friends when they asked him what school place he had received. He could not answer because he had been offered no school place. The Minister must imagine a 12 year old child receiving nine rejection letters and no offer of a school place. His mother, as one can imagine, was really upset and distressed about it and did not know what to tell her son. They also received a letter which was very distressing to them from the Limerick Education Centre which referred to their “son-ward”, meaning ward of court. That is totally unacceptable; it added to the family’s stress. It is simply not acceptable and I ask that the Minister contacts the Limerick Education Centre directly to ensure that no letters using the word “ward” are sent to families to which that word does not apply.

The rejection letters received included the child’s first choice school, which his family can literally see from the front door of his house. I know that well, because I know the family and know exactly where they live and I know the school in question. The primary school he attends is a feeder school of that school, so he should not have been refused. No young child should ever get nine rejection letters and no offer of a place and be left to search frantically for a solution.

I am raising this Topical Issue in the hope that changes will be made to ensure that this will not happen again. It is a problem that students have to put down nine schools in the first place: some of these schools are 30 to 40 minutes outside of Limerick city. If a child is offered a place in one of those schools he or she will have major difficulties in getting to and from the schools. It places a burden on parents who have to get their children out and back to those schools while trying to go to work themselves. I have been working closely with the family and the child’s primary school. Both were very anxious that this be brought to the attention of the Minister as soon as possible. I hope that something can be done for this child and his family to ensure that he can access one of the schools he has chosen. I appreciate that not every child will be accepted into his or her first choice school, but to receive nine rejection letters and no offer of a place in secondary school is disgraceful and should never be allowed to happen again.

To clarify, I do not want to see the system abolished. It was brought in for good reason and usually it works well. However, something has to be done to ensure this does not happen again. No child should experience this ever again. Can the Minister clarify if he is aware of these issues in the system and outline what he can do to ensure that something like this does not happen again?

**Minister for Education and Skills (Deputy Joe McHugh):** This is a very difficult issue

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for the student and the family in question. I appreciate that and I am happy to take their details from Deputy Quinlivan later and follow up directly on this matter. I want to give a little bit of background on the system, for the record. Overall it is a very good system and I agree with the Deputy on its overall benefits and co-ordination. However, we are open to improving it.

I thank the Deputy for giving me the opportunity to outline to the House the position in relation to the common application system, CAS, for children entering secondary school in Limerick. The Deputy will be aware that a CAS was agreed between the post-primary schools in the Limerick area. This system has been in place since 2005. The CAS is the process by which the admission process for sixth class primary school children wishing to enrol in the participating post-primary schools is managed locally. There are currently 17 post-primary schools participating in the system. This administrative system ensures that a co-ordinated approach can be taken to the enrolment processes of the schools in the area.

This system is facilitated through the Limerick Education Centre on behalf of the Limerick Principals and Deputy Principals' Association with support from my Department and to date has been working very well. The Limerick Education Centre meets with the Limerick Principals and Deputy Principals Association twice annually to review the system. On average, the centre manages between 1,750 and 1,900 applications annually and liaises with 17 post-primary schools and over 140 primary schools. Data from the system indicates that 97.5% of children received their first, second or third choice of school for the 2019-20 school year. Over 95% of pupils received their first choice.

Whilst this administrative system ensures that a co-ordinated approach can be taken to enrolment processes in the area, each school authority involved in the Limerick CAS has, in accordance with the Education Act 1998, autonomy in relation to its own enrolment policy and the specific selection criteria it applies. This may result in some pupils not obtaining a place in the school of their first choice. The criteria to be applied by schools in such circumstances are a matter for the schools themselves.

This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants. Section 29 of the Education Act 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of an Education and Training Board, ETB, school to the ETB in the first instance, where a board of management of a school, or a person acting on behalf of the board, refuses to enrol a student in a school. An appeal should be made within 42 calendar days of receipt of the board of management's decision. This appeals process is also available to any applicant using the Limerick CAS who has been refused enrolment to a school.

The Education (Admission to Schools) Act was signed into law in 2018. The Act, on commencement of the relevant sections, will require schools to enrol a child where the school has places. The Act will help to support the admission processes in schools and provide greater transparency, which will help parents with their understanding of how they will work. My Department has begun the process of consultation with the education partners on the regulations that will be put in place alongside the commencement of sections of the Education (Admission to Schools) Act 2018.

**Deputy Maurice Quinlivan:** I thank the Minister and also the officials from his Department I spoke to earlier today who have been assisting me on the issue. I am almost sure that the system is unique to Limerick and that no similar schools application system operates in other

parts of the country, but if they do perhaps those systems should be investigated as well. I agree that the system works pretty well, but I am concerned that another child next year might receive nine rejection letters. That should not happen. It is important that the Minister's Department engages with the Limerick Education Centre to ensure it has the resources it requires to administer the CAS, and perhaps the Department can help to iron out these problems.

Finishing primary school and going into secondary school should be an exciting time for children. It should not be as stressful as it has been for this child. The outcome of this must be that no child gets nine rejection letters and is subsequently left frantically searching for somewhere to go for secondary school. I thank the Minister again for coming here to listen to the concerns of parents and schools in Limerick. I hope he can introduce some of the small changes required to ensure this does not happen again.

**Deputy Joe McHugh:** I am happy to take the details of this case. The transition from primary school to secondary school is hard enough in itself. It is a big step up and receiving nine letters of rejection is not in keeping with the idea of a smooth flow from primary to secondary level. I reassure the Deputy that once I receive the details I will follow up directly with my officials. The Deputy mentioned the uniqueness of this system. From my own research into it I can see that it is an incredible system, where 17 post-primary schools and 140 primary schools are co-ordinated in an attempt to get the correct fit for pupils. The percentage returns, where 95% of students get their first choice, is incredible. We must also be careful that the 4%, 5% or 1%, even if it is only one person, is catered for. Perhaps with further inspection we can find a way through this issue. I am confident we can do that.

*6 o'clock*

### **VAT Rate Application**

**Deputy Fergus O'Dowd:** What we are talking about is the EU food supplement directive which defines clearly the foodstuffs sold in Ireland that are regulated by the Food Safety Authority. Tens of thousands of people consume these products weekly. The directive defines foodstuffs as those products "the purpose of which is to supplement the normal diet and which are concentrated sources of nutrients or other substances with a nutritional or physiological effect, alone or in combination, marketed in dose form" and so on.

Let us consider what is happening in England. In 2016 the actual amount of food supplements sold in the United Kingdom was almost €700 million. It is estimated that one person in every three in the United Kingdom takes a food supplement weekly. In Ireland the sector is worth approximately €60 million per year. The Minister of State can correct me on the matter, if necessary. Tens of thousands of people take supplements.

Many people have come to my office recently. In many cases they are older people, people on pensions or who are in reasonably good health but who are concerned. In many cases they believe, or their doctors or chemists will say, additives such as glucose for joint health, probiotics to help the digestive system or fish oil for good health are useful and beneficial. They believe the proposal by Revenue to increase taxes on all of these products from 1 March by 23% is an imposition that is unacceptable, given their income and health needs. The people who

come to me are elderly or have limited income. They are concerned that they will be unable to take the supplement they have been taking for the past ten, 15 or 20 years. That is at the core of the problem.

I do not have the figures, but I am told that the tax take proposed could be approximately €8 million per annum. That may be what the taxpayer will get out of it. However, it will have the effect of discommoding elderly people, women who are pregnant and parents with young children and it is not good enough for them. I have read the Food Safety Authority advice on vitamins and supplements and what the authority states is clear. I am not going to second-guess it on medical advice. Nevertheless, it is of crucial importance that the existing arrangements continue.

I have been advised that if there is a hard Brexit, these products will increase in cost and be more difficult to obtain. That will drive more and more people towards the online business. People buying online from such places as Guernsey in the Channel Islands will be buying products that are unregulated, of unknown composition and with unknown health affects. There are no ethics involved in an online sale of these products, whereas in the sector in Ireland which employs over 1,800 people nationally, there is a code of ethics. It is entirely acceptable for a person to go from his or her doctor to his or her health food shop to buy the nutrient supplement that will be of benefit to him or her. It is entirely unacceptable that we will drive the people concerned into an unregulated market to buy products, especially if they do not know what they will be consuming. It is important for the Minister for Finance to consult business and other interest groups, as well as health bodies, and report back to the Dáil.

**Minister of State at the Department of Finance (Deputy Michael D’Arcy):** I am pleased to take the opportunity on behalf of the Minister for Finance to speak on the issue of the VAT treatment of food supplements.

The standard rate of VAT applies to food supplements. However, there is a Revenue concession that allows the zero rate to be applied to certain types of food supplement such as vitamins, minerals and fish oils. The practice of zero-rating vitamins, minerals and fish oil food supplements has been applied since the introduction of VAT in November 1972. At the time, the marketplace for food supplements was small and the concession meant that vitamins, minerals and fish oil supplements were treated the same as food for VAT purposes.

Since the 1970s there has been significant growth in the number and complexity of food supplement products on the market, most of which are not covered by the zero-rate concession. They include supplements containing botanicals and bioactive substances. While the new products apply at the standard rate of VAT, the growing variety of products in the market led to diverging views between Revenue and the industry on which food supplement should be at the zero rate versus the 23% rate. Revenue issued e-briefs in 2011 and 2013 in an effort to clarify that only basic vitamins, minerals and fish oil would qualify for the zero rate, but disagreement on the applicable VAT rate and queries on specific products has continued. The operation of the current concession has become problematic owing to efforts by some businesses in the industry to exploit the concession to extend zero-rating beyond the scope permitted by Revenue. These businesses have challenged the Revenue guidance and decisions on the VAT rating of products, giving rise to serious concern about compliance within the industry and unfair competition between compliant and non-compliant businesses.

The issue was raised during debates on last year’s Finance Bill. Deputies and Senators

looked for clarity for the industry on the VAT treatment of food supplements and sought the retention of the zero rate for certain categories of food supplements. On Committee Stage the Minister agreed to ask his officials to address the matter in the context of the next tax strategy group and also stated he would not interfere in any decision made by Revenue on the matter in the interim. Revenue published new guidance on 27 December on the rate of VAT that applied to food supplements, announcing the intention to apply the 23% VAT rate to most food supplements with effect from 1 March 2019. It should be noted, however, that human oral medicines, including certain folic acid and other vitamin and mineral products, licensed by the Health Products Regulatory Authority, will continue to apply at the zero rate of VAT. It is possible to retain these products at the zero rate because they qualify as oral medicines which are charged to VAT at the zero rate in Ireland under an historical derogation from EU VAT law. In addition, infant foods and food products such as yoghurts that contain probiotic ingredients will also continue to be zero-rated.

I understand the concerns of the industry on this matter. That is why, independent of Revenue's decisions on interpretation, the Minister agreed to put in place a process that will conclude in the 2019 tax strategy group paper to examine some of the policy choices in the VAT treatment of food supplements.

**Deputy Fergus O'Dowd:** I welcome what the Minister of State has said and will concentrate on his last paragraph. He has said the Minister for Finance understands the concerns of the industry on the matter, as well as the concerns of the public and those who consume these products weekly and daily. It is welcome that he has agreed to put in place a process that will ensure the 2019 tax strategy group paper will examine some of the policy choices in the VAT treatment of food supplements. Does the Minister intend to delay the introduction of VAT from 1 March unless the tax strategy group reports in the interim? It is important that the Minister reconsider a decision to commence the increase on food additives from 1 March. It would genuinely, truthfully and honestly help many people, including those people who come into my office and that of the Minister of State. Are we to tell them that they will have to pay it? They may say their health is bad or that they have a problem with arthritis. It means a great deal to people that their disposable income has been preserved. It is particularly important for pensioners not have to pay the additional increase in VAT. The experience in other countries such as the United Kingdom and the unregulated access on the Internet to products that are not defined raise questions. Such products could very well harm the individuals concerned or certainly do them no good. Obviously, that is not what we want to see happen. Therefore, I urge the Minister of State to take on board the views of the people who talk to him and me. The tax strategy group paper should be published and the Minister should decide on how he intends to act before he introduces this high VAT rate.

**Deputy Michael D'Arcy:** The Minister's intention at the time of the last budget was that he would not interfere with the Revenue Commissioners in considering the matter. The Deputy will be aware that the Revenue Commissioners operate independently of the Department of Finance. However, I will relay the Deputy's concern to the Minister when I meet him tomorrow.

I have met representatives from the health food sector. The Minister for Finance, Deputy Donohoe and I will give the sector a very fair hearing. However, there is a challenge created by the hundreds of food supplement products on the market. For some of these, the correct rate of VAT is 23% and others are zero rated. This is unhelpful. As the e-note from Revenue states, products which were zero rated for VAT in 2011 and 2013 will remain at zero rated, however some products are VAT chargeable due to European VAT law. The challenges to continue rating

all these products at zero percent is not helpful.

The Minister, Deputy Donohoe, gave an undertaking that the tax strategy group would consider the matter, which it will, and the Minister and I will give the matter a fair hearing.

### **Military Medals**

**Deputy Eamon Scanlon:** I wish to raise the issue regarding the award of distinguished service medals and military medals for gallantry to veteran members of A Company 35th Infantry Battalion who served in the Congo from June to December 1961. This was part of the UN peacekeeping operation in the province of Katanga which had broken away from the rest of the Congo and had declared independence.

A Company, consisting of 155 men, were sent to the UN post at Jadotville, 80 miles from Elizabethville, on 3 September 1961. On 9 September, a large force of Kantangese gendarmes surrounded them and early on the morning of 13 September A Company came under attack and endured almost continuous attack until 17 September. During this battle 3,500 enemy soldiers were in action against the 155 Irish troops. The Irish troops, who had never been in battle before, were pitted against a well-trained enemy that had greater firepower, heavier artillery weapons and led by mercenary officers who had fought in the Second World War and the Korean War. The average age of the Irish troops was 18.5 years. Two of the men were 15 years old and approximately 12 of them were 16 years old. At the end of the battle the Irish Company suffered five wounded while the enemy had 300 dead and 750 wounded. A Company ran out of food, water and ammunition and they were taken into captivity on 17 September and remained so until their release on 25 October 1961.

Arising from this battle, Commandant Pat Quinlan recommended 29 of his men for distinguished service medals and military medals for gallantry. Last week a parliamentary question was tabled by 14 Deputies including myself calling on the Taoiseach and Minister for Defence to explain the reason why these medals committed to previously, have not been presented. I hope we can bring this matter to its logical and fair conclusion. Veterans and their families have been fighting for closure for nearly 60 years. Deceased veterans who were recommended for awards should receive their medals posthumously.

The medal insignia that is linked with the unit citation does not bring closure to the issue, nor does the issuing of the Jadotville Medal by the Department of Defence in December 2017 to all veterans and next of kin of deceased veterans. The Jadotville Medal cannot be compared to the military medal for gallantry or the distinguished service medal, as recommended by Commandant Pat Quinlan.

The Jadotville action is recognised worldwide and one of the best perimeter defensive battles in history and is the single biggest military engagement the Irish Army has been involved in alone against a foreign enemy since the formation of the State.

Presentations on this battle have been given by Commandant Leo Quinlan, son of Commandant Pat Quinlan, and campaigner for the award of these medals. A unit citation was awarded to A Company in September 2016. This made history as it is the first and only unit citation to be awarded in the Irish Army. As in other armies a unit citation is something that is recorded in military history and each member of the unit then receives a medal insignia that he or she can

wear on his uniform.

However, the medals that Commandant Pat Quinlan recommended for his men for bravery in action have yet to be awarded. In 2017 the then Taoiseach, Deputy Enda Kenny, met Commandant Leo Quinlan and some of the Jadotville veterans in Leinster House. He was briefed on exactly what medals were being requested and on his last day as Taoiseach he announced in Dáil Éireann that medals will be awarded for Jadotville.

An official Army list of all the Jadotville soldiers who were recommended for medals was recently provided to Commandant Leo Quinlan. Five men were recommended for the military medal for gallantry as well as the distinguished service medal, that is two awards each. Another 27 men were also recommended for the distinguished service medal. This means a total of 32 men were recommended for awards arising from their bravery, courage and service in Jadotville.

None of the men recommended for the Jadotville action received their awards. Currently seven of these men are still alive and living in Ireland. A number of them were totally unaware that they had been recommended for awards until recently. In fact many men passed away without knowing that they had been recommended for awards for bravery in action.

The Army has recently stated that as the Statute of Limitations has passed in relation to the award of medals. Therefore it is down to the Taoiseach and Minister of State to take action on this matter.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I thank the Deputy for raising this issue. The siege of Jadotville was a prominent event that occurred during Ireland's peacekeeping mission in the Congo in September 1961. A Company, 35th Infantry Battalion took responsibility for the UN post at Jadotville on 3 September 1961. On 9 September, a large force of Katangese Gendarmerie surrounded them and early on the morning of 13 September A Company came under attack. From 13 to 17 September they endured almost continuous attack. They were taken into captivity on 17 September and remained in captivity until finally released on 25 October 1961.

In accordance with Defence Forces regulations, the award of medals for bravery is time bound. They may not be awarded, in any case, unless a recommendation is made through the usual channels to the Chief of Staff not later than two years in the case of the military medal for gallantry, and not later than four years in the case of the distinguished service medal, after the performance of the act in respect of which the recommendation is made. Such awards are made on the recommendation of a military board appointed by the Chief of Staff for the purpose of examining and reporting on every recommendation for an award.

The issue of the award of medals to the men of A Company, 35th Infantry Battalion was comprehensively addressed in 1965. A properly constituted medals board considered the various cases presented and made a decision that no medals would be awarded. The Chief of Staff of the day considered the decision of the board and was satisfied with the findings. Subsequently, at that time, the question was raised again in a letter to a newly appointed Chief of Staff. He forwarded the letter to the original medals board and asked that they reconvene and review their decision. The board indicated that the issues raised had received due consideration and that they were not prepared to alter their findings.

Over the past number of years various representations have been received in my Department

outlining the courage and bravery of A Company. All representations have been considered and responded to acknowledging their valiant actions while under siege in Jadotville.

The issue of honouring the actions of these men has been revisited a number of times over the years and steps have been taken to recognise their bravery. In 2004 the then Minister for Defence initiated a re-examination of the Jadotville case on foot of a request from a retired Army officer. The resulting report was prepared by a board of military officers who fully exonerated the actions of A Company. The board recommended that the events of Jadotville and the contribution of the 35th Battalion be given recognition. In this context, a number of measures have taken place to honour and to commemorate the events at Jadotville and the very significant contribution of A Company, and of the 35th Battalion as a whole, to the UN peace support mission in the Congo.

Recognition of their contribution over the years include a presentation of scrolls to them in 2006 by the then Minister of State for Defence, Deputy Noel Tracey. Subsequently, the Minister for Defence, Deputy O’Dea, directed that portraits of Lieutenant Colonel McNamee, 35th Battalion Commander, and Commandant Quinlan, Company Commander A Company, be commissioned. On 23 February 2007 these portraits were unveiled at the Military College and now hang in the Congo Room in the United Nations Training School in the Curragh. In July 2010, the 50th anniversary of the first deployment to the Congo was commemorated in a highly publicised and well attended event in Casement Aerodrome, Baldonnell. A Congo photographic book was also produced for the occasion, a section of which was dedicated to the events at Jadotville in 1961.

A nominal roll of A Company, printed in copper, has been affixed to the monument in Custume Barracks and was unveiled as part of the 50th anniversary of the Jadotville affair in September 2011. On the occasion of the 55th anniversary of the siege of Jadotville, I decided to issue a unit citation to honour the collective actions and bravery of the men of A Company. This was the first time a unit citation had been awarded to individuals within the Defence Forces and I was delighted to recognise the brave actions of these men formally. Furthermore, the Government committed on 13 June 2017, as an exceptional step, to award a medal known as An Bonn Jadotville, or the Jadotville Medal, to each member of A Company, 35th Infantry Battalion, and to the family representatives of deceased members to give full and due recognition in honour of their courageous actions at the siege of Jadotville. This specially commissioned medal was procured to give full and due recognition in honour of the courageous actions of these men during the siege. The words inscribed on the medals were carefully chosen to pay tribute to their actions. I was delighted to present the medals at a ceremony that took place on 2 December 2017 in Custume Barracks, Athlone. This location is considered the spiritual home of A Company and it is from there that the company assembled in advance of its fateful deployment to the Congo.

I am satisfied that the events and happenings to date properly honour these men.

**Deputy Eamon Scanlon:** The medals recommended for individual soldiers were for actions of extraordinary courage. Five were recommended for the Military Medal for Gallantry, which is equivalent to the Victoria Cross in the UK and the Congressional Medal of Honour in the USA. The Jadotville Medal issued by the Department of Defence in December 2017 to the veterans and next of kin of deceased veterans was simply an acknowledgement that those men were in Jadotville. While it was a significant medal to receive, it was in no way comparable to the Military Medal for Gallantry or the Distinguished Service Medal, as recommended by then

commandant, Pat Quinlan.

Medals were given to three Jadotville men for action in Elisabethville two months later. In addition, other medals were awarded to soldiers from other companies of the same battalion in the Congo for other actions in Elisabethville and elsewhere. However, no medals were awarded for the Jadotville action, which remains the largest battle that the Irish Army has ever been involved in with a foreign enemy since the formation of the State.

On his final full day as Taoiseach, Deputy Enda Kenny announced that medals would be awarded in respect of Jadotville. The medals referred to by him were those that Commandant Leo Quinlan had clearly identified to him a few months earlier in Leinster House. The current Taoiseach and Minister for Defence must now instruct the Army to award these medals as soon as possible, given the soldiers' ages. A number of them are still alive - Corporal Tadhg Quinn, Lieutenant Noel Carey, Corporal John Foley, Private Joe O'Kane, Private Tom Gunne, Private Charles Cooley, Private Michael Tighe and Private Noel Stanley. As the battle took place in the early 1960s, these are now old men. A commitment was given by the then Taoiseach that they would get the medals they justly deserved. It is disgraceful that that commitment has not been honoured.

**Deputy Paul Kehoe:** I remind the Deputy that it was a decision of the former Government in 2017 to present medals to the people who went through the siege of Jadotville in the Congo. This had been an issue for a long number of years, and it was only right and proper that the Government of the day recognised their bravery. The commitment given at the time, which was for medals to be presented to those involved, was met.

In recent weeks, I have sent significant correspondence to many people regarding this issue. The Chief of Staff has written to some of those who are campaigning for these medals to be awarded. The medal board made its decision having considered and reflected on the issue not once, but twice. I have asked people for further evidence as to why medals should be presented, but I do not believe any has come forward since the medal board made its original decision.

I am delighted to have made the decision. The Deputy stated that a number of people had still not received An Bonn Jadotville. If he is aware of people who were part of that mission but have not received the medal, I would welcome him passing their names on to me to ensure they get their medals. For various reasons, we could not track down a number of people and award them their medals on the day.

### **Ratification of EU and NATO Status of Forces Agreements: Motion**

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I move:

That Dáil Éireann approves the terms of:

(i) the Agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context,

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done at Brussels on 17th November, 2003, a copy of which was laid before Dáil Éireann on 2nd January, 2019; and

(ii) the North Atlantic Treaty Organisation Partnership for Peace Status of Forces Agreement, done at Brussels on 19th June, 1995, a copy of which was laid before Dáil Éireann on 2nd January, 2019;

subject to the respective reservations, copies of which were laid before Dáil Éireann on 2nd January, 2019.”

On 16 January, the House discussed this motion before its referral to the Select Committee on Foreign Affairs and Trade, and Defence. I appeared before that committee on 24 January to discuss the motion further. I thank Deputies for their input to date. I acknowledge the views expressed and hope that this debate can provide any further clarity that may be required.

A status of forces agreement, SOFA, is designed to regulate the legal and administrative arrangements applied to members of foreign forces operating within the state where they are deployed. SOFAs provide for immunities and privileges extended to members of our Defence Forces when serving on overseas missions. SOFAs also relate to the immunities and privileges extended to members of the Defence Forces when engaged in exercises in EU or NATO and Partnership for Peace, PFP, member states, or when on standby for the EU battle groups. All international organisations, including the UN, EU and NATO, have concluded SOFAs with the states where they have deployed forces or engaged in training missions. The SOFAs deal with matters such as jurisdiction, claims and applicable law between the sending organisation or state and the host state where these personnel are deployed.

Approval of this motion will allow Ireland to become party to the EU and PFP SOFAs. This will ensure that our Defence Forces enjoy the same immunities, rights and privileges as their military colleagues while serving overseas on peacekeeping and crisis management operations or engaged in exercises where these SOFAs apply. They will acquire these immunities and privileges as a matter of right rather than having to rely on a complicated procedure of exchange of letters between jurisdictions, which may or may not be concluded on their behalf. We cannot continue to operate on that basis. Our Defence Forces should be protected in the same manner as all other military personnel with whom they operate on missions and exercises when deployed outside the State. In the past, issues have unnecessarily arisen in the completion of an exchange of letters through no fault of either party concerned. The resolution of such issues requires that Ireland depends on the goodwill of our EU or other partners. Ultimately, situations have arisen where no exchange of letters has been agreed and our Defence Forces have been restricted in their participation or operate without the relevant protections.

In 2016, as part of Ireland's participation in the German-led battle group, Germany advised that it could not facilitate the exchange of letters arrangement in the time required due to legal, constitutional and parliamentary requirements. In the case of this battle group, the immunities and privileges afforded to foreign militaries could only be extended through the PFP SOFA. As a result Ireland could not participate in the field exercises undertaken by all other battle group participants in the German battle group. This is unsatisfactory from a training and inter-operability perspective. We also had to rely on the goodwill of partners and members of the Defence Forces in respect of the deployment of a number of personnel to the battle group operational headquarters for the standby period. Another example is the case of the three month deployment to Operation Artemis, the EU mission in the Congo in 2003. For this mission, while the

terms of the exchange of letters was fully agreed in advance, with France as lead nation, the formal process had not been concluded before the troops had completed the mission.

I was asked in committee why I was bringing forward the ratification of these agreements now. My answer is simply that I would like to get these matters resolved before our proposed participation in the German-led battle group in 2020. We need to have the SOFA in place so that the Defence Forces can participate in the full battle group exercise before the standby period.

The EU SOFA has been ratified by all EU member states except Ireland. It can only come into force upon ratification by Ireland. All other non-aligned or neutral EU member states, including Finland, Sweden and Austria, have ratified the EU SOFA.

In relation to the PfP SOFA, it is important to note that EU crisis management operations and battle groups have operated under this agreement where there has been third state participation in operations. Often Common Security and Defence Policy, CSDP, missions and operations also involve third state participation from non-EU member states. These third states are usually parties to the PfP SOFA but not party to the EU SOFA, therefore making it more appropriate to apply the PfP SOFA in such context.

In response to questions raised in previous debates, I assure Deputies that these SOFAs will not apply within the State. Article 15.6.2° of the Constitution states that “No military or armed force, other than a military or armed force raised and maintained by the Oireachtas, shall be raised or maintained for any purpose whatsoever.” Taking account of the Attorney General’s advice on this provision of the Constitution and the application of the SOFAs in Ireland as well as the policy advice that I received from my Department, I have decided to include reservations to both agreements. The reservations make it clear that Ireland will not be a receiving state for the purposes of the SOFAs. As a result of these reservations, there is no situation in which the rights, immunities and privileges can have application in Ireland, including in relation to forces in transit or visiting personnel. These reservations will be associated with Ireland’s instrument of ratification in respect of each of the SOFAs should this motion be approved by Dáil Éireann.

In response to other concerns raised by Deputies, I cannot stress enough that Ireland’s policy of military neutrality is not diminished, circumvented or reduced by our ratification of the SOFAs. If anything, our national position is more strongly discernible following this process, given the reservations we are attaching to our instruments of ratification. The reservations, as I have stated, do not allow for any ambiguity.

Let me be clear that my sole purpose in bringing forward the ratification of the SOFAs is to ensure that our Defence Forces personnel are protected in the same manner as all other military personnel with whom they operate on missions and exercises when deployed outside the State, all the while making an invaluable contribution to international peace and security, and conflict resolution. I commend the motion to the House.

**Deputy Jack Chambers:** Fianna Fáil will be supporting the proposals to ratify the status of force agreement that will facilitate the participation of Ireland in the EU battle groups. When I last was in the House speaking about this matter a few weeks ago, I set out our reasons and rationale for supporting this. It will provide the immunities, privileges and process for the joint co-operation that, as I stated previously, has been happening anyway. The letters of exchange were an exception that went on for many years. It is important we facilitate this. In ratifying the agreement, we are providing for and protecting Irish men and women who serve abroad. It

will enhance their training and also their protection while on any foreign mission.

When Ireland plays a role in crisis management, it is important that we provide for the legal certainty for members of our Defence Forces. As the Minister of State stated, in 2016, the Germans questioned the letters of exchange regarding the German-led battle group and for the 2020 battle group.

I also welcome that there is democratic legitimacy to this motion being provided in Dáil Éireann, that it was discussed at committee and that it has been referred back here even though it is currently covered within present treaty law. When Fianna Fáil was last in Government, we supported the development of the EU's rapid response capability in support of the United Nations. This is in keeping with the State's long tradition and policy of support for the United Nations' multilateralism and for the Security Council as the lead authority for the maintenance of international peace and security.

Among the operations in respect of which a battle group could be deployed are those of a humanitarian nature involving assisting, if requested, the authorities in a state that has been devastated by a natural or man-made disaster where there is unlikely to be a UN Security Council resolution because the situation may not involve any security issues. In 2006, Ireland was involved with the Nordic battle group with the EU and this provided for a response. In the context of this agreement, it is important to note that the SOFA protects Irish troops who are abroad. I welcome that.

It is also important that we put on the record that this is part of Ireland having an approach that reflects an active neutrality. An active neutrality reflects the fact that our sovereignty is secure, our democracy is functioning well and Ireland is one of the most established democracies in the world.

It also reflects the fact that we are at a juncture in our development where we have an enhanced opportunity to focus on what we have to offer other members of the international community. An active neutrality says that we have a duty to share the lessons of our experience of peace building on this island and peacekeeping on the international stage with others who may benefit from them. As part of the triple lock and maintaining our status of neutrality, we can offer an independent role on that basis, but we have to be involved to play a positive role. Ignoring the EU SOFA and ignoring co-operation does not achieve that.

It is important that we are a bridge between the developed and the developing world, a global leader in the fight against poverty, disease and underdevelopment and an intermediary and facilitator in peace processes. In that regard it is important that we should never abandon the triple lock, specifically the requirement in the 1954, 1960 and 1993 Defence Acts that there would be a UN mandate when sending a contingent of 12 or more armed Irish troops overseas. It is important that we reflect that Ireland's position of neutrality is a positive policy. We need to ensure that we continue a multilateral approach and continue the triple lock but that we also co-operate with others so that we can defend our country and others against the threats of the 21st century. Our participation in the agreement allows that.

My party will be supporting this motion.

**Deputy Pearse Doherty:** Unlike Fianna Fáil, Sinn Féin not be supporting this motion. Sinn Féin will oppose this motion and will vote against it.

We heard from the Minister of State about SOFAs. Basically, SOFAs grant immunities to soldiers in the face of prosecution and give them protection from local courts and local justice systems in order that they be returned to their home countries and face prosecution in some cases. In what they do, that is fair enough. However, it is worth noting at this juncture of the debate that SOFAs have also been used controversially by the military of some other states over recent years. I refer, for example, to US and British soldiers who committed crimes in Iraq.

We already have SOFAs in place with the UN for Irish soldiers operating under UN-mandated missions. The key point, from my party's perspective, is that this is already in place. The Irish soldiers are already protected under UN missions and for other missions when the exchange of letters takes place to deal with the legal issue. The question we need to ask ourselves as a Parliament and as a people is why is the Government bringing forward two status of forces agreements, SOFAs, to deal with the EU and NATO now. Why, at this time? Is it a tidying up of some side issues to prepare us for more intense or greater links with the EU army being proposed by many of the Government's partners in Europe? When this motion was discussed in the committee, and again today, the Minister of State clearly said the Department was told that the Defence Forces would not be able to participate in the German-led battle group in 2020 if Ireland did not have the SOFA in place. There it is: this is a vote on Ireland's participation in an EU battle group. That is what the Minister of State has said in the committee and again repeated here today: that and our participation in the NATO so-called Partnership for Peace, PfP. The Partnership for Peace is basically a stepping stone to full NATO membership. For Ireland to have any link at all with NATO is contrary to our neutrality no matter what way Deputies try to dress up that issue.

Sinn Féin is emphatically opposed to this motion. It is a disgrace to see Fianna Fáil and Fine Gael continuing to work together to undermine Irish neutrality and lay the groundwork for an EU army. Every step that has been taken on defence issues in the EU since has moved us further along the path of the creation of an EU army. This was seen in the Treaty of Lisbon and the creation of EU battle groups. Sinn Féin rightly told the Irish people that the Lisbon treaty would be a betrayal of Irish neutrality and lay the foundations for the creation of an EU army. We were proven right and Fianna Fáil and Fine Gael continue to lie to the Irish people about the true extent of what lies behind this. Those parties know how popular neutrality is here. That is why on three occasions in the last 13 years they have refused to support Sinn Féin's legislation to hold a referendum on enshrining neutrality in Bunreacht na hÉireann. If they really believed in Irish neutrality and if they had no problem with Irish neutrality then they should have backed our motion, not once, not twice, but three times to make sure it was locked in tight and enshrined in Bunreacht na hÉireann. But no, time and again Fianna Fáil and Fine Gael have voted against that. We know the direction these two parties, along with their sister parties in Europe, are trying to take the European project. These parties know the Irish people would support inserting such neutrality into the Constitution and neutrality is something that Fianna Fáil and Fine Gael want to do away with. That is the long and the short of it. This explains why they have been slowly eroding and chipping away at it since the 1990s. I believe that they cannot hide and pull the wool over peoples' eyes anymore.

An EU army is coming if the EU masters get their way. Do not just take my word for it or the word of Sinn Féin. Let us look at what some of those so-called European masters are saying. Let us put on the record of the House what they are declaring to the EU citizens and to the world. Jean-Claude Juncker has said that creating an army is one of the main goals of the EU. Or take the words of the German Chancellor, Angela Merkel, and French President, Emmanuel

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Macron, who recently signed the Treaty of Aachen. They both explained how important the treaty was for their military co-operation and how it contributes to the creation of an EU army. The Minister of State could even listen to his own colleague and Dublin MEP who along with other Fine Gael's MEPs produced a paper calling for a complete disbanding of Irish neutrality and full integration into the EU military apparatus and NATO itself. It is in black and white in a position policy paper published by that same MEP.

We could also listen to what is being said in Madrid. Fianna Fáil's group in the EU, the Alliance of Liberals and Democrats for Europe, ALDE, has adopted a European election manifesto that says the party welcomes greater European co-operation in defence spending and agreement of PESCO, and encourages member states to increase defence co-operation further in areas of mutual advantage, in greater co-operation with and to "complement...NATO as NATO remains the backbone of military co-operation and guarantor of collective defence for Europe." Well, not on our watch. The leader of the ALDE group, which is Fianna Fáil's sister party, has openly called for an EU army and European defence union. He has said that Europe is only spending 40% to 45% of the US military spending and three times more than Russia. To booming applause from his liberal audience he quoted Macron saying that having 28 armies is a waste and that the EU needed only one army and Fianna Fáil's EU leader spoke of it being their project.

Let us be clear about where they are trying to take the European project with regard to defence. So far the lack of SOFAs on the level that the Government now wants us to operate has not in the main hampered Irish Defence Forces in doing incredible work on United Nations mandated peacekeeping missions. That has happened and will continue to happen with or without these SOFAs before us.

What we really have before us is a change to how we deploy the Defence Forces overseas. We do not have to pass these two SOFAs today or at any stage when we already have quite an effective operating SOFA which deals with what is laudable and acceptable to the Irish people, which is participation in UN missions abroad. That is where it should start and where it should end. The motion is about making it easier for different countries to amalgamate their militaries and to have joint operations. This is about dragging Irish soldiers in the EU and NATO military apparatus and sending them off on missions. What should be before us is a motion extracting ourselves from these military organisations that compromise our neutrality. What should be before us is a Bill that Sinn Féin put forward to enshrine neutrality in the Constitution. That would be the right thing to do and what the vast majority of Irish people want. Instead we have a very similar situation to that of permanent structured co-operation, PESCO, where there was very little understanding or public debate on this huge change to our neutrality. Then all of a sudden it is foisted on us out of the blue. This is the common tactic of Fine Gael and Fianna Fáil in their attempts to undermine our neutrality, in that gradual and bit-by-bit erosion, piece by piece, along with their sister parties in the EU.

We have not heard a demand from anyone within the Defence Forces looking for these SOFAs. I put it to the Minister of State that there are sufficient protections available, such as the SOFA for UN missions. Instead this is joining us up to the EU's continued militarisation project. The people have repeatedly taken stands to demand that we respect neutrality. That is what this Parliament should be doing. This is why Sinn Féin will call a vote on this issue. The motion before us is totally contrary to the idea of Irish neutrality. Sinn Féin rejects it and we will continue to reject all attempts to erode Irish neutrality and to immerse Ireland in the EU military apparatus and the EU militarisation project, which is gaining momentum across Europe. We will oppose any attempt to bring Ireland closer to or into any NATO project as-

sociated with that.

**Deputy Brendan Ryan:** Our history of neutrality is a strong one and we, of course, hold it very dear. Our Defence Forces historically and currently have done us proud in making peace and keeping peace all over the world. Diplomatically, our stance of neutrality has informed our approach to nuclear disarmament, which has seen us act as a world leader in this area since the late 1950s. It was our resolutions that led to the creation of the Treaty on the Non-Proliferation of Nuclear Weapons, which has held as a bulwark against mass nuclearisation over the past six decades. In 2009 Ireland hosted a conference to ban cluster munitions and we have strong positions against chemical and biological weapons.

As a State we seek to protect and help the most vulnerable against the most belligerent. Our membership of the European Union and its Common Foreign and Security Policy, CFSP, and within that the Common Security and Defence Policy, CSDP, places our neutrality in a constant state of discussion, and in some quarters uncertainty. When motions like this appear on the Order Paper they can bring us into somewhat confusing waters.

During the course of the evolution of the EU's CSDP, our EU partners have always fully respected Ireland's sovereignty, independence and neutrality. The legal guarantees given by the European Council in June 2009 confirmed that the EU's security and defence policy does not affect or prejudice Ireland's traditional policy of military neutrality and Irish troops will not be deployed to any conflict zone or CSDP mission, without the triple lock of UN authorisation, Government approval and Dáil approval. Ireland's sovereign right to decide to deploy, maintain or withdraw troops on the initiative of the Government and Dáil Éireann as provided for in the Defence Acts is fully protected.

Defining our neutrality in the early 20th century and during the Second World War was quite simple. The Cold War added some shades of grey but in essence our neutral stance was clear. The post-Cold War world with the evolution of the European Union with its Common Security and Defence Policy has created different challenges to our historical position of neutrality. As an ever evolving body, however, with complex arrangements among what are soon to be 27 member states, the European Union makes matters a little more tricky. Arrangements are more complicated and multilateral and have different goals and objectives. It is through this complicated view that we need to discern what is a real threat to our deeply held position of neutrality and what measures benefit our own standing professional defence forces, of which we are very proud and wish to support.

The European Union's status of forces agreement is designed to regulate the legal and administrative arrangements in respect of particular privileges and immunities applicable to members of foreign forces operating within the state where they are deployed. I understand certain aspects of status of forces agreements might sound distasteful, providing as they do for immunities in relation to the nature of military equipment involved and the potential use of lethal force. Such wording makes those of us of the neutrality tradition instinctively recoil. However, we need to pause and realise our troops operate in dangerous environments when peacekeeping and such wording in legal texts is understandable and at times necessary. It does not mean that Defence Forces personnel will be given licence to operate with lethal force in an act of military aggression or crime. Some Deputies raised the issue of SOFAs in relation to the abuses at Abu Ghraib prison during the Iraq war and the protections they provided for US military personnel. I am 100% confident that the men and women of the Defence Forces would never need to test those particular limits of SOFAs.

We spend a lot of our time debating the pay and conditions of Defence Forces personnel. We talk about supporting our soldiers and ensuring they have dignity at work. In all of those debates we say how proud we are of the exemplary role they play on the global stage. We are and should be proud. However, if we do not ratify the SOFA, we will make it more difficult for the Defence Forces to practise professionally. This has been proved in recent years with our personnel excluded from some training operations. I support the Defence Forces at all levels and want to ensure they are able to participate in training exercises with our EU partner states. Motions like this are intermittent reminders to some in this House that our neutrality operates in a more complex multilateral environment. Ratifying the SOFA does not equate to a creep towards an EU army of aggression. It does not compromise the triple lock arrangements. It does not compromise our neutrality. Perhaps it is worth reminding the House that it has been signed by the other neutral and non-aligned countries in the European Union. The SOFA will make it easier for the Defence Forces to operate in the current environment and engage in multilateral and peacekeeping operations with our EU partners. It will give them legal certainty in situations which can be most uncertain.

Yesterday 67 Army cadets and one Air Corps cadet were commissioned at a ceremony in Dublin Castle. We all were excited to see the class graduate and enter the Defence Forces as officers. We want them to be proud to wear the uniform and know that we are proud of them, too. Issues of pay and conditions are recognised on the Opposition benches as ones that need to be resolved. We have Defence Forces personnel who have nowhere to call home as their housing arrangements are so insecure. In recognising the realities of individual soldiers we must also be mature and recognise the realities in which the Defence Forces operate on the international stage. We do not want our women and men to be stuck in dilapidated old barracks, from commissioning to retirement, awaiting an invasion by some foreign army. Our women and men want to be out in the world, improving their skills, keeping the peace, rescuing vulnerable migrants and making the world safer and better. Splendid isolation and blind eye neutrality are not the reality in the Ireland in 2019. Ours is a mature, sovereign state which has deep relationships with our EU partners. We have ensured during the years that the core tenets of our neutrality are protected, but, with that, we must recognise that our relationships require complex legal agreements to protect the men and women of the Defence Forces. The SOFA is one of them.

**Deputy Richard Boyd Barrett:** As I indicated in the discussion before the motion was referred to the committee, there is something Orwellian about the Government's claim that involving ourselves in an arrangement with NATO does not impact in any way on our neutrality. The phrase "Partnership for Peace-NATO" is Orwellian, too. The North Atlantic Treaty Organisation is a military alliance dominated by some of the most aggressive military and imperial powers in the world. As an organisation, it should not exist. One could have claimed a rationale for it during the Cold War, albeit I would not have. Both sides in the Cold War were aggressive imperial blocks competing for influence around the world, with devastating consequences in huge numbers of places, including South America, Vietnam, Africa and the Middle East. One can go through the list of the consequences of that geopolitical competition between NATO and the Soviet bloc. Whatever rationale there might have been for NATO before the end of the Cold War and the collapse of the Soviet bloc, there is no justification for it now. It should not exist, yet it does because the imperial ambitions of the major powers continue. They are the United States of America, Britain, France and so on. Europe is progressively aligning itself with these imperial ambitions and the expansionist and interventionist military machines.

I note some recent examples of what NATO has done. The NATO chief has lauded the

bombing in Syria and commented on how wonderful it was to bomb the hell out of it. The people concerned have complimented themselves on the NATO operation in Libya. It is incredible that they could compliment themselves on it. If ever there was a disaster, it was NATO's military intervention in Libya which virtually destroyed the country. We now have a situation where desperate people fleeing parts of North Africa are being herded like slaves, abused and exploited by militias operating in the mess NATO left behind in Libya. We are co-operating with them to prevent the people in question from crossing the Mediterranean as they flee in desperation to seek a better life here. This is the mess NATO created, yet the Minister of State wants us to align with it. The Government is going to drag Ireland into Europe's moves to align itself with that alliance, while claiming that doing so somehow does not infringe our neutrality. It is preposterous and ridiculous to even make that claim. It is equally ridiculous for the Minister of State to suggest that because the immunities and so on included in the status of forces agreement between NATO and Partnership for Peace will not operate here, our neutrality will not be infringed in that manner either. Give us a break.

We have seen 2 million US soldiers pass through Shannon Airport to prosecute a war in Iraq which has completely destroyed that country. We have participated in it by allowing these troops to pass through Shannon Airport. The consequences for Iraq and the entire region have been a disaster, just as those of us who mobilised for the protest in 2003 warned. Our worst case estimates of what the war would cost Iraq were, in fact, dwarfed by its murderous reality. I remember writing an article in *The Irish Times* prior to the war in which I included estimates from some groups that up to 50,000 people would die in Iraq if the war went ahead.

*7 o'clock*

Credible estimates now put the death toll in Iraq as a result of the war at in excess of 1 million people. The greatest refugee crisis in the modern history of the world resulted from it, with approximately 4 million people displaced. Iraqi society was absolutely devastated and will probably never recover. Depleted uranium munitions are all over Iraq, poisoning and deforming children not even born and will do so for generations, munitions used by the very powers the Minister of State wants to align us with. The mess in Syria today would not have happened if it was not for that military intervention in Iraq. It is a direct consequence. The growth of ISIS and everything else is a direct consequence of the Iraq war, and the Minister of State wants us to align with these people and claims it does not infringe on our neutrality. It is dishonest nonsense.

If the evidence of what NATO and the powers central to it have done, and I could give many more examples but I do not have time, is not enough in and of itself, what are the European promoters of European militarisation saying about their project? They are saying they are developing a European army. Merkel said it explicitly in the European Parliament in recent weeks. Macron says we are developing a European army. Tusk says we are developing a European army. Mogherini says we are developing a European army. Every major promoter of the Common Security and Defence Policy, CSDP, and what was inserted into the various treaties to institutionalise this evolving military structure has said it is about developing a European army, but the Minister of State comes in here and says it will have no impact on Irish neutrality and everything is fine. It is ridiculous. He knows it is ridiculous. Everybody knows it is ridiculous. Opinion polls have shown the population thinks it is ridiculous because they believed it was wrong for us to facilitate US troops in the Iraq war, and the majority believe these measures are infringing on our neutrality.

The Minister of State resists properly defining neutrality because the fact it is not properly defined allows him to claim this ridiculous Orwellian suggestion that we are not eroding or destroying our neutrality. The Hague Convention's definition of neutrality when applied to what we did at Shannon would clearly put us outside any meaningful definition of neutrality because we allowed forces engaged in conducting a war, aggressive military action, to use our territory to do that, providing logistical support for it. That breaches neutrality. It is only because the Minister of State resists defining it that it is not clearly set out in the Constitution and law. Therefore he can make these ridiculous claims.

It will not make any difference, and I know the Minister of State will get up and just repeat again and again that this will not impact on our neutrality and Fianna Fáil will do the same. Let us tell the truth. What is the dirty secret of all of this? We are afraid to say "boo" to the US. That is the truth. Everybody knows it is the truth. We would not dare suggest to the US it should remove its troops from Shannon or in any way question its right to act as a global policeman. That is the reality. At least it would be honest if the Minister of State just said this is the real reason we are shredding our neutrality. On the 100th anniversary of the Dáil, this is poignant. Among other things, the Irish revolution was against empires. That is what it was about. Fundamentally, it was against empires, but what the Minister of State is doing is progressively dragging us into the imperial project that is NATO and, frankly, it is quite shameful.

**Deputy Mick Wallace:** We will vote against the motion. We disagree very strongly with what is going on. As Deputies Boyd Barrett and Pearse Doherty have said, our neutrality is growing into a myth and has not really existed for a long time. The motion has been presented as a completely necessary formality that Ireland should agree to for Irish forces to take part in peacekeeping and training missions throughout the world, protected by the same legal structures as the armed forces of other nations, and that as a result of passing the motion, no armed force from another country will be stationed in Ireland or transit through Ireland. I will repeat "or transit through Ireland". The manner in which we can ignore the fact we have let a couple of million US troops pass through here on the way to causing untold damage in other regions beggars belief, as does the manner in which the Government deals with it from a legal perspective. Previously I have touched on the cable exposed by WikiLeaks from 2009, which highlighted the facts the Government is hiding. The Minister of State states foreign troops will not transit through Ireland and what is happening in Shannon with the US is an informal arrangement. I repeat: "an informal arrangement". I just hope that, whatever parties form the next Government, if there is anybody new apart from the three neoliberal parties, namely, Fine Gael, Fianna Fáil and the Labour Party, which are in favour of this, they insist on Shannon Airport being closed as a US military base.

It is as if our world leaders and their advisers and our intellectual elites find it easier to imagine another world exists than finding a way to stop imperialism, war, plunder and the other drivers of instability, such as global warming and extractive industries. The motion is presented as a common-sense legal formality. There is stuff about the status of the forces and the privileges, facilities and immunities that will apply to them when they are present on the territory of another state, while the larger debate is ignored, which is why are we integrating our forces further and further into NATO structures, taking part in ten PESCO training missions and the European defence fund, and presenting these moves as if it is business as usual for Ireland. Things are changing and I do not understand why this is happening now. The Minister of State has said that all of the other countries in Europe have signed up to this. As Deputy Boyd Barrett said, just about everybody in Europe at this stage is afraid of the US. This is why European

countries are jumping at supporting the ludicrous idea that the US would accept a member of the opposition as the new President of Venezuela. All of the western European countries bar Italy are toeing the line and behaving like lapdogs to the US.

The Government is at pains to stress it is all about peacekeeping, learning new skills and getting group buying deals on expensive new hardware for our underpaid forces to use. The message in Europe is dramatically different. Jean-Claude Juncker has stated that by 2025 we need a fully fledged European defence union. He has stated we need it and NATO wants it. Damned right it does. Last month, Germany's defence minister stated that Europe's army is already taking shape and Europe needs to improve its ability to act on behalf of its own security. Not many politicians, particularly not our own, are very clear on from whom or what Europe needs to defend itself. Different bogeyman are hinted at. Russia is still thrown up as the big threat. Maybe if the US and NATO stopped impinging on the territory around Russia's border there would be a little bit more peace in the region. Maybe if the US, with the help of the EU, had not engaged in a coup in Ukraine, which has caused untold turmoil there since, there would be a bit more peace in the region. Where in God's name are we going with this stuff? Can we imagine the Russians getting involved in Mexico or Canada? That is what is happening on the other side. Immigrants are invoked to make this argument. Where are those people coming from? We have facilitated the creation of immigrants. A minimum of 36 million people have been displaced by war. We helped to bomb those people and now we want to put up walls to stop them coming into Europe because we have destroyed the communities in which they lived. It is horrific.

All of the rationales fail to register the policies that have given rise to all of this. I refer to all of the efforts at regime change. What has that all been for? More than anything else, that has been to further the economic interests of the United States all over the world. Europe tags along because of its economic, political and now, sadly, military ties with America. Looking at what has happened in the world in the past 100 years - and this goes back to the situation in Venezuela - the Americans have interfered in 41 elections in Latin America. It is called democracy.

Why are we attaching ourselves to this nonsense? God help us. The anthropologist, Dr. Jason Hickel, pointed out recently that the most recent data show that more money flows from poor countries to rich countries than the other way around. That includes everything - aid, loans, foreign investment and remittances. Net outflows from poor countries amount to \$2 trillion each year. Developing countries, or the global south, are enriching the developed world in the West. Those countries are already rich. We are penalising developing countries morning, noon and night and still raping the place like we are colonialists.

There is no sense to this. We throw aid at those developing countries as if that is a substitute for the fact we rob them blind. This free market extremism creates corruption, impossible economic climates and destabilises all of these regions. We should not be a part of all of this. When we talk about PESCO, the European Defence Fund and the NATO PfP, which should be called the NATO partnership for war, we are really speaking of pulling up the drawbridges to Europe and denying compassion to the people we have helped to bomb, starve and disenfranchise through our support for all of this imperialist activity and economic exploitation.

When we take part in training missions and operations to enhance our ability to police the borders of Europe, we are showing we agree with the nationalist xenophobic far-right ideologies this neoliberal philosophy has brought forth. That is what we are buying into. I am as fond of Europe as anybody but I am seriously worried about where it is going. I am also seriously

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worried about the role Ireland is playing and the way we are allowing ourselves to be dragged into these military alliances. It does not make any sense. Only 104 MEPs from a total of 751 MEPs voted to oppose regime change in Venezuela in the European Parliament last week. God help and save us. Where are we going?

The Government can cod people all it likes by twisting the language but the Irish people want to be neutral. They do not want to take part in war efforts. They do not want to take part in economic exploitation and impoverishing communities that have suffered long enough. There is no logic to this. It is not what the people want. I would love if the Fine Gael, Fianna Fáil and Labour parties took a serious look at where their political philosophy is taking Ireland. I am referring to this neoliberal hawkish approach and slavish adoration and subservience to the US which is continuing to destroy so many parts of the world and keep billions of people in poverty.

**Deputy Mattie McGrath:** I am sharing my time with Deputy Michael Healy-Rae. I am delighted to make some comments on the ratification of the EU and NATO SOFAs. I listened carefully to the previous debate we had on this issue in January, only a few weeks ago. It raised more questions than answers. I heard what the Minister of State, Deputy Kehoe, had to say on how a SOFA regulates the legal and administrative arrangements applied to members of foreign forces operating within the state where they are deployed.

I also noted the apparent purpose of this motion is to have immunities and privileges extended to members of the Defence Forces when serving on overseas missions as part of UN-mandated forces. Ireland, and Tipperary, has a proud record of soldiers serving in the UN over many decades. Those were years when we were a very impoverished country with weak armed forces and not long established as an independent State. My colleague, Deputy Grealish, is trying to have some of the personnel of the Defence Forces who fought in the Congo recognised. We all are trying to do that and we all know some of those people. I am being written to regularly by people who served and they are not getting their due recognition. They should get that recognition and the Minister of State is dragging his feet.

Immunity is one thing but extending privileges is another. In the case of the EU and the NATO PfP, the SOFA also relates to the immunities and privileges extended to members of the Defence Forces when engaged in exercises in the EU, NATO or PfP member states or on standby for EU battle groups. That reference to EU battle groups should be enough for us. If we are neutral, we cannot be going into battle. That statement should be enough for the Minister of State and for his colleagues in government. We are not in any battle with anyone.

The Government is, however, in a financial battle with the citizens of this country. It is also in a health battle with the nurses. We are not, however, battling any other country in wars. The Minister of State has referenced in this motion being on standby for EU battle groups. It would be better for the Government to look after the nurses, the people who are homeless and those who are being made homeless by the merciless banks. That is who the Government should be on standby to battle but it will not touch them at all. On one hand, this motion is all very well and good. We need our soldiers to have legal protections on a par with other member states.

We had a barracks in Clonmel. I was very proud of those soldiers and I am still proud of the ones that have been shunted off to Kilkenny thanks to former Deputy and Minister, Mr. Phil Hogan, "Phil the Enforcer". More of our soldiers have been shunted off to Cork and we have been devastated. The Minister of State and his Government has done more damage to Clonmel

and south Tipperary than Oliver Cromwell did. We kept him out of Clonmel but we could not keep “Phil the Destroyer” out of the town. The Government has destroyed the town. The Minister of State has relations in Carrick-on-Suir and he should know better about what happened in Clonmel.

We must certainly have protection for our Defence Forces personnel when they go abroad. We need to have legal protection on a par with other member states. That is needed when we are on peacekeeping missions saving lives. I salute the work of the Naval Service in the Mediterranean Sea. It has plucked many unfortunate people from the sea, including youngsters, mothers and people of all ages. I agree with Deputy Wallace. Having created the mayhem, we now have to send forces to try solve the problem. This is like a situation where a person out selling sweets makes the concoction sweeter to get people to buy them. It is farcical. The Minister of State needs to pinch himself, see what he has signed up to and where this is going.

This motion appears to do nothing to diminish the clear concerns that exist regarding how instruments such as these continue to impact on, and undermine, our neutrality. It is as plain as the nose on the Minister of State’s face. They run entirely contrary to what our neutrality stands for. That is my opinion but it is also the opinion of many other Deputies, although not the Deputies in the major parties. The Government is welded so closely to Europe that it cannot see the nose on its face.

We either take our neutrality seriously or we do not. There is no halfway house. If we take actions that remove that neutrality, the Government needs to be upfront about it. It is not upfront about anything, however, and will hardly be upfront about this. It is not upfront about cosyng up to the banks and giving them immunity to do what they like. Yesterday, the Central Bank announced that hundreds of millions of euro more were swindled from ordinary mortgage account holders.

I noted what Deputy Clare Daly said about the previous motion regarding the issue in January. She said any decisions involving a closer association with NATO or the western European Union would represent a substantial change in our defence policy and would have long-term, if not immediate, implications for our policy on neutrality. She went on to state that any such proposals must be put to the people in a referendum before a decision is taken. Is the Government considering a referendum on the weather? There is one on nearly everything now. More referendums are planned and the Government is trying to bamboozle and cod the people. It thinks that it can feed them with social issues and whatever, that there will be voting on the issues and that it will be great craic. Keep the ordinary peasants occupied, let them eat cake, to quote the famous woman, and the Government can do what it likes. I agree with Deputy Daly that we need a referendum.

There is an increasing sense that we are not getting the full picture of the gradual erosion of our constitutional position on neutrality. I do not know whether it is gradual, however, because it was quite fast with motions earlier in the year to celebrate an Chéad Dáil, or na chéad bliana since the First Dáil, and here we are, rushing through this kind of legislation and these debates. As Deputy Ó Snodaigh pointed out, the tone of the motion before us is similar to PESCO, or “presto” as I called it at the time. We used to feed that to hens but the Government wants to feed all kinds of nonsense to the people. Deputy Healy-Rae and, I am sure, the Ceann Comhairle will remember presto. With PESCO, there was no understanding or preparation to say whether we need to go down the road and, all of a sudden, it was foisted on us out of the blue.

For these reasons and because we need to tread far more carefully, slowly and seriously in this area, I will oppose the motion. The Government should consider what is happening in the Middle East. We cannot have a debate on the Middle East because it is not feasible for the Government's friends, given the persecution of Christians and minority Muslims. On PESCO, there was no debate in the House - only a Topical Issue matter accommodated by the Leas-Cheann Comhairle.

**Deputy Michael Healy-Rae:** I am grateful for the opportunity to speak on the ratification of EU and NATO SOFAs, and that the topic is returning to the House in a short number of months. I listened carefully from my office to the earlier speakers such as Deputy Wallace and others, who made good statements, because I wanted to follow exactly what was said.

I congratulate our Defence Forces on the efforts they make. While I acknowledge the Minister of State also respects their efforts very much, I would like the Government to reward them more. The people who go abroad on peacekeeping missions and who have done so for many years deserve our respect, gratitude and, while we are at it, proper pay. Similarly, the members of the Defence Forces who remain in the country and who play an important role, especially when they are called upon in emergencies from time to time, are treated as second-class citizens, with which I do not agree. They play an important role and those who go on peacekeeping missions have always had a respectable name, whether at home or abroad. They should be treated better than they have been.

To return to the motion, I listened with interest to Deputy Wallace's contribution on US politics. Whenever I think about America, my first thought is of the gratitude for all the people, including many from my family, who left here, went to America and were damn glad to land there. They were damn glad to find work there, have a way of life and get on with rearing their families, and they appreciated it very much. While we can all have our differences of opinion on politics and the way the United States operates around the world, it is not right for us as a country to criticise in the House a place that has been good to us. We greatly appreciate the jobs that have been created here by Americans and the contributions they make to our society. As the saying goes, I would rather be looking at them than looking for them, any day of the week. Likewise, in the case of the jobs our families got when they went to America, I would rather be looking at them than looking for them. As a neutral country, we must be careful to protect and enhance our role as a neutral country, and we cannot have it both ways, as Deputy Mattie McGrath noted. Our neutrality is acknowledged in Europe and around the world. We have a respectable reputation and, in considering the motion, we must be conscious of such issues.

**Deputy Eamon Ryan:** Yesterday, I was very proud, as I am sure the Minister of State was, to attend the commissioning of 67 or 68 cadets into the Defence Forces, along with the young Maltese officers who were trained in Ireland. The co-operation with Malta is an example of the way we can work in co-operation with the rest of the world. It was very moving, and one can tell that those young men and women will do us proud. In some cases that might be due to knowing them or their families, but the sense of them as a team together suggested that they will do our country proud, as the Army, the navy and the air force have done over the years.

The cadets swore allegiance to the State, the Constitution and the Republic - as well as to the House, in a way, because it gives the Defence Forces their direction and sets their strategic missions. It gives us such a sense of responsibility that we must get things right and ensure that we do right by them, which includes ensuring we pay them properly. The disorganisation in our armed forces, through the mix-up of battalions and so on a few years ago, must be reversed

in order that we get our organisational structures right. More importantly, the average age of those young men and women is 23. Let us consider the next 20 or 30 years when they will fulfil the promise they made yesterday, and the world into which they are going. Any dispassionate assessment of our situation would raise a sense of caution about what is happening in both European and global contexts.

While it is true that we are involved in *realpolitik* and the larger states have a strong influence, the French President clearly stated that he wants a true European army to handle the Russian threat and reduce our reliance on the US, and the German Chancellor backed him up. Is that how we see ourselves? Is that the strategic military direction we need to take in the world? The President of the European Commission, Jean-Claude Juncker, in his State of the Union speech a couple of years ago, stated, “A strong, competitive and innovative defence industrial base is what will give us strategic autonomy.” Are we satisfied that is the strategic direction that will best serve those young officers, soldiers, seamen and women and aviators over the years? Will our buying-in to that sort of vision of a strong industrial base serve them? We live in a world with all sorts of complications involving military technology; the use of drawing technology, which we seem to fete in our European statements; and the advancement of robotics, which create various ethical dilemmas in the use of military force. That is what makes me think we will not serve those officers well if we just buy into that narrative and think it is the future security that will work best for the Irish people, the European people or the wider world.

We have heard it time and again with the launch of the European Defence Fund. European Commission Vice President Jyrki Kaitanen has said the fund will act as a catalyst for a strong European defence industry in developing cutting edge and fully interoperable technologies and equipment. The Minister of State has come to us and told us to fear not, as all we are talking about is interoperability in order that our soldiers can do their best job. Nobody would want to deny them that opportunity. We are not blind or deaf and can speak English and read documents from the Commission and elsewhere. We can read the background analysis of PESCO, and other interoperability mechanisms we are to enter, including NATO partnerships. It is all about increasing military spending on hardware and advancing robotics, drone and other technologies. I do not trust us or, I am afraid to say, Europe to best deploy them in a way that will suit our armed services in the tradition in which they have excelled. I have heard the story of Irish Army officer heroes who stood in a difficult position in a Lebanese village when somebody was about to be beaten up and killed. They stopped it and protected people with the power of a pencil in just having the bravery to stand in a square and say they were writing everything down. They were willing to protect the people concerned by standing as soldiers who were not just bringing in big weapons or technology but bravery and a presence on the ground. In so doing they averted that death. All of the officers I met would fill us with a sense of pride. I have met Irish intelligence officers behind certain operations in which we participated in Africa and they realised there were complexities in European engagements in Africa that required a diplomatic approach, rather than focusing on the industrial military and its technology.

Somebody told me that the American army had learned about what we had done in Liberia when we went to a village to give computers to a local community, thereby winning the hearts of the community we were protecting in order that we could work with them in a really effective way. I have heard of Irish Army bases that were not industrial with a high technology spend but which had open fortifications in a sense. Although they were still secure, they kept the area open in order that there was not a sense of massive walls acting as a break between the Irish Army and the people the soldiers were there to defend. They would not send their big

and fancy vehicles along the small country roads in the middle of the rainy season for fear that if they did, local farmers would not be able to use them to get their food to the market, thereby exacerbating a tense position. That is our skill and what we are brilliant at. It is what we bring to peacekeeping.

Unfortunately, in everything I read there is mention of interoperability. In a sense, these status of forces agreements, SOFAs, are a metaphor for interoperability. We are told that with interoperability we could see an average saving of 30% if we were to bring all of our helicopters and drone equipment together. That does not lead to a saving in budgets but rather an expansion. It is very explicit as it is a €500 million increase this year, with a view to having ever-increasing budgets. As I indicated, some people will see this ending with a true European army as an ideal or full interoperability. The agreement between NATO and Europe argues that having a stronger NATO and Europe is mutually reinforcing. I am not too sure we are serving our young men and women if we think that is our particular place in the world today. We are living in a world that is complex and difficult, with the West in decline. As the former UK Prime Minister, Mr. Gordon Brown, said, ten years ago, the West accounted for 60% of economic activity, but that is now down to 40%. Europe will have to manage what will be a relative decline by protecting our civilisation, looking after citizens and ensuring we will manage our borders, although not in a way that will lead to “fortress Europe” or bring massive investment in an industrial armaments base in an attempt to restore or hold on to what we sense we are losing. Europe will be great and we should be great within it when we have a slightly different version of where we are going from here. The young men and women who will serve us would be better served by an Oireachtas that would signal such intent, rather than one that is behind growth in industrial armaments expenditure as the way forward. Although we very much want to look after our soldiers, that is why we cannot agree to the motion. It is part of an overall movement in which the Minister of State seems to be taking the country’s armed forces. It is not secure.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I thank everybody for his or her contribution. Deputy Boyd Barrett appeared very calm this evening in comparison with his other contributions to debates and I wondered about the reason for it. As I remember it is his birthday tomorrow, that is why he is saving all of his energy for tomorrow and I have no doubt that we will all receive an invitation in the post.

I thank Deputy Jack Chambers for supporting the motion and Members across the House for their comments. Deputies have correctly highlighted the importance of our reputation for peacekeeping. In peacekeeping and crisis management operations the status of forces agreements will offer the Defence Forces equal protection and immunities as colleagues from other countries with which they work in a large number of missions across the world. We also want our personnel to benefit fully from the training available in exercising with peacekeeping partners and contributing states where such opportunities are available. We are facing increasingly complex crisis management operations and such exercises contribute extensively to the capacity and capabilities of any mission. Ratification of SOFAs can ensure the Defence Forces can participate fully in such training exercises without in any way compromising or diminishing our traditional policy on neutrality.

Since becoming Minister of State with responsibility for defence, at both committee level and here in the Dáil we have debated a large number of matters. We will always have differences of opinion and I respect everybody’s opinion, but the question of whether Ireland is joining a European army is always to the fore. Deputies Boyd Barrett, Wallace and Pearse Doherty raised that query, but their concerns could not be further from the truth. The Treaty of Lisbon

does not provide for the creation of a European army or conscription to any military formation. Any change to this position would require a treaty change, but no such change is proposed. The Treaty of Lisbon explicitly states it does not provide for the creation of a European army or conscription to any military formation and it does not affect or prejudice Ireland's traditional policy on military neutrality. Deputies mentioned Mr. Jean-Claude Juncker, the German Prime Minister, Mrs. Merkel, and many others, but I encourage everybody to look at the Lisbon treaty and the protocols around it. It expressly protects our military neutrality against the idea of a European army.

Another question highlighted concerns about Ireland being part of the NATO PfP. There is a principal benefit of participation in the programme. It has allowed us to enhance the Defence Forces' capabilities and interoperability with other professional military forces for peacekeeping, preventative and crisis management operations under UN mandates. We have been a member of PfP since 1999 and there is no plan whatsoever to join NATO. Participation in PfP is in no way a stepping stone to NATO membership but I can safely say it enhances our capability, interoperability and it helps that we are able to work alongside like-minded states.

The discussion paper launched by the Fine Gael MEP, Brian Hayes some months ago was raised. It was in no way a political policy from my party. This was a discussion paper and it is important that we have people who are interested in defence issues and policy who put out discussion papers that we are able to debate openly and honestly.

In no way did PESCO come out of the blue. I was discussing it at committee level for 18 months before the motion was passed in the House.

I commend the motion to the House. I thank Deputies Jack Chambers and Eamon Ryan for their support. I ask other Members to consider supporting it.

Question put.

**Acting Chairman (Deputy Eugene Murphy):** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 7 February 2019.

### **European Defence Agency Project: Referral to Select Committee**

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I move:

That the proposal that Dáil Éireann approves Ireland's participation in a European Defence Agency Project in relation to Military Search Capability Building pursuant to section 2 of the Defence (Miscellaneous Provisions) Act 2009, be referred to the Select Committee on Foreign Affairs and Trade, and Defence, in accordance with Standing Order 84A(3)(b), which, not later than 19th February, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

In commending the motion, I will briefly outline the function of the European Defence Agency, EDA, and the background to the project that Ireland wishes to participate in. The agency was established by a Joint Action of the Council of the European Union in 2004 "to support the Member States and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy as it stands now and develops in the future". On 6 July 2004, the Government approved

Ireland's participation in the framework of the EDA. Ireland contributes to the annual costs of running the agency including its annual work programme. The agency is focused on assisting member states in capability development, in obtaining better value for existing spending levels, improving competitiveness and securing greater efficiency, particularly in the area of research, technology and procurement of defence capabilities.

The Defence (Miscellaneous Provisions) Act 2009 prescribes that participation in EDA projects or programmes is subject to Government and Dáil approval. Capability development projects within the EDA are classified as a category A project where all member states join unless they specifically opt out or a category B project where two or more member states come together to pursue a particular initiative. The proposal put forward by me today is to seek approval for Ireland to participate in a category B project in relation to military search capability building. The Defence Forces engage extensively in specialist military search activities, dealing with unexploded ordnance, improvised explosive devices and ensuring a safe and secure operating environment for military operations. The Defence Forces engineer specialist search and clearance teams are regularly deployed on home and overseas operations.

There are two specialist search teams operating overseas in the United Nations Disengagement Observer Force, UNDOF, and United Nations Interim Force in Lebanon, UNIFIL, and they predominantly conduct route searches and area clearances in advance of vehicle or foot patrols. The Defence Forces have also provided this capability to An Garda Síochána in support of aid-to-civil power operations during high profile visits by foreign VIPs and for searches for bodies and weapons. The Defence Forces corps of engineers does not have search teams at an advanced search capability level. Advanced search personnel are capable of conducting hazardous environment search, working in confined space and operating in chemical, biological, radiological and nuclear environments. Participation in this project addresses this capability gap. The aim of the project is to develop common processes, techniques and procedures for military search for contributing member states. The overall cost of the project is €2.8 million over six years and will be funded by the eight participating member states. Funding comprises financial contributions and contributions in kind. Ireland's contribution over the lifetime of the project is €157,500. This comprises €102,500 contributions in kind associated with hosting an international seminar and a number of training events, and a direct financial contribution of €55,000. Costs will be met from within existing resources.

The eight member states planning to join the project are Austria, Belgium, Cyprus, the Netherlands, Portugal, Spain, Sweden and Ireland. The anticipated benefits of the Defence Forces participation in this project are: it addresses a current deficiency at the advanced level of engineer specialist search and clearance capability; the training to instructor level that will be achieved from this project will ensure that ongoing training requirements can be met in-house into the future; the project provides an efficient and cost effective means of qualifying teams to advanced searcher level and maintaining their currency, which would otherwise be prohibitive if it had to be procured in the market. Additional benefits also arise from interaction with other forces and the sharing of tactics, techniques, procedures and experiences. Ireland's participation in this project affords us the opportunity to keep abreast of best practice and new developments in the defence environment, particularly as it impacts on multinational crisis management operations in a cost effective manner.

**Deputy Jack Chambers:** Ireland has a proud tradition of peacekeeping and the motion allows us to further develop our role as a nation committed to promoting peace and understanding across Europe and further afield. It is equally important that the men and women of our De-

fence Forces have access to the very best in training, expertise and modern technology so that they are properly equipped in their duties. Our participation in the EDA is not a new development and we have been participating in and benefitting from programmes under the agency for the past decade. Participation in the EDA allows us an opportunity to develop new peacekeeping skills and to better foster relationships with fellow member states. Ireland's involvement in the EDA dates back to 2009 when the then Fianna Fáil and Green Party Government oversaw the passing of legislation following the Lisbon treaty referendum. The Defence (Miscellaneous Provisions) Act 2009 underpins our participation in the EDA projects. Crucially the legislation states that any participation in European-wide projects such as the EDA can only be for the purpose of enhancing capabilities for UN sanctioned and mandated missions, which have a stated aim of strengthening security at an international level in accordance with the stated principles of the UN Charter. Our involvement is also contingent on the UN missions having the stated aim of peacekeeping, crisis management and conflict prevention. The project being debated today, military search capability building, fits under all of these key headings. In addition, it is worth pointing out that any decision we take to participate in the project of the EDA is fully and completely within Ireland's control. We do not have to answer to anyone in this regard. We are in control and there is a democratic mandate from this House. Indeed, this is true in the case of all defence matters within the European Union.

It is also important to point out that participation in EDA exercises is also underpinned by the triple lock mechanism which was introduced and which was reinforced in the Defence (Miscellaneous Provisions) Act 2009. Members will know that this means approval must be secured from the Government and the Dáil prior to any participation in UN peacekeeping missions. This mechanism further strengthens our right to opt in to and out of any missions as we deem appropriate, worthwhile or beneficial. Furthermore, involvement in this framework does not impose any minimum defence spending requirements on Ireland. All member states retain full control over defence budgets.

Along with all of this, we should consider the benefits of our participation in these peacekeeping operations. As the Minister of State has stated, eight member states intend to participate in this project. These include Austria, Belgium, Cyprus, the Netherlands, Portugal, Spain and Sweden. We should be very proud of our 60 years of peacekeeping tradition and we should not dismiss it in this House when discussing matters of defence. In this sense Ireland is embracing and embodying the active neutrality approach I set out earlier today. Our position as a nation that is serious about playing an active peacekeeping role also provides us with opportunities to benefit ourselves. The EDA plays a key part in this aspect of our peacekeeping. It means we get to keep track of the most up-to-date and best practices in peacekeeping in the 21st century. It also gives us access to research and information on developing and maintaining professional capabilities from which we would not otherwise be able to benefit. All of this is vital in ensuring that the men and women of our Defence Forces are as prepared as they can be when partaking in these peacekeeping operations.

On the specific project being considered today, military search capability building, I am happy that it is another important peacekeeping exercise that can offer a lot of expertise to us and from which we can gain a great amount. Both at home and abroad our Defence Forces are already involved in this type of activity through engineer specialist search and clearance, ESSC, teams. Domestically, these teams are regularly deployed to assist An Garda Síochána during visits from high profile foreign leaders and international dignitaries. There are two teams operating overseas, one on a UN mission in Syria and another on a UNIFIL mission in Lebanon. On

these missions they conduct route searches and clearance duties in advance of patrols. These teams are not capable of conducting searches in a variety of settings including in hazardous environments, in confined areas and in chemical, biological or nuclear environments. Participation in this training would equip our Defence Forces with the necessary skills to operate in these challenging environments and would thus address the capability gap. Our involvement in this project would also mean that those who participate in the training would be developed to instructor level, meaning that future training in this area could be managed in-house within the Defence Forces.

Fianna Fáil will be supporting this motion in keeping with Ireland's commitment to peace-keeping as a UN nation.

**Deputy Pat Buckley:** Our approach to all of the motions related to EU defence that have come before the House since the Lisbon treaty referendum result, which tied Ireland to the EDA, has been to view them with a healthy amount of suspicion given that the purpose of the agency and the intent of most of our EU partners is to achieve an EU army gradually and to increase military spending. The other aims are to increase interoperability, to make national armies indistinct from and dependent on each other and to enhance military capabilities above what is required to defend the EU, even in an armageddon scenario. Every step that further aligns us with the EU military project further erodes our neutrality and further undermines our reputation, built on UN duties which have resulted in the loss of 86 Irish soldiers since 1960.

Nobody is denying that the threat level is greater in today's world and that armies and armed groups around the world are becoming more sophisticated. There is a need to afford the soldiers of the Defence Forces the greatest level of protection possible and a need for their skills to be increasingly honed and their equipment adequate not only to protect themselves, but also those they seek to protect. This can be done without eroding our national interests or our neutrality. The State's neutrality should not be sacrificed on the altar of interoperability and greater efficiencies. It is amazing to see Fine Gael's headlong rush into the EU-led military agenda, with the support of Fianna Fáil and the Independent Alliance, while it still will not pay members of the Defence Forces a decent wage or, in some cases, even a living wage.

We are also no closer to protecting our soldiers abroad or at home from Lariam, despite a Dáil motion instructing the Minister and military to do so. We are also way behind other EU militaries in admitting the failures of the past and the legacy of very sick serving and former members of the Air Corps. None of these issues, however, gets the Government's attention in the same way as EU militarisation. The last two years have witnessed a rapid advance in the militarisation of the EU. In 2017 Jean-Claude Juncker, President of the EU Commission, proclaimed:

By 2025 we need a fully-fledged European Defence Union. We need it. And NATO wants it.

This development is facilitated by the Lisbon treaty. Sinn Féin repeatedly stated that the treaty would lead to a militarisation of the EU and the creation of an EU army. This is what we are now seeing in real time. If this motion passes today our spokesperson on defence, an Teachta Ó Snodaigh, will explain in detail his deep concerns about it and this development directly with the Minister of State in committee.

**Deputy Brendan Ryan:** The motion before us is to refer a motion to committee. I will

certainly be supporting that proposal. I will not spend too long speaking on the motion. As I have said in other fora, if an issue has to be referred to committee for greater scrutiny we do not need an in-depth debate on it at the point of referral. We need consistency on these matters irrespective of the topic of the matter for referral. The first Members to discuss matters such as these should be the members of the relevant committee. Be that as it may, I will say a few words on the matter.

Military searches are an essential part of the work of our Defence Forces. It is crucial that every peacekeeper is trained in detecting any form of improvised explosive device that may be in his or her path. The purpose of Ireland's participation in this project is to increase the proficiency of the Defence Forces corps of engineers by bringing its teams to an advanced level of search capability. These teams are required to develop certain skills for overseas missions mandated by the United Nations and this project would assist the Defence Forces in meeting these requirements.

Without advanced search capability, personnel are put at risk because they are not trained to conduct all forms of military searches. There must be consistency across peacekeeping forces because when forces from different nations are working alongside one another they must be confident that every individual is trained to the most advanced level. By not joining this project the Defence Forces corps of engineers would be left out of important training exercises and would struggle to maintain its reputation as an exemplary peacekeeping force. Currently there is a deficiency within the Defence Forces because none of the individuals is trained to the advanced level of ESSC capability. These forces have yet to be trained to conduct searches in hazardous environments, in confined spaces, or in chemical, biological, radiological or nuclear environments. Military search capability building would rectify this problem and bring the force back to a proper standard.

I look forward to this being discussed and teased out further in committee before returning for a wider debate open to all Members in this Chamber at a later date.

**Deputy Richard Boyd Barrett:** I will read a couple of excerpts from an article in *The Guardian* published in the last couple of days. Under the headline "Yemen: inquiry finds Saudis diverting arms to factions loyal to their cause" the article reads "An investigation into weapons being used in the war in Yemen has shown numerous examples of arms supplied by the UK and the US, among others, ending up in the hands of militias including those linked to al-Qaida and Isis." That says it all. The purpose of the EDA is to develop the European arms industry. We are involving ourselves in the EDA and PESCO, whose specific objective is to monitor closely that all states that are signed up to it are upgrading their military capabilities on a progressive basis.

*8 o'clock*

This means making more and more sophisticated weapons. The Minister of State called the major European states to which we are aligned like-minded states. Are we like-minded with states that sell weapons to the Saudi dictatorship? They sell weapons to a regime that denies all human rights and any right of political dissent, locks up women activists who are fighting for rights for women and anyone who dissents against the autocratic Saudi royal family, and shifts weapons on to ISIS and al-Qaeda in a murderous war in Yemen which has claimed tens of thousands of lives and has put almost 11 million people on the brink of famine. That is the connection. That is what Europe and major European powers are doing. The Minister of State

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calls them like-minded and says that he wants us to develop closer military co-operation with them and to assist them in upgrading, developing and enhancing the European arms industry. That is where the weapons come from.

The reason I am in politics is that I was in a refugee camp in Palestine in 1987 when the intifada had just started. I was not even involved in politics. A family, two of whose members had been dragged off to jail by the Israelis just because they participated in a protest, showed me tear gas canisters and other leftovers from weapons that were deployed by the Israeli defence forces which were made in the USA. That is where the weapons come from. They come from America, France and Britain and now we want to align ourselves with this machine of making money from producing the means to kill people. These like-minded states sell weapons to the most vile, vicious regimes and innocent people die as a result. Why on earth would we want to be part of that?

I beg the Minister of State not to tell me it is about protecting our soldiers. I got a communication from people who were part of the Irish Defence Forces. A commanding officer in the siege of Jadotville had recommended that a number of the very brave Irish troops who were involved in that siege receive military awards but for some reason they have never got them. If I have not submitted a parliamentary question on the matter I will do so. We do not even show respect for these people. They have made films about the famous siege of Jadotville and the film industry shows some respect for them. They are recommended for military honours and they do not get them.

We have soldiers protesting because their families are dependent on family income supplement, so miserable are their wages. We are buying military assets for the navy but we do not have enough personnel to man the ships because we pay them so pitifully. If the Minister of State really cared about the soldiers, he might give them the medals they deserve and he might pay them properly and treat them with respect so they and their families do not have to come protesting outside the Dáil because of the poverty they are suffering. That would show some real commitment and respect. The Minister of State must not tell me this in any way justifies getting involved with the European Defence Agency, whose sole purpose is to develop an industry of death and to sell weapons to vile and vicious regimes like the Saudi regime and many others.

**Deputy Clare Daly:** It feels like hardly a week passes without the Dáil being asked to approve some fresh assault on our neutrality and I am absolutely sick of it. The motion before us might not be the worst of them but certainly the one we debated earlier was among the worst. We cannot see the present motion in isolation. Earlier, we heard that the Government has let the Irish State be bullied into signing up to an EU status of forces agreement, SOFA, for no good reason at all. Basically the Germans told us that we could not play in their battle group in 2020 if we did not sign up to an EU SOFA. Rather than telling them that is grand, we are a neutral country and we do not want to play, the Government came in here to relay the Germans' instructions as if they were commandments carved on a stone tablet. We have a responsibility to say they are not. We no more need to be part of an EU SOFA than we need to take part in a German battle group. We have heard a lot from the Minister of State and he was at it again earlier, talking about interoperability of our Defence Forces and other countries' armies as if that was some sort of a given that nobody could question. It is not. We do not need to be interoperable with German forces if all we take part in are peacekeeping missions. The only reason we would need to be interoperable with the German army or any other army is if one day we plan to go to war alongside them.

Things must be pretty bad in this House, going by the discussion that took place at the Oireachtas Joint Committee on Foreign Affairs and Trade, and Defence on 24 January. I never thought I would be in the Chamber quoting Deputy Barrett, that is, Seán Barrett and not Richard Boyd Barrett. Deputy Seán Barrett is a former Fine Gael Minister for Defence. At the committee last week, he said:

I ask that we revert back to what we were the best at, namely, peacekeeping. We do not want all of this. Leave it to others, if they want to become part and parcel of battle groups. Battle groups are not peacekeepers. The words “battle groups” mean that they are trained to go into battle. Do we want to be part of the battle groups? Since when do peacekeepers become involved in battle groups? With the greatest respect, we are losing our way here.

I agree 100% with that statement. Something clearly has happened since the 1990s and things have changed in a very big way. There was a turning point around the Iraq war and against the backdrop of the invasion of Iraq and Afghanistan. We saw the use of Shannon Airport on a consistent basis by the US military. That change has accelerated massively in the recent past and we have had a parade of vanity projects, very embarrassing militaristic posturing to the hawks in the EU, whether it is battle groups or our navy shamefully taking part in a military operation against desperate refugees. Nobody has told the Labour Party about that as they seem to think it is something to save them.

I find it hard to believe that anybody who grew up in this country could really be so misguided as to think that the economic benefits of war outweigh the devastation it causes. That was almost the conclusion of the paper the Minister of State cited by his colleague, Mr. Brian Hayes, MEP. What was that other than a kite-flying mission. Fine Gael could not do it itself and did not want to be embarrassed by it but it could throw it out there in the names of a bunch of unknowns of whom no-one ever heard to see how much it was flagged. That was the intent of that paper. That is the direction that those at the top of the present Defence Forces seem to be taking and I think it is toxic. We have to stop this rot and part of that job is to stop the efforts of this Government almost weekly to normalise the gutting of our neutrality. That is what we have here. More than 60,000 troops going through Shannon last year is not normal. It is not normal for Ireland to buy a navy warship. Battle groups are not normal. Going to war at sea against defenceless migrants is not normal. None of it is normal and I think the Irish public agrees with that. We should be standing lock, stock and barrel against any further interaction in European defence policy and should stand up once and for all for Irish neutrality.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I thank the Deputies for their contributions to this very important debate. Deputies have highlighted the importance of supporting our Defence Forces in capability and development. The primary function of training and education in the Defence Forces is to develop and maintain the capabilities necessary to enable personnel to fulfil the roles laid out by Government. Defence Forces specialist search and clearance teams are regularly deployed, at home and overseas, in different missions. Examples of recent such deployments at home include the Papal visit, the visit of British royalty in 2011 and the visit of the US Vice-President more recently. There have also been a number of searches for the bodies of missing persons and more conventional operations against paramilitary groups and criminal organisations.

There are two Defence Forces specialist search and clearance teams operating overseas with the United Nations Disengagement Observer Force, UNDOF, and the United Nations Interim Force in Lebanon, UNIFIL. They predominantly conduct roof searches and area clearances

in advance of vehicle or foot patrols. The Government's White Paper on Defence, published in August 2015, states that Ireland will identify opportunities to participate in multi-national capability deployment projects within the framework of the European Defence Agency in support of the Defence Forces' operations capacity and capability. The European Defence Agency is focused on assisting member states on capability development in obtaining better value for existing spending levels, improving competitiveness and securing greater efficiency, particularly in the area of research technology and the procurement of defence capabilities. Ireland's participation in the project is a prime example of how defence forces can further develop their engineering specialist search and clearance capability to an advanced level, and provide a pathway to ensure the sustaining of those skills into the future.

I responded to the Sinn Féin Deputy in a debate earlier this evening on the idea of an EU army. I thought that Deputy Clare Daly would be delighted that I appear in the House every week to debate against her. We have different opinions, and I absolutely respect her opinions; that is what democracy is all about, and what this parliament is here for. However, I refute the comments of my colleague, Deputy Barrett, at last week's committee. Peacekeeping has totally changed. The threat we face today is totally different from the threat we faced in the 1970s and 1980s, when we first began peacekeeping. I assure Deputy Clare Daly that if we went out with the same equipment we used in the Congo in the 1960s we would not last very long.

**Deputy Clare Daly:** This is a straw man argument.

**Deputy Paul Kehoe:** I am being honest, upfront and frank with the Deputy.

**Deputy Clare Daly:** The Minister of State is not being honest.

**Deputy Paul Kehoe:** We have to move with the times. The threats we face today, whether with UNIFIL, UNDOF or the European Union Training Mission, EUTM, in Mali, or indeed in the Congo, are totally different. That is why it is so important that we work-----

**Deputy Clare Daly:** What are the other 20 countries doing?

**Deputy Paul Kehoe:** -----as Deputy Boyd Barrett said, with like-minded states. These like-minded states are participating in peacekeeping duties as well.

**Deputy Richard Boyd Barrett:** They are selling arms to al-Qaeda.

**Deputy Paul Kehoe:** I am very disappointed that Deputy Boyd Barrett did not thank me for wishing him a happy birthday.

**Deputy Richard Boyd Barrett:** For the record, it is not my birthday tomorrow. It says that it is on Wikipedia, and it slightly worries me that the Minister has been on my Wikipedia page.

**Deputy Paul Kehoe:** His page notes that he is 51. I always thought he was 26 or 27, but perhaps that is wrong as well. Ireland's participation in the European Defence Agency affords us the opportunity to keep abreast of best practice and new developments in the defence environment and military capabilities for our Defence Forces which undertake the roles assigned to them by the Government.

I will state again that if anything happened to any member of our Defence Forces, whether overseas or at home, Deputies Boyd Barrett, Wallace and Clare Daly, along with Sinn Féin, would haul me into this House and ask me to account for it. That is why I am proud-----

**Deputy Clare Daly:** The Minister of State would be the person who sent them there in the first place.

**Deputy Paul Kehoe:** -----that we give members of our Defence Forces the best equipment, the best capabilities available and, more importantly, the best training. That is why we train with like-minded states, offering us interoperability which allows us to go out and participate in UNIFIL, UNDOF, EUTM in Mali and in the Mediterranean with our Naval Service. We have the experience of being able to participate with other states. There would be something wrong if we did not train and work with like-minded states.

**Deputy Clare Daly:** What are the other 20 countries that are not joining it doing?

**Deputy Paul Kehoe:** It is important that we do so, and -----

**Deputy Mick Wallace:** We functioned fine without being in this kind of arrangement before.

**Deputy Paul Kehoe:** -----I commend this very important motion to the House.

**Deputy Mick Wallace:** Please stop.

**Deputy Paul Kehoe:** I am proud to do so.

Question put.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 7 February 2017.

### **JobPath Programme: Motion [Private Members]**

**Deputy John Brady:** I move:

That Dáil Éireann:

notes that:

— JobPath was set up by Fine Gael and the Labour Party in July 2015, with the aim of assisting the long-term unemployed to secure and sustain employment;

— contracts to deliver JobPath on behalf of the Department of Employment Affairs and Social Protection were signed with two private companies – Turas Nua and Seetec;

— between July 2015 and January 2019 some 205,000 people have engaged with either Turas Nua or Seetec following referral by the Department of Employment Affairs and Social Protection;

— as of January 2019, over 21,000 people had been referred to JobPath for a second time having previously completed the scheme in full;

— as of November 2018, Turas Nua and Seetec had received €149 million of taxpayers' money between them;

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— as of November 2018, out of the 190,000 people referred to JobPath at that stage, just nine per cent (i.e. 17,100 people) had secured employment which had been sustained for at least one year, at a cost of €3,718 per person;

— where an individual is referred to JobPath for a second time, Turas Nua and Seetec received double payments; and

— JobPath has engaged with 24,185 people (as of October 2018) who are working part-time and also with people who have been referred to another job activation scheme;

further notes that:

— the Minister for Employment Affairs and Social Protection has hailed JobPath as the most successful job activation scheme in the history of the State, however, the employment outcomes for JobPath do not reflect this claim;

— other job activation schemes are suffering as a result of the Department of Employment Affairs and Social Protection's preference to refer people to JobPath over all other community-based schemes;

— referrals to the Local Employment Service are down across the State and thousands of vacancies in Community Employment schemes, which provide vital benefits to local communities, cannot be filled; and

— research recently presented to the Oireachtas Committee for Employment Affairs and Social Protection from Waterford Institute of Technology concluded that 'they (participants) felt actively and capriciously patronised, cajoled, threatened, manipulated and bullied'; and

calls on the Government and the Department of Employment Affairs and Social Protection to:

— immediately cease all referrals to the JobPath service and end the mandatory nature of the scheme;

— end the contract with the JobPath providers as soon as possible without any extension;

— properly resource and expand existing job activation schemes which are community-based, including:

— the Local Employment Service;

— Adult Guidance Services;

— Community Employment;

— Rural Social Scheme;

— Tús; and

— Job Clubs;

— invest in the Back to Education Allowance scheme, Vocational Training Opportu-

nities Scheme, and any other available training and education schemes;

— end the use of ‘payment by results’ models in job activation schemes;

— examine the significant international research on the consequences of sanctioning, including the short-term impacts, such as poverty, and the long-term impacts on health and well-being; and

— focus on an ‘individual first’ approach rather than the ‘work first’ approach pursued by JobPath, acknowledging that one size does not fit all and some jobseekers would benefit more from upskilling through apprenticeships, education, training and work experience rather than an ‘any job will do’ attitude.

I am delighted to bring this motion before the House in order to give us an opportunity to discuss and debate the much-discredited JobPath programme which was rolled out in 2015.

Turas Nua requested that he change his name on his CV so that he would not identify as a Traveller. This was done against his wishes.

Turas Nua applied for a job for her in a remote call centre, a one and a half hour drive each way with no bus service available. Despite her objection that she had no means of travelling to work there, she was advised to make friends and car pool. She was five months pregnant at the time. When she complained she was threatened with sanctions. Around this time she became homeless, staying on her parent’s couch.

A qualified architect was forced to hound potential employers. When this failed, Turas Nua instructed her to dumb down her CV so that she could find other types of work.

These are just some of the experiences shared by JobPath participants with researchers from the Waterford Institute of Technology. They concluded that JobPath participants felt actively patronised, cajoled, threatened, manipulated and bullied, which is a far cry from the Minister’s claim that JobPath is the most successful job activation scheme in the history of the State. In reality, JobPath providers are not helping and supporting unemployed people, as the Minister’s amendment states. Our evidence suggests that staff at JobPath do not have the necessary skills or training. That company is simply making money on the backs of unemployed people.

It is not about the needs of the individual, but a work-first approach. As the Minister’s predecessor, An Taoiseach, Deputy Varadkar, said, people must give up their ambition of a dream job and in essence take any job. When it comes to the privatisation agenda pursued by the Minister’s Department, in terms of contracting out the service, the Minister consistently compares it with the local employment service, LES. It is true that the LES is contracted out, but the LES is not based on a payment by results model. That is what is at issue here. The Minister has completely overlooked this. To compare JobPath with the LES is highly insulting to the highly trained and qualified people working within the LES. Not only does the Department hand over an initial fee of €311 - which the Minister will refer to as a “small registration fee” - for every individual who signs up to JobPath, that money has been handed over twice in the case of over 21,000 people her Department has referred to JobPath twice. That is not a small amount, particularly when it is paid on the double. Turas Nua and Seetec must be laughing all the way to the bank with the €160 million they have been paid to run these schemes in their back pockets.

A total of €3,718 in taxpayers’ money is handed over to Turas Nua and Seetec for every job

sourced that lasts at least 52 weeks. That is €3,718 for every person per job. It is a ludicrous amount of money. JobPath providers are not engaging with individuals to help and support them, they are doing so simply to make money. They are private companies and their sole aim is to make a profit.

The amendment tabled by the Minister for Employment Affairs and Social Protection and the press release she issued earlier both state that 41,000 people have found full-time jobs. How long have they lasted in those jobs? How long have those jobs lasted for them? Have they lasted more than 13 weeks? Can the Minister provide a breakdown on the number of these jobs that have been sustained for more than one year? In November, the Secretary General of the Department informed the Committee of Public Accounts that out of the 190,000 referred at that stage, only 17,100 had sourced employment that lasted for at least one year. That represents a mere 9% of participants. The Minister consistently mentions the low level of complaints when praising the success of JobPath but fails to acknowledge that those referred to JobPath are threatened with cuts to their jobseeker's payments from the first communication they receive. Why would a person under constant threat of sanction or under the threat of losing the only source of income he has make a formal complaint to the Department? To date, over 14,000 JobPath participants have had a penalty rate applied. In many counties, the figures exceed 10%, 11% or 12%.

There are other job activation schemes that are community-based and reputable long-standing schemes. The Minister's amendment states that the funding and staffing for the local employment service offices have been maintained. Again, the Minister misses the actual issue. The number of referrals has not been maintained. The numbers are down throughout the State.

Those working in the local employment services could tell the Minister that supporting the motion would not mean that the long-term unemployed will suddenly miss out on the opportunity to source employment. Schemes run by the local employment service, adult guidance service, jobs clubs and community employment organisations are precisely the schemes that brought us to full employment during the Celtic tiger era, long before JobPath ever came into existence. They were the success stories, but the Minister has bypassed them to line the pockets of Turas Nua and Seetec to the tune of over €160 million.

The motion is not about calling for JobPath to be cancelled; it is calling for an end to the referrals to JobPath and an end to the mandatory nature of the scheme. Why the Minister decided to release a press statement based on the cancellation or suspension of JobPath, which is mentioned nowhere in the motion, is completely beyond me. It begs the question as to whether she actually read the motion.

I look forward to the debate and to the contributions of Members on all sides. I hope we will get full support for the motion Sinn Féin has brought forward to deal with and do away with the much discredited JobPath programme.

**Deputy David Cullinane:** JobPath was described today as short-term, coercive and ruthless by several academics from Waterford Institute of Technology. A submission was presented to Deputy Brady by over 29 community-based groups who run the community employment scheme. They have a similar view of the scheme. People who use the system and who use other systems have a view of JobPath that is the polar opposite of the Government view. The Government likes to pretend that JobPath was a success when in fact it was a failure. The Government likes to pretend that people have had a good experience. Some may have had a good experience

but many people have not had a good experience. In fact, many people who have come to me who have been through the JobPath programme have used words such as “coercive” and say they have been threatened and that they have had a bad experience with the process.

It is clear - I make no bones in saying it - that the Fine Gael Party has no interest in workers’ rights. Thus, it is no surprise that those in Fine Gael continually pretend that this is a fantastic scheme while ignoring the labour activation schemes that actually work. The reason the Minister likes to put this up as a scheme that works, the reason she claims it is such a fantastic scheme, is because it represents the privatisation of labour activation schemes. Two private companies get €150 million in taxpayers’ money to roll out schemes that many are uncomfortable with and in respect of which many people have had a bad experience.

Certain facts had to be dragged out of the Department of Employment Affairs and Social Protection at the Committee of Public Accounts. Deputy Brady and others have been calling for these figures year in, year out. He has sought details on the actual cost, what these companies get and how much the costs are per individual. After a great deal of cajoling and work we got the figures at the Committee of Public Accounts from the Secretary General of the Department. The cost is a total of €3,718 per job seeker. The Minister can smile if she likes but I was at the Committee of Public Accounts and I asked the questions. We were stonewalled but eventually we got the answers. Two private companies receive €150 million. This is despite the fact that only 7% of JobPath clients were still in employment after 12 months. Yet, the Minister claims that it is a fantastic success. These figures relate to a time when unemployment was falling in any event. Yet, we give €150 million to two private companies to roll out a programme that people have serious concerns with.

I commend the motion to the Minister. The Minister should take her head from out of the clouds and recognise that there are major problems with this scheme. I call on the Minister to listen to the people we listen to on a daily basis and take on board what is in this motion. For once, Fine Gael should accept that this is wrong and that it is not good for workers’ rights.

**Deputy Louise O’Reilly:** I do not have long to speak but I urge the Minister for Employment Affairs and Social Protection to withdraw the amendment and consider the points being put forward. The Minister cannot call the scheme a success when fewer than 9% of people have sourced jobs that last longer than 12 months. They are not good permanent or decent jobs. They are not jobs that people go looking for. There are schemes that work. I am unsure whether the Minister runs advice clinics in her local area or if she speaks to people who come to her office. Maybe people do not come near her because they realise there is no point. Anyway, in my office I see people every day. The words used by my colleague included “short-term”, “coercive” and “ruthless”. These are the words used to describe the scheme that the Minister says she is proud of. I have no idea how the Minister can be proud of something that is short-term, coercive and ruthless. The programme leaves the people who participate - not through their choice - feeling degraded. It is not a positive experience for people. If it is the case that they will not say this to the Minister, perhaps they do not believe they will get a good hearing. Certainly, they say it to me and to my colleagues. I know they have no hesitation in saying it to the people who run advice clinics throughout the country. These schemes are not working. Not only are they not working and costing the State a fortune but the Minister is trying to privatise labour activation when there are schemes that work. Such schemes leave people with a positive experience and feeling empowered and ready to re-enter the labour market. However, this is not one of those schemes. For the Minister to come in and defend it is to go against what people are telling us about the reality they experience as part of this privatised labour activation model.

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The terms used by academics to describe the programme were “short-term”, “coercive” and “ruthless”. The Minister should reflect on that before she takes to her feet to defend it.

**Deputy Gerry Adams:** Gabhaim buíochas leis an Teachta John Brady as a chuid iarrachtaí thar na blianta teipeanna na scéime JobPath a nochtadh. JobPath was introduced in 2015 by the then Minister for Social Protection, Deputy Burton. Sinn Féin believed then - we have been proved right since - that this scheme is more about massaging the unemployment statistics than delivering for those seeking employment. It is also about privatising public services. Sinn Féin has consistently highlighted serious concerns about its processes. We have repeatedly expressed our concerns about the delivery of JobPath by two private companies, Turas Nua and Seetec. Figures released late last year revealed that of almost 200,000 people referred to JobPath, only 9% had secured employment for at least one year. That is an appalling record of failure at a significant cost to the taxpayer. The only beneficiaries of JobPath have been the two private companies. Turas Nua has received €76 million and Seetec €73 million of the people’s money.

The experience has been deeply unsatisfactory for the thousands who have been forced through this scheme. I have heard first-hand accounts from citizens in my own constituency. In one instance, a mother with young children was required to organise and pay for childcare to attend JobPath offices just to do an Internet job search. Another woman had her jobseeker’s payment cut by €25 for not signing a personal progression plan, despite having attended all the sessions in the course. That makes €76 million for Turas Nua and €25 taken from a young woman. These cases are not unique to Louth.

My colleagues referred to research by Dr. Ray Griffin and Dr. Tom Boland from the Waterford Un/Employment Research Collaborative, which concluded that the impact of JobPath on individual lives is decidedly negative. Not one of the 121 people interviewed by the Waterford researchers reported a positive experience. On the contrary, they describe a scheme that is patronising, threatening, bullying and manipulative. JobPath should be abolished funding should now be provided to those organisations like community employment, the Local Employment Service Network and adult guidance services which have a much better record of assisting citizens in search of employment. I commend this motion to the Dáil.

**Deputy Pat Buckley:** I will cover some of the human side of the issue. One of my constituents wrote to me and asked me to read the following letter to the House:

Hey Pat, I started in Turas Nua the start of December, unsure of the date, this is my 2nd time doing this scam just like many others. I attended the 1st appointment which took roughly 2 hours. My next appointment was for the 1st week of January which I attended to be told when I got there that my adviser was sick. So I asked the secretary to inform the adviser that I can not be there any time after 12. She asked why so I explained how my 80 year old mother gets sick in the afternoons (which she genuinely does) and I am the only one around to be with her. I then get another appointment for the following week at 1:30 so I rang three days before hand to inform him that I will not be attending as its after 12:30. I told him the latest I can push it is 1 p.m. His response was you come when we tell you come - I will not repeat his response here - He then asked had I filled out carers allowance forms and had I sent them in. I said ya otherwise I would have lost it! I haven’t. I did not claim for it when I was caring for my father up to his death and nor will I he for my mother. I also informed him that I am available 7 days a week up to 12 possibly to 1 some days. So I am engaging but he clearly is not! then get a appointment for next Tuesday at 11:30 which

I have no issue with. However then yesterday he sends me 2 more appointments 1 for the following Tuesday and the next, 1:30 to 4:30 for so-called courses which are just a waste of my time. I have attached the appointment letters below. Have I any rights here whatsoever? Because I'm not jumping through hoops for no private for-profit company and nor will I be bullied or threatened by them.

I wanted to humanise the issue because I receive these types of emails once or twice weekly. I appeal to the Minister to withdraw her counter-motion and to please support the motion.

**Deputy Dessie Ellis:** The JobPath scheme has proved to be lucrative for a number of private companies. This is a scheme that comes at a significant cost to the taxpayer. Up to the end of last year, fee payments made to the two contractors, Seetec Employment and Turas Nua, which deliver the scheme, had amounted to €149 million since 2015, a shocking amount that could have been better used to assist people back into employment. Seetec Employment and Turas Nua get money every time a person signs a personal progression plan. In addition, the two companies are paid job sustainment fees.

I have concerns about both the operators of the scheme, the results, or in reality the lack of results, of the scheme and the substantial costs to the taxpayer in running this scheme. Unemployed people do not have, nor can they expect to enjoy, equal rights and considerations as those enjoyed by working people, but JobPath seems to treat people almost as second-class citizens. I have heard of many instances where people are sent to jobs they clearly have no aptitude for or interest in and which are not remotely relevant to the qualifications and skills they have. People will have legitimate reasons they cannot participate in the scheme. If they are on the scheme and miss a day here or there, they face a range of sanctions such as closure or disallowance of their jobseeker's claim. They can also be sanctioned by losing a portion of their welfare payments. The portion of their benefits lost can have an impact on individuals and their dependants. These people are struggling to pay bills and feed their families or keep a roof over their head.

It is a failed scheme and needs to be phased out. The primary beneficiary of the scheme seems to be the private companies making the big bucks, because it does not seem to be the unemployed people.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I welcome the opportunity to address the House on the important role that the JobPath service has played, and continues to play, in the provision of activation services to the long-term unemployed. Deputies have seen and heard the counter-motion tabled by the Government and I wholeheartedly endorse its wording.

The Government and its immediate predecessor have worked tirelessly to address the crisis levels of unemployment brought about by the most recent recession. In January 2012, Ireland's unemployment rate stood at 16%. Guiding the Government's approach to this rate of unemployment was the Action Plan for Jobs, the Pathways to Work strategy and more recently the Action Plan for Jobless Households. A key element of these strategies was ensuring that those who found themselves unemployed were given access to a supportive activation service that was tailored to meet their specific needs. My Department in the period 2012 to 2015 transformed its approach to supporting jobseekers both in establishing the Intreo offices and in the adoption and roll-out of a new activation model.

The Intreo activation model supplemented the existing activation services operated by the local employment service, LES, and job clubs. However, the scale of the economic crisis meant that the system's activation capacity was insufficient to deal with the volume of jobseekers. The result was that case officers in Intreo and the LES had caseloads in excess of 2,000 jobseekers to one case officer. This was unfair, unsustainable and unacceptable. Additional capacity had to be sourced. The Department increased the number of Intreo case officers but on its own this was not sufficient.

In 2015, the JobPath service was developed and became operational. This allowed all jobseekers to have access to a case officer, a mediator or an adviser with the aim of developing a personal progression plan tailored to their specific needs. The ratio of case officers to jobseekers is now in line with international best practice and stands at approximately 120:1. This increased investment worked. Ireland's unemployment rate in December 2018 stood at 5.3%, a reduction of two thirds from its peak six years previously. Furthermore, long-term unemployment has fallen from almost 10% in 2012 to its current level of 2%, a remarkable reduction of almost four fifths in a relatively short period.

However, the reduction in the long-term unemployed rate is even more impressive when considering that long-term unemployment has averaged 4% over the extended period 1992 to 2018. Today's rate, despite the worst economic recession in our history, is currently less than half the average over a 26-year period.

JobPath combined with this Government's economic and activation strategies has contributed substantially to this transformation. Key to this success is ensuring that all the unemployed for the first time in Ireland had access to a dedicated individually tailored activation service, which aims to support their transition into employment. Almost 206,000 people have engaged with the JobPath service, of whom approximately 48,000 are still engaged. Since 2015, 41,000 persons have gained full-time jobs while engaged and a further 5,000 have found part-time employment. These figures should be regarded as minimums, as they will only increase as more individuals who are still engaged in JobPath continue to find employment.

Last year, the Comptroller and Auditor General presented the results of a review conducted by his office of the JobPath service. Having conducted the examination, he had no recommendations to make to us but noted that JobPath was delivering on its targets, which is a significant finding in itself.

Questions have been raised concerning the nature of the "payments by results" system and the overall costs of the JobPath service, but it is important to reiterate that a cost to date of €160 million for 206,000 participants equates to less than €790 per individual. This compares favourably with our other activation services where the cost is closer to €1,000. Uniquely, the JobPath contractors have had to bear all of the costs upfront. The JobPath model has reduced the risk to the State and increased the capacity of Ireland's public employment service to engage with individual jobseekers effectively. The model ensures that JobPath providers are incentivised to assist people into sustainable full-time employment.

I am aware that claims have been made to the Joint Committee on Employment Affairs and Social Protection about high levels of dissatisfaction reported by jobseekers engaging with the JobPath service. The motion references researchers from Waterford Institute of Technology, WIT, who have interviewed 121 people since 2012, of whom only 25 had reported an experience of JobPath. The researchers relayed anecdotes from the participants. They did not seek

to substantiate these anecdotes, nor did they claim to. Officials in my Department have been in touch with the researchers and asked for more detail so that we might examine some of the serious allegations related to the committee, but the researchers have declined to provide any more information to date.

My Department measures the satisfaction levels of those who use our JobPath service. More than 6,000 customers have been interviewed by independent researchers in the past three years regarding their experiences with JobPath. The average score across all areas of 4.15 out of 5.0 reflects consistently high levels of satisfaction. Furthermore, of the 206,000 people who have engaged with the service, there have only been 836 complaints. That amounts to less than half of 1% of the 206,000 participants.

Each JobPath contractor has comprehensive complaints systems with varying levels of escalation. If a customer is not satisfied with the response from the contractor, he or she can escalate it to officials in my Department. This has only happened on ten occasions. If the customer is still not satisfied, he or she can escalate it to the Ombudsman. That has never happened. However, if we were to listen to some of the commentators such as Sinn Féin and others, one would imagine that the Ombudsman's office was inundated with complaints of the horrors allegedly inflicted by a service that is helping people to gain full-time employment and to break away from the cycle of long-term unemployment and, in particular, reliance on social welfare. That is what the JobPath service is about. It is about assisting those persons who are long-term unemployed to return to the workforce.

It is a duty of this Government and society to assist people who want to find work to do so. It is an obvious fact that the most decisive factor in individuals improving their economic circumstances and being lifted out of poverty is to secure employment and reduce their dependency on welfare. The impact of a successful return to employment on the individual is enormous and, in many cases, can be life-changing.

Regarding the motion, the Government will not walk away from its contractual commitments. The immediate cancellation of the JobPath service would result in a significant diminution of the services we now provide to the long-term unemployed, the loss of 600 jobs among JobPath staff - the staff I have met in my travels up and down the country are passionate in their roles and dedicated to the people they serve - and the absence of due cause warranting such a cancellation prior to 2021, thereby exposing the State to significant financial liabilities.

**Deputy John Brady:** The Minister should have read the motion.

**Deputy Regina Doherty:** Furthermore, we must have this service in place for the people who need it. Unfortunately, there are still many thousands of people who are long-term unemployed and need the service that is delivered by JobPath and other providers. The contracts will operate as agreed.

Looking to the future for activation services, my Department is examining all of its options for contracted activation provision from 2020 onwards. We will identify best practice across a number of considerations, including the quality of one-to-one intensive engagement, the value of a State-wide service, the contracting models and the procurement methodology. In line with the commitment in the Government's Pathways to Work strategy, my Department will be examining options to maximise provision of activation services to all groups, including those that have been more difficult to reach in the past. In developing best practice, appropriate con-

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sideration will be given to the value of expertise gained through the long experience of working with communities and the wider value of activation services and their impacts in terms of community development and social inclusion.

I have presented the facts about JobPath and I would challenge those who claim to have other information to present the facts, as opposed to anecdotes, that support their claims. JobPath has made a significant contribution to this Government's success in bringing our unemployment figures down from the height of the recession to where they are today.

**An Ceann Comhairle:** I call Deputy O'Dea, who I understand is sharing time with his colleagues.

**Deputy Willie O'Dea:** I am sharing with Deputies Curran, Butler, Scanlon, Lisa Chambers and Ó Cuív. How long do I have?

**An Ceann Comhairle:** That is up to the Deputy. There are 20 minutes in this slot in total.

**Deputy Willie O'Dea:** I listened in great amazement to the Minister's contribution. No one believes that unemployment dropped from 16% in 2012 to 5% now because of JobPath's introduction in 2015.

**Deputy Éamon Ó Cuív:** She does.

**Deputy Willie O'Dea:** It is beyond belief that the Minister would attempt to make such a claim in the House.

I have always had instinctive reservations about the idea of the private sector being involved in job activation on behalf of the State, as there is obviously a conflict between the company providing the service, whose main objective is to make profit, and the needs of the individual whom the company is supposed to serve. Naturally, the profit motive takes precedence. Labour activation is a situation where the individual, particularly someone who has been long-term unemployed, should be front and centre.

Anyone who studies how JobPath has functioned for the past number of years will conclude that the pay by results, rigid, one-size-fits-all model is not working. The profit motive predominates. As a result, countless people have been forced under threat of sanction into jobs that are unsuitable, low skilled, no skilled and inappropriate. In the vast majority of cases, they are also very low paid.

I am told that what we have introduced is based on the Australian model, but the difference is that, in Australia, the relevant Department has taken great pains to ensure that the scheme is monitored and people are protected against abuse. There is no such monitoring system in Ireland. I am informed that JobPath is subcontracting out some of its work.

The arrival of JobPath on the Irish labour activation scene has been accompanied by something that is relatively new to the social welfare system, namely, sanctions. There has been an explosion of sanctions from 359 in 2015 to almost 11,200 in 2018. More than 55,000 people have been sanctioned since the arrival of JobPath. In evidence given to the Joint Committee on Employment Affairs and Social Protection recently, Dr. Tom Boland of WIT pointed out that those sanctions had been there but had become much more oppressive and punitive with the arrival of JobPath. When a JobPath company recommends someone for sanction, we have the totally unacceptable situation of the Department acting as a rubber stamp. It does not inves-

tigate the matter at all. Two private companies are earning loads of money from the taxpayer and effectively have the power to sanction our citizens and deprive them of all or part of their social welfare payments without the slightest intervention by the Department. That is not acceptable. All this has been done, unfortunately, at the expense of services that were properly provided by the State. I note the Minister states in her speech that unemployment was so high in 2015 that we needed extra resources. The community employment schemes, Tús, the rural social scheme and the LES were the resources which the State had and the obvious answer was to invest properly in those resources. If the Minister did, she would have got a much better result, and more cheaply for the taxpayer, because 29% of those who go through the LES system are employed after a 12-month period whereas 9% on JobPath get employment that lasts more than a year, with all the taxpayers' money being spent on this system going into the pockets of private operators. The uplift in the economy alone would have guaranteed that 9%, if not more, would have got jobs anyway. What function exactly has JobPath performed over the past four or five years?

It is ironic that the Indecon report, which was commissioned by the Department to tell the Minister what to do now that we are in a much better situation in the labour market, made two recommendations on the LES. It recommended that the LES should now, because of the significant drop in unemployment, concentrate on the long-term unemployed. Was that not what JobPath was set up to do? This country cannot afford to have two agencies - one public and one private - concentrating on that particular sector of the unemployed. The LES can do the job perfectly well.

The Indecon report also suggests that with the drop in unemployment the resources being made available by the State to the LES should be reduced. I do not agree with that. Unemployment has dropped but underemployment is still quite considerable in this country. Many are in precarious uncertain jobs, many are not employed to their full capacity or ability, and many want to upskill. Upskilling should be a fundamental part of labour activation. We have the opposite here. We have down-skilling or de-skilling where people are trapped in these low-paid, low-skill jobs which they must take up on pain of sanction. We should continue to invest in the LES. It still has a considerable job of work to do, particularly for those on the margins. It would be perverse in the extreme if the Minister was to reduce the resources available to the LES in order to keep these two private companies in operation. That would be utterly unacceptable.

The Minister will be aware that a similar motion to the one tonight was put down in the Seanad recently and my party sought to amend it by asking the Government to do certain things to improve the operation of JobPath. We did that in an attempt to be reasonable but, apart from one change, namely, the right of somebody on JobPath to apply for a CE scheme if such was available, nothing has been done. Meanwhile, the racket continues.

I heard the correspondence that Deputy Buckley read out. I could plaster the room with such messages from all over the country which I constantly get, and they cannot be all wrong.

It is time to focus on the resources available to the State. Let them concentrate on the long-term unemployed. Let them concentrate on getting people out of precarious employment into a better type of employment. Let them concentrate on upskilling. It is time to give this particular scheme a decent burial. My party will be supporting the motion.

**Deputy John Curran:** I welcome the opportunity to contribute to this debate and I thank

Deputy Brady for putting the motion down. As Deputy O'Dea indicated, Fianna Fáil will be supporting this motion.

As the Minister will be well aware, this issue has been on the agenda of the Joint Committee on Employment Affairs and Social Protection for quite a while. This debate is quite timely because the Minister indicated that an interdepartmental group is reviewing community employment, the Indecon report on LES and job clubs has recently been published and JobPath's natural run is coming to a conclusion.

In her opening statement, the Minister attributed much of the success in the reduction in unemployment to JobPath. No doubt JobPath had a role to play in it but the underlying cause was the growing economy. There were entrepreneurs in this country who took advantage of the opportunity of a rising economy and they created the jobs. JobPath may have had a role in facilitating some getting those jobs but we need to be clear it was the economic conditions of the country that created those jobs.

The Minister published many statistics but one of the points is missing. She talked about the number of people who have engaged with JobPath and those who were involved for so long, but nowhere has she indicated, which is in motion put down by Deputy Brady, how many people have maintained a job for a year or longer. That is not in the Government amendment. That is quite significant. We can use the statistics any way we want.

In the Government amendment, the Minister makes reference to the fact that the most decisive factor in individuals improving their economic circumstances and being lifted out of poverty is to secure employment. That is not enough. It is the type of employment and whether the employment is of a level sufficient that is decisive. With JobPath, the type of job those we have met got have not in many cases tied in with the level of skills and expertise they have. There is not that joined-up thinking. While JobPath has seen a significant number of people engage with it, according to the numbers the Minister has given in a quantitative way, the qualitative analysis of the types of jobs people have got has not been clear by any means.

There is no question that while it was being rolled out, JobPath had a negative impact on other schemes, such as community employment and LES, all of which were deprived of applicants. That is a fair comment to make. The Minister may or may not agree with it, but all those schemes found it more difficult because applicants were being diverted, by and large, to JobPath.

I will make one final point on LES. The Indecon report was published recently and it made a number of recommendations. One recommendation that should be looked at concerns the long-term unemployed. We need to look at geographic areas that have sustained long-term intergenerational unemployment. There is significant scope for LES to develop its services there and I note that the Indecon report talks about those programmes being funded on a multi-annual basis.

**Deputy Mary Butler:** Fianna Fáil is supporting this Sinn Féin motion on JobPath and I thank Deputy Brady for bringing it forward. It is timely. My party is, of course, in favour of measures that support bringing people back into employment. However, we recognise and are concerned that JobPath has been the subject of substantial and sustained criticism.

Over the past number of years, Fianna Fáil has sought to improve JobPath and highlight its serious misgivings about the scheme. Given the ongoing criticisms that have been levelled

at JobPath and the fact the numbers participating in the labour market have increased substantially, it is now time to wind down the operation of this activation scheme.

One of the first issues I dealt with in relation to JobPath was the random selection approach to the person. Unfortunately, not everyone on jobseeker's allowance - a small number of people - is in a position to take up full-time employment. There may be a number of factors that prevent people from entering into or remaining part of the labour market. These factors may include: family breakdown, alcohol or substance misuse, health issues, including mental health, and literacy problems. I recently met a representative of the National Adult Literacy Agency, NALA, and I was astonished to hear that one in six adults finds it hard to read and understand a bus timetable or medicine instructions, for example. The high cost of childcare, the lack of adequate public transport and precarious work are also barriers that can prevent people from entering the labour market. Therefore, the one-size-fits-all approach to activation is not suitable to everyone's needs.

As a party, we also sought to improve the activation scheme as much as feasibly possible. For example, as Deputy O'Dea stated, last year we secured a change to the scheme whereby an individual could engage in a CE or Tús scheme while on JobPath.

*9 o'clock*

The contribution to local communities of these CE schemes, including working with sports clubs, church groups, meals on wheels, the elderly, youth education support schemes, Tidy Towns and heritage projects cannot be underestimated.

It is unacceptable that any individual should have been placed in a situation such as one that was discussed recently in the committee. I believe that the time has come to wind down the scheme because we have a huge number of people now in work.

**Deputy Eamon Scanlon:** A very significant amount of public money has been spent on JobPath. We were told it was €150 million. However, only 9% of those who were referred to the scheme have been in employment for 52 weeks. This represents a poor outcome for those who have participated on the scheme and poor value for taxpayers' money. Given the significant demands on public finances the Government should be more diligent in ensuring that private companies contracted to do work on behalf of the State are actually fulfilling their duties.

We have talked about this matter many times in the Dáil and I believe it is time for a change. The Minister, Deputy Doherty, referred to the 600 people. The only definite jobs here are those of the 600 people employed to provide these services. I am sure they are committed and professional people but unfortunately the scheme is not working.

People who are over the age of 55 and into their 60s are being put onto these JobPath schemes but to be honest these are people who have no chance in this wide, earthly world of getting a job. It is a form of elder abuse to put people over the age of 60 into these schemes and expect them to go out and try to get a job. We all know that they have no chance of ever getting such a job. It is wrong that this is happening.

I put it to the Minister that it is an awful lot of money. When I left school 30 of my classmates went on to AnCO, FÁS and those types of training schemes. Those people went and learned a trade, whether it was electrical, block laying, carpentry or plumbing. They went on to create jobs for themselves and a lot of work for many other people also. This is where the em-

phasis should be. We are aware of the great shortfall in the numbers of tradespeople. They will be needed because houses and factories have to be built. There is, however, nobody to do the work and this is where the emphasis should be. Let these people train the younger people who are fit to do this work. Emphasise that aspect and leave the older people on their community employment schemes where they do work which they feel is valued in their local communities, and where people appreciate the work they do. Do not force them into this false perception that they are going to get jobs. They are not going to get jobs. The Minister knows that and I know that.

**Deputy Lisa Chambers:** The Minister said that she had presented the facts about JobPath. I argue that she has actually presented a particular version of the facts. The Minister said that 206,000 people have engaged with JobPath and, of those, 41,000 went into full-time employment and 5,000 went into part-time employment. Of the 41,000 in full-time employed only 9% went beyond 12 months. These figures also mean that 160,000 participants got no employment whatsoever. I believe that this is the more significant number. The Minister said that it came to €790 of taxpayers' money per individual. I would look at this in a different way. If we take the 46,000 jobs that were created - a figure presented by the Minister but which I would say is arguable - this means it cost €3,478 per individual who went back into work, and only 9% of those worked beyond 12 months. The facts that the Minister has presented, if taken in a different way, can present a very different picture that serves to illustrate that JobPath is not working.

The initial intention of JobPath was to create a situation to get people back to work, and of course we support job activation measures. Those people who can work should work, and nobody is suggesting otherwise. Part of the focus of JobPath was to get people off the live register, and it suited the Government to get those figures down. It is deeply concerning when the Minister says that 6,000 customers were interviewed to see what their experience of JobPath was like. Citizens engaging with the State to get back to work should never be referred to as "customers". They are citizens. Therein lies the inherent problem. We have two private companies - Seetec and Turas Nua - doing the job that the State should be doing. Yes they are doing a job contracted for by the State but they are also private companies operating to make a profit. I have no difficulty with companies seeking to make a profit but I have a serious difficulty with private companies doing work the State should be doing. I ask the Minister to reconsider her amendment and to see that the time has come to put JobPath behind us.

**Deputy Éamon Ó Cuív:** I compliment Sinn Féin on the motion. I generally find the staff of the Department helpful, courteous and understanding. There seem to be instructions, however, coming from on high all the time to take a draconian, Victorian view towards people who are unemployed. There seems to be a view out there, coming from the very top of the Minister's Department, that there are plenty of able-bodied people who are mentally and physically able to work who are too lazy to work or to look for a job. I do not believe that.

Reference was made to the drop in the unemployment figures. If 100,000 jobs are created in the economy the likelihood is that 100,000 people will take up employment. It is as simple as that. The figures for unemployment are going to come down. The idea that the Minister can claim that all of the decrease in the unemployment figures is due to JobPath is absolutely and scientifically fallacious.

I am totally in favour of rote calling people in on the basis of severe penalty if they do not turn up. Perhaps the Minister does not have the same contact with the people on the ground that some of us have week in and week out in our constituency clinics, but for a large number of

people in my constituency who are getting called in, JobPath was a kind of purgatory a person went through until he or she was allowed on a CE or the Tús scheme. People would suffer it. People who would not need a CV to get a job, because they were likely to get jobs locally, were spending days working with computers when they had no knowledge, no interest and no skills in that direction.

What really scares me is that we know the likelihood is that this motion is going to be passed as put down by Sinn Féin because, I presume, we will get support for it from the Independents 4 Change and People Before Profit. The Minister has obviously just torn it up and said, “Sorry, that is rubbish, I am going ahead with this contract again.” That is total and utter disrespect for Dáil Éireann. I hope that when the Minister’s amendment is defeated she will have the good grace to say, “The will of Dáil Éireann is that I do not renew the contract.”

**Deputy Brendan Ryan:** The Labour Party will be supporting the Sinn Féin motion. The devastating crash caused disastrous economic mismanagement that saw unemployment peak in late 2011 at 15.9%, with hundreds of thousands of people losing their jobs, emigrating or being underemployed.

The crisis of record high unemployment has largely been addressed but much work remains to help more people back into work and education. I believe that the JobPath approach is no longer needed. The pressure from the troika to set up JobPath came in the context of very high unemployment. The greatest concern for policy makers and politicians was the prospect of a generation of workers becoming long-term unemployed and lost to the world of work, as happened in the 1980s. Thankfully that has been avoided.

It is our view that public and community services are much better placed now to deliver the tailored supports to workers, rather than for-profit entities like Seetec and Turas Nua. The Department should go back to fully supporting the local employment service network and re-sourcing community employment schemes, along with education and training programmes to help those most distant from the workforce to re-skill and equip themselves for work.

The Labour Party is justifiably proud that due to the work we started, unemployment has fallen for 25 straight quarters in a row. That is one of the biggest reductions in unemployment ever in the developed world.

The crisis of unemployment saw many different approaches applied to get people back to work. Under Pathways to Work and An Action Plan for Jobs, hundreds of measures were taken. Much more needs to be done, but some of those measures can now be retired. The success of schemes like JobsPlus, community employment schemes, the back-to-education payment, Momentum and Tús in keeping people’s skills relevant and helping them back into work has worked. The business case for JobPath no longer exists.

At the peak of the crisis, 321,900 people were unemployed with a long-term unemployment rate of 9.5%. Thousands of people were underemployed and emigrated. JobPath was a creation of the time when unemployment was significantly higher, and was expected to remain high for some time to come. None of the experts in the Department, the troika or anyone else expected the job-rich recovery we have witnessed. Many critics claimed for a long time that these were not real jobs at all and that the employment figures were false or misleading. According to figures published earlier today by the CSO, the seasonally adjusted unemployment rate stands at 5.3%. While that remains too high, there is no justification for continuing the commercial con-

tracting of activation services under JobPath. According to the CSO figures, 127,300 people are out of work. Unfortunately, no breakdown as to duration is available in those figures, the most recent data available from the more comprehensive labour-force survey sets out that there were 50,200 long-term unemployed. However, that figure will have fallen in the meantime. As such, there is no justification to continue a programme of the scale of JobPath to address long-term unemployment. There is more than adequate capacity within Intreo, the local employment service and activation schemes. In early 2016, there were more than 125,000 long-term unemployed but the numbers will continue to fall. Any analysis of the facts relating to employment and the activation supports provided under Intreo shows there is sufficient capacity to support those who need assistance.

It is disappointing that since the contract for JobPath was awarded in 2015, there has been no comprehensive external evaluation of the service. That is why I emphasise the support of the Labour Party for local employment services and particularly for the one-on-one approach they adopt. The individualised supports they put in place for those seeking employment, especially those who may have disabilities, low educational or training qualifications or criminal records. The recent Indecon report demonstrates the effectiveness of the on-the-ground approach of local services. Unfortunately, no similar study is available on JobPath. After three years, it is bizarre that no independent data is available on the performance of the service.

There is a fear out there which I hope the Minister can allay tonight. This is that the next series of tenders for local employment services will be a national one which excludes local partnerships and, by default, privatise the service to the likes of Seetec. Under the current JobPath contract, the last referrals will be made at the end of 2019 with a two-year work-out period to 2021. The Minister should provide a commitment to the effect that Fine Gael will not extend the period for client referrals by two years as provided for in the terms of the contract. I hope the Minister will give that assurance. The one-size-fits-all approach of JobPath is no longer appropriate. It is time to return to the tailored approach that has a proven track record.

I want to discuss the culture within Seetec. It has been unacceptable. I have received several complaints from constituents. They are people of the highest calibre I know personally and whose feedback I trust. This is not anecdotal nor is it hearsay. These are people I know and trust. One 60 year old woman with little formal education and definitely no computer skills was forced to sit in front of a computer to look for work. She was threatened that if she did not turn up on the next occasion to do the same, her money would be cut. People have been told to give up part-time jobs. A man on a short-time week ahead of redundancy after 30 years of service was told to give up that job. There was wholesale bullying of participants. Whether the Minister accepts it is immaterial; it is a fact as people here know. People left rooms in tears at the bullying approach of some of these people and that is not acceptable.

It is time to bring JobPath to an end. Its culture is unacceptable. It might have been an experiment worth doing at a certain time when particular pressures obtained, but it is time to abandon it. There should be no further referrals and there should be no extension of contracts. I ask the Minister to bring it to an end at the earliest opportunity. I was disappointed at the last page of the Minister's opening statement where she discussed the future. She said she was looking to the future for activation services and that her Department was already examining future options for contracted activation provision for 2020 onward. It suggests to me at least that she plans to continue JobPath. If so, I am extremely disappointed.

**Deputy Bríd Smith:** There must be some logic behind any scheme of this nature. I have

looked for the logic behind the comprehensive JobPath scheme. Having done so and listened to the evidence presented to the joint committee and considered the relevant statistics, it appears that the whole project is based on the belief that the problem with unemployment is unemployed people. Having come through the 2008 recession and the cuts and austerity of the years which followed, it is incredible that anyone would suggest that the mass unemployment and emigration was caused by behavioural deficits in individuals looking for work. Nevertheless, that is the logic behind the JobPath scheme. If someone is unemployed, it is his or her own fault and we will help, punish, force, cajole and twist that person's arm until he or she is back in employment. Underlying this is an assault on standard employment rights, pension entitlements, security, stable employment and the massive growth in low-paid jobs. This is not a reference to the Minister, Deputy Regina Doherty, but the true attitude of the Government was shown clearly in the Taoiseach's class bias during his campaign to become leader of Fine Gael and his reference to welfare cheats cheating us all. He referred to those who pay for nothing and get everything and said he was the one who represented those who got up early. The Taoiseach did not conceal his class contempt, unlike this scheme which pretends to help the unemployed while hiding behind a punitive screen. For many, it intimidates, causes mental health problems and is very scary.

In 2011, at the height of the recession, there were 359 welfare sanctions. In 2017, there were 16,451. Those figures are from the Minister's office. That is no accident. It is a direct result of labour activation programmes that come at a time when the numbers unemployed have fallen dramatically. In reply to a parliamentary question I submitted to the Department last January, I was told 6,500 people had been sanctioned directly as a result of JobPath. In other words, their dole money was stopped or deducted for failing to co-operate with service providers. They were not sanctioned for being abusive, violent, aggressive, for failing to co-operate or for being unable to demonstrate that they had sought work. We have heard many examples from around the Chamber this evening and will hear more. These are mind. For many, the sanction was the result of a refusal to sign a personal progression plan notwithstanding the fact that they have no legal obligation to do so. For some, it was for failing to show up for an interview. I have brought to the Minister's attention previously the case of a Traveller woman who was able to provide evidence that she missed an interview as she had to spend the day in Crumlin Hospital with her child. Nevertheless, she was sanctioned for doing so. One man on a back-to-work scheme was given the wrong information by Seetec on where to go and lost money as a direct result. When he complained about the personal adviser appointed to his case by Seetec, he was threatened with further sanction.

Last year, the State paid two private companies €84 million to operate the JobPath scheme. In the Minister's words, Seetec and Turas Nua were paid to provide intensive individual support to the unemployed. I refer in that regard to the examples I have just provided. It is interesting to note that while both companies have been contracted to deliver JobPath based on their skills, ability and experience, they have subcontracted the programme from the outset to additional companies. Seetec has subcontracted PeopleFirst Ltd. while, more interestingly, Turas Nua subcontracted to two companies, namely, Working Links and FRS Recruitment. Working Links and FRS Recruitment are, in fact, a joint venture which make up Turas Nua. As such, Turas Nua has subcontracted back to itself. There must be an accounting trick being played there but that is what has happened. Under the scheme, there is no obligation on the companies to report to the Department that they are contracting out.

Like many colleagues in the House, I have been contracted by people whose experience is

very different to the gloss put on JobPath by the Department and various Ministers. There have been incidents in which people have successfully applied for training courses or were about to go on community employment schemes only for Seetec to call them in on the same day and refuse to release them. Seetec has insisted that these individuals have already started on the JobPath scheme and cannot do useful work on community employment schemes. This is particularly vindictive when a person has been accepted for a course involving an educational element and class attendance. It may not be the kind of work the person wants, but he or she is willing to be educated, reskilled and trained. In contrast, JobPath is more concerned with getting people into whatever low-paid job it can find for them, regardless of their suitability. It is very questionable as to whether they find people real jobs.

When questioned by me in the Dáil, the Minister spoke about an independent survey that indicated high levels of satisfaction with the scheme. We are very sceptical about the survey. A truly independent survey, by two academics from Waterford Institute of Technology, showed the scheme is becoming more alienating and more punitive and welfare recipients feel degraded and coerced by the process and experience anxiety and depression.

JobPath does not help people get back to work. When jobs are available in the economy unemployment falls. It is that simple. What JobPath is about is punishing the unemployed and pushing them into the jobs that are low paid with low hours and poor conditions. More people were put into JobPath at the same time as unemployment figures started to fall. The growth in job figures is based on a boom in the low-paid, low-hour precarious employment industry, with jobs with little security, no pensions and no sick schemes. A total of 150,000 workers are on the minimum wage or lower. Between 20% and 30% of our workforce is classed as low paid, one of the highest rates of low paid in Europe and the highest low paid rate for full-time employees, at 17%. This is the real rationale behind JobPath, to make jobs palatable to the employer and low-paid, low-hour precarious jobs more appealing than a basic welfare society, and to humiliate and bully people into these sectors and jobs. It represents the start of the privatisation of social protection, with private companies doing the work that should be done by the public service. In England, these companies have a record of being accused of fraud and bullying in the operation of similar schemes.

We support the Sinn Féin motion. We need to end the scheme and end the largesse of the State being passed on to Seetec, Turas Nua and other subcontracted companies. If we want to help the unemployed, and I assume we do, we should divert the wasted resource that is swelling the accounts of private companies into education and improving the skills of the unemployed and creating a working environment that respects and pays workers a living wage and gives them a future that is secure and not dependent on the profit margins of their bosses.

**Deputy Joan Collins:** I support the motion and I welcome the debate on JobPath. The fact the Comptroller and Auditor General, Seamus McCarthy, told a committee meeting that only 7% were still employed after 12 months in the Seetec and Turas Nua service speaks for itself. It was also reported that 9% of people, that is, 17,100 people, were still in work after 52 weeks. The figure after 26 weeks is 14%, 12% after 39 weeks and 17% after 13 weeks. This is in the for-profit labour activation scheme. On the other hand, according to the Indecon report, the local employment service successfully achieved full-time employment placement for 30% of those referred annually. In addition, while working with lower qualification levels and those most in need of employment supports, the local employment service has progressed the majority of its remaining caseload to part-time jobs and other pathways to work, such as further training and employment schemes.

We must ask why, in 2015, Fine Gael and the Labour Party introduced JobPath and forced people through it to get to the workplace. It was about privatising our services. It is an ideological approach to our services. There were choices. We could have resourced local employment schemes, adult guidance schemes, community employment, the rural social scheme, Tús and JobsPlus but a choice was taken to hand our employment services to private labour activation schemes. I support ending the contract for JobPath and the other points made by Deputy Brady and in the Sinn Féin motion.

**Deputy Catherine Connolly:** I thank Sinn Féin, in particular Deputy Brady, for tabling the motion and I have no hesitation in supporting it. I am sorry the Minister has left. I know that for various reasons Ministers must leave because, as has already been referred to by a Labour Party Deputy, what the Minister said was worrying. She stated she is looking to the future for activation services. She stated the Department has already examined future options for contracted activation services. This is particularly worrying in view of the fact it seems the majority of the Dáil will vote in favour of the motion and have expressed great concern about the activation programmes.

Another worrying aspect of her speech is the manipulation of figures. Whoever wrote the speech told us it works out at €790 per individual. That figure is totally disingenuous, to put it mildly. The figure given to the Committee of Public Accounts was €3,718 per job created. When we are going to play with figures like this it is difficult to have trust.

Why was the scheme introduced in the first place when the Labour Party was in power with Fine Gael? I have no idea. The justification that it was worth the experiment, which was said a few minutes ago, beggars belief. What should have happened at the time was the existing schemes should have been properly resourced but that did not happen. Of course, it was an ideological decision to privatise the service. At this stage, the Government should gracefully put up its hands and realise the experiment has not worked. It has been referred to as an experiment and it simply has not worked. It is expensive and not worth it. It also undermines communities. There are other difficulties but this is my main difficulty with it. It particularly undermined the community employment scheme and the other schemes to which we have referred. These schemes are about a lot more than employment. They are *croílár na gceantar*, the heart of the community, that function on every level, including providing crèche services, and communities could not survive without them. It is particularly worrying that this aspect was left out of the Minister's speech. She seems unable to grasp the importance of these organisations.

**Deputy Thomas Pringle:** Prior to Christmas, I raised this exact issue with the Taoiseach on Leaders' Questions. Based on 2015 and 2016 figures, I revealed that JobPath increased the chances of gaining full-time employment by only 2% for unemployed people. This was based on the Department's figures. It surely is a great return on the money invested in it. Figures for part-time work are better but this means that work for these people is often in seasonal, precarious and low-wage employment. So low are these wages that the State regularly steps in to subsidise the income through the family income supplement, part-time jobseeker's benefit and jobseeker's allowance. This is very common in Donegal.

JobPath is a reflection of where Ireland's welfare policy is going. Instead of social welfare being seen as a right it is now seen as a transaction and the entitlement to welfare has been replaced by a quasi-contract called the record of mutual commitments. Those who do not engage with the service are sanctioned. Those aged under 26 suffer twice due to cuts made to jobseeker's payments for younger people.

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Fine Gael is actively undermining the social welfare system to justify outsourcing social services to private companies. The private sector, in turn, further undermines the social welfare system. Social welfare services, such as the local employment service, adult guidance services, community employment, the rural social scheme, Tús and job clubs have been in decline since Fine Gael came to power. Despite this, recently commissioned research by the Department of Employment Affairs and Social Protection has revealed that local employment schemes successfully achieve full-time employment placement for 28.8% of those referred to them annually. The local employment scheme model is better value for money, costing €2,544 per full-time employment placement compared with €3,718 per person under JobPath's payment by results model. These figures defy any Government justification for the existence of JobPath and prove that adequately resourced employment schemes within community settings work for recipients. JobPath should be shut down and the money reinvested into State services. Ireland must move away from encroaching privatisation of social service provision and re-establish the notion of social welfare as an entitlement and a right, not a transaction. Unfortunately, we need to get rid of this Fine Gael Government and its Fianna Fáil supporters for that to happen.

**Deputy Michael Collins:** I welcome this motion and commend Sinn Féin on putting it forward. I have great doubts, however, that anything will be done about the issues many Deputies have raised tonight. I am afraid this will all fall on deaf ears, as has happened before. However, I hope that will not happen tonight.

The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has hailed JobPath as the most successful job activation scheme in the history of the State. The employment outcomes of JobPath do not reflect this in reality. As of November 2018, 190,000 people had been referred to JobPath, of whom only 9% were able to secure employment that lasted for one year or longer. The Government is deceiving people about the true numbers in gainful employment. When people go on a JobPath scheme, they are taken off the live register, which reflects the unemployment level. People should be taken off the live register when they gain proper employment and are no longer in receipt of a payment from the State and not before.

There is a problem with people being referred to JobPath for a second time. As of January 2019, more than 21,000 people who had previously completed JobPath had been referred to the scheme for a second time. When this happens, Turas Nua or Seetec receives a double payment. We need to keep a close eye on this issue to ensure the system is not being abused. I have heard at first-hand from constituents who are frustrated at having to complete a second JobPath scheme. These people want to further their education and job skills and return to the workforce but the system is holding them back.

We also need to consider people living on islands who are expected to travel unrealistic distances to JobPath courses. People living on an island must get a ferry to the mainland and then try to catch a bus or thumb a lift to the location of the course, which could be miles away. It is completely unrealistic to expect islanders to be able to travel such a distance every day. No consideration is given to the fact that no matter how hard they try, people living on islands will not be able to make it to a course on time because of ferry times and the need to get another mode of transport once they reach the mainland. In one case in west Cork, the ferry does not leave an island until 9.30 a.m. The man who contacted me is supposed to be about 30 miles away attending a course at around the same time. He gets there at around 11 a.m. and his unemployment benefit has now been cut to rags. That is absolutely insane. No understanding is shown and the rules are draconian.

The Department's preference to refer people to JobPath as opposed to community employment schemes, rural social schemes and the Tús scheme means these schemes are suffering. Thousands of vacancies in community employment schemes cannot be filled as a result. It is important to note the vital benefits such schemes provide to local communities. I commend all workers in community employment and those on the ground who are giving their time voluntarily to ensure the schemes run smoothly. I wrote to the Minister for Employment Affairs and Social Protection in July 2018 outlining that people in community employment and the Tús scheme were only getting €22.50 extra per week added to their payments. I asked the Minister to consider raising that amount in the budget as it is insufficient to encourage people to participate in these schemes. Taking into consideration extra costs such as travel that people on these schemes incur, that is not good enough. While I welcome the €5 increase due to come into effect in March, that small increase in addition to the social welfare payment is still not sufficient when travel costs are taken into account.

**Deputy Mattie McGrath:** I am also delighted to speak on this motion. I commend the excellent work of Deputy Brady. He has doggedly pursued this issue with the Minister for some time now. She is not listening, however. There is no doubt about that. Turas Nua operates according to a bullying and coercive model. While I accept that individual staff may be sympathetic, the generally held view is that people are being put under incredible pressure to take up employment in areas in which they have no interest. This is completely demoralising. The Minister of State should know that but the Fine Gael Party does not know anything about ordinary people. I know political staff members in this House who are being hounded by Turas Nua and effectively being told that despite working three days a week in this institution, they must continue to attend ridiculous sessions where they are questioned on whether they can use email or draw up a curriculum vitae. That is nothing short of intimidation.

The Minister of State is reading something on his phone. I am glad he can do that. What I have spoken of is typical Fine Gael bullying and intimidation of ordinary citizens. It is all about the Government and let everybody else - the peasants - eat cake. This is an absurd waste of time and resources. I asked the Minister last year whether Turas Nua was a private limited company, what payments were made to it to operate its contract with the Department and the period for which such payments were made. The Minister, in her typically arrogant fashion, replied that Turas Nua was a joint venture between FRS Network, the farm relief service, which puts up fences, calves cows, lambs sheep and does great work, and Working Links. I was informed, however, that it was not intended to publish individual payments to the JobPath companies as these were "commercially sensitive" and to do so would place the State at a disadvantage in respect of contracts now in place and future recruitment that might be undertaken. That is a load of codswallop. It is a drivel. This kind of pathetic lack of transparency is just one of the reasons I am supporting the motion. That answer is disgraceful. It shows the empathy the Government has with ordinary people.

I salute the people on community employment and rural social schemes. More important, I support the people and voluntary bodies that run and operate all of these schemes. They are ordinary working people who give their time freely. That is being hijacked. The Government was warned about similar things across the water in England where the same kind of cabal operated. It took over this scheme and destroyed it, as the Government knew well. It was not confused and it knew what it was walking into but it suited Fine Gael's neoliberal agenda and to hell with ordinary people.

Fine Gael is the party of big business and the people with daffodils up the boreens and big

trees in big lanes, in other words, the Blueshirts. The people on schemes are to be put back to where they were before and to hell with them. The Government has ruined people's lives. People have taken their own lives and have been tormented, destroyed and demoralised by the way they have been treated. It is nothing short of a disgrace that the Government gets away with this. It is a shame the Minister could not stay for the debate.

The Government bandwagon was wheeled into Tipperary town last Friday. Some 867 people on jobseeker's benefit were written to and told that if they did not turn up at a jobs fair or public relations campaign for Fine Gael election candidates, their payments might be cut. That is a disgraceful way to intimidate citizens in the year of the centenary anniversary of the ambush at Soloheadbeg when people fought for our freedom from the British. Fine Gael imported this cabal into the country from England. It has given this scheme to FRS and other people in Tipperary to implement. It is nothing short of an outrage that people are being bullied and intimidated instead of being given meaningful jobs.

On the flipside, last week we had two Ministers down in Tipperary. The Taoiseach told me 900 people were invited. Was I not invited? I would not be next, nigh nor near the event. There is intimidation, bullying, discrimination and abuse of people who cannot get proper work. Some of them have medical or mental health issues. The event in question was fine for Fine Gael. It is nothing other than the party of the big people and to hell or Connacht with everybody else. Cromwell is back in the form of the Minister, Deputy Regina Doherty. The Minister of State, Deputy Breen, is not far behind her. Being from Clare, he should know better. In rural parts of Clare such as Parteen there are marginalised people. How will they travel to these places? It is shameful and disgraceful. I support this motion.

**An Leas-Cheann Comhairle:** Deputy Eugene Murphy has been given time by the Social Democrats.

**Deputy Eugene Murphy:** Last September, *thejournal.ie* reported that 11,000 jobseekers were forced to do the same programme twice. From reading the Minister of State's script this evening, that figure seems to have risen to more than 21,000. I assure the Minister of State, from speaking to people since I was elected to this House in 2016, that one of the most hated schemes ever introduced by a Government was JobPath. When asked about the scheme by constituents, I always said I would make representations about it as I was genuinely worried about the state of mind of some of them. People were being asked to travel 20 miles or 30 miles out of their way without transport being available. Public transport is not available in many areas and some people on the JobPath scheme could not get to work. When they approached me, they always asked me not to make a complaint because they were afraid that it might be put down as a mark against them.

I have utter intolerance for the scheme and fully support Deputy Brady and Sinn Féin in tabling the motion. Since JobPath was introduced in 2015 by the former Fine Gael-Labour Party Government, which I accept may have been a genuine effort at the time to do something, many Deputies who were then Members of the House, as well as those elected in 2016, have on numerous occasions stated that the scheme was not working. I know from many of the people I represent that they despise the scheme. The amount that two private firms are given to implement the scheme is appalling. If I am not mistaken, it is approximately €160 million.

There were fine FÁS schemes, Tús schemes, CLÁR schemes in the country, although I acknowledge there were and are shortcomings. I urge the Government to scrap JobPath, revisit

those community-based schemes and put the money back into them. A guy or lassie in the local village might be asked under JobPath to travel 20 or 30 miles without transport to somewhere, but if he or she could go on a local community FÁS scheme close to home, would that not make perfect sense?

Fianna Fáil has recognised that full employment is the optimum, and it sometimes recognised that during the engagement period with the JobPath service, but this service is not the way to go. After more than three years, it is time to scrap it, bin it and, as other Deputies have said, treat people with respect. I agree with other contributors to the debate. The one-size-fits-all approach that the Government takes at times is not the way to treat human beings. Not everyone who leaves JobPath does not want to work. In many cases, there are genuine reasons. There must be a better way for people.

My party and I will fully support the motion. I hope the Government parties will see sense and withdraw its amendment because it is turning more and more people against them. Many people just do not fit into certain categories, and elected representatives and Governments must acknowledge that. In this case, however, the Government does not acknowledge that the scheme is a fiasco. It is an unacceptable disaster that treats many people in society in a negative and derogatory way.

The Minister of State is a reasonable man. In my dealings with the Department of Employment Affairs and Social Protection, the officials who work there are genuine and helpful, as I had intended to say when the Minister, Deputy Regina Doherty, was present. I know that from dealing with them every day, as do my staff. Nevertheless, we must send a clear message to scrap the scheme. It is not workable or acceptable, and I commend Deputy Brady on his motion. I am delighted that my party and I will support the motion.

**Deputy Maurice Quinlivan:** I thank my colleague, Deputy Brady, for bringing forward this important motion. Everyone of us is contacted by constituents, weekly or even more often, stressed or terrified because they have been forced by JobPath to go on courses that have no relation to what they want to do with their lives or what they had hoped to achieve with their lives.

The Minister of State lives in a constituency adjoining my own and he will understand. I wish the Minister, Deputy Regina Doherty, was present but she is not. Eight of the country's top ten unemployment black spots are in Limerick city and it is a national disgrace that this has not been challenged. If I thought for one second that JobPath had made any impact on unemployment in Limerick city, I would be jumping up and down in the Chamber demanding it be retained, but I am 100% sure it has had no impact on the statistic. Rather, it focuses on people who had good jobs for a number of years and, unfortunately, lost their jobs or people who wanted to apply for a community employment scheme but were not allowed. It also focuses, as was mentioned, on people with various issues such as childcare or on people in rural areas with a lack of access to transport who are brought to the same pointless meetings, week in, week out. One person's job had been helping other people find jobs, type up curricula vitae, CVs, and so on, but he was forced to learn how to write a CV. How ridiculous is that? If he had not done it, he would have been sanctioned, as the Minister of State will be aware.

The scheme is straight out of the Margaret Thatcher-Tory playbook, as the Government knows. It is not just Sinn Féin which is of the firm opinion that JobPath has utterly failed. People who lose their jobs and try to return to the workforce need help, support and guidance but, unfortunately, most are left wanting after their engagement with Turas Nua and Seetec.

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I did not have to hear the presentation in the AV room earlier to realise how bad the situation was because I deal with the people involved daily or weekly. We heard from Dr. Tom Boland and Dr. Ray Griffin from the Waterford Un/Employment Research Collaborative at WIT, and they gave a damning account of the JobPath programme, describing it as an expensive construction of a negative experience. They outlined how the people they interviewed engaged with JobPath and signed up for jobs totally unsuited to their abilities, and that the private companies running the programme did not take account of family circumstances, such as having to care for relatives, and made threats to cut people's social welfare payments.

In my previous role on a council, I was involved in a partnership and the council was part of a good LES scheme. The Government could have funded that but as it took a leaf out of the Tory book; it wanted to fund private companies with more than €160 million, which is double the cost of the LES scheme.

**Deputy Martin Kenny:** JobPath has been an abject failure for the people who have engaged with it, virtually throughout Ireland. In my constituency, everyone engaged in the JobPath process with whom I have spoken has said so. I am not just talking about those who have entered the scheme and found that it did not work for them because they did not find the kind of job they wanted. People who found jobs they wanted said they would have got the jobs anyway and that JobPath had nothing to do with it. The figures mentioned in the Government's amendment outlining the people who have found jobs and the success of people finding employment have nothing to do with JobPath. The vast majority of them would have found jobs in any event. The Government has recklessly wasted millions of taxpayers' euros on a scheme that is a failure, and it needs to admit this. In fact, I do not care whether it admits it. Its members can stand up in the Chamber and say it is grand, but in the next couple of months, the Government should slowly put it away and we can all forget about it. It needs to happen quickly.

Many people who may be in a precarious position in life and who find it difficult to get a job need support rather than pressure. As we all know, it is a fine line between how one interprets support and pressure, but everyone in that circumstance whom I know and who has engaged with JobPath has found it a pressurised process that has put them in a position where they are unable to face looking for a job they want because it has destroyed their confidence, not enhanced it.

There is also an issue with people slightly more advanced in life. A woman who lives near me ended up in one of the situations I have outlined. For 12 years she looked after her elderly parents, but in her early 60s she found herself alone at home, after her parents had died. She had not worked in a job for many years since she worked in a shop for a while in her younger days. JobPath contacted her but the job it wanted to give her was at a KFC fast-food restaurant 14 miles away and she had no car to get to it. It was ridiculous. We must all acknowledge that kind of problem.

Approximately two years ago, I told the House that I had watched a film, "I, Daniel Blake" by Ken Loach, at the cinema. It was based on the premise that a similar type of model which was used in Britain for a long time was a failure that failed the people it set out to help. It is time to quietly fold up this tent and take it away because it does not work for anyone.

**Deputy Denise Mitchell:** I welcome the opportunity to contribute to the debate. JobPath is nothing more than an attempt to privatise and outsource our social welfare system, and it has been an utter disaster. These companies are only interested in making a profit and they get paid

a registration fee for every jobseeker on their books. I spoke to a former employee of one of these companies and she told me staff were very clearly told to focus on the more highly skilled individuals in the scheme. I asked the reason for that and her response was that such people would probably find a job anyway, and if they did, Turas Nua and Seetec could collect their payment for that.

I raised before in this Chamber how teachers working part-time as substitutes, along with other skilled workers, are being forced into jobs that do not suit them simply so these companies can collect their job sustainment fee. Instead of participating in a box-ticking exercise and forcing people into any job, even if it does not suit them, we should have more focus on further education, upskilling and genuine supports for our unemployed. This scheme is a complete and utter joke and it has been since day one. We need to end the privatisation of our social welfare system.

**Deputy Imelda Munster:** During the recession, tens of thousands of people lost their jobs and found themselves relying on social welfare until they found new employment. Now, according to the Government, the economy is booming and unemployment is falling, so we need to ask why these activation schemes continue to be necessary, especially if there is supposed to be a job for anybody who needs one. Sinn Féin supports all efforts to help people get back to work, whether it is through retraining, aiding job searches or engagement with community employment and similar schemes.

This motion specifically relates to JobPath, and the scheme's operation raises serious questions about how we treat people in the State and help them get back to work. It also raises serious questions around transparency, value for money and outcomes for jobseekers. We need more information on who has been targeted by this scheme. The majority of those who have encountered this scheme have reported harassment and feeling bullied or intimidated. It has not been a positive experience by any description. Instead of JobPath, the Department would be better off offering encouragement and assistance to the long-term unemployed so they can access the workplace. They need support to build their skill set and confidence.

The privatisation of work activation schemes is typical of Fine Gael policy and it does not represent good practice for jobseekers; it certainly does not represent good value for the State. The big winners here are Turas Nua and Seetec. As many Deputies have noted, these companies have received more than €150 million of taxpayers' money between them but there is a lack of transparency around much of the reward they receive for each participant. Only 9% of the people on the scheme have secured employment for at least one year, demonstrating JobPath's poor value for money. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has argued JobPath is the most successful job activation scheme in the history of the State, which demonstrates how detached she is from the reality. I disagree with her and see JobPath as nothing more than a racket.

I urge all parties to support this motion as we need to end JobPath and invest in community-based employment activation schemes, community employment schemes, jobs clubs, Tús, adult guidance services and other initiatives. Such schemes put jobseekers first rather than private business. Community employment schemes represent a good activation model and such schemes benefit both the participant and the local community. The Government probably is not interested as there is no money-making opportunity for private companies in such schemes. We need to ensure people can be supported and they find engagement with good quality and sustainable work. JobPath achieves none of those goals.

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Pat Breen):** I thank everybody for contributing to the debate this evening. Some contributions were very interesting and helpful. The Minister, Deputy Regina Doherty, eloquently set out the facts about provision of the JobPath service, including performance, the high customer satisfaction level and the low number of complaints. The Comptroller and Auditor General devoted a chapter in his report to the scheme last year and did not identify a requirement to make any recommendations on how the service, contracts and payments are operated by the Department. Many observers would view this as a clean bill of health delivered by the State's auditor.

The scheme's performance has been above expectations, with 46,000 people gaining jobs, and there is an innovative payment-by-results system where the contractor carries all the upfront costs. There are high levels of satisfaction and low levels of complaints. Nevertheless, we heard anecdote and allegation coming without substance being presented as fact by some Members. Simply put, their arguments are that they do not like JobPath. It is not about examining the outcomes for each one of those individuals who got a job or having a concern that citizens have an expectation to receive assistance when unemployed, including financial support and help in finding another job so as to re-enter the workforce. It is not even that the introduction of the JobPath service brought with it increased capacity in activation services across the board, allowing a significant reduction in ratios of almost 2,000 jobseekers to every one case officer to a figure closer to international best practice of 120:1. The introduction of reduced referrals for the local employment services in 2016 allowed for a more intensive engagement with jobseekers while keeping funding and staffing at previous levels. This was a plus for both staff and jobseekers but it has been presented as a diminution of services.

Matters raised have included the nature of the payment-by-results system and the overall cost of the JobPath service. It is important to reiterate that a cost to date of €160 million for 206,000 participants is less than €790 per individual for at least a 52-week service. This compares favourably with other activation services, where the cost is closer to €1,000. Uniquely, the JobPath contractors must bear all the upfront costs, thereby reducing the risk to the State and ensuring that the companies must deliver results in order to recoup costs.

Turning to employment support schemes such as community employment and Tús as a public employment service, the Department's main focus must be to remain on activation and progress as many participants as possible from these schemes into full-time and sustainable employment. Participation in community employment and Tús is for a fixed period and these placements cannot be considered as full-time sustainable jobs. There are participation limits in place to ensure that as many unemployed people as possible are able to benefit from these schemes. Recently, the Minister announced the establishment of an interdepartmental group to examine the future of community employment social inclusion schemes, with a view to ring-fencing social inclusion places and allowing services within the communities to be maintained.

Following an earlier analysis of the community employment programme, a two-strand approach was adopted in 2017 and all community employment placements were categorised in two strands, including a social inclusion strand, with an acknowledgement that not all community employment places were the same. This provided an opportunity for those who are very distant from the labour market to work and deliver services in their local communities, as some speakers have already said. The job activation strand related more directly to employment opportunities for participants who were long-term unemployed with a view to providing more experience relevant to the labour market. There are currently just over 21,000 participants in the

community employment schemes, with 30% to 40% of the placements categorised in the social inclusion strand. However, as the number of community employment places is benchmarked to the numbers on the live register, it is expected the number of places on the scheme will reduce unless the current set-up is reviewed.

*10 o'clock*

Recognising that as unemployment lowers there will be less demand for activation schemes, the Minister wishes to make a strong distinction between activation schemes and the social inclusion category. These social inclusion placements require a separate focus to ensure that those who are very distant from the labour market and who are interested in working and delivering services in their communities have an opportunity to do so. The work they provide within their communities is essential and participants may include vulnerable adults who need additional supports such as older, unemployed workers, persons with disabilities, Travellers and homeless people.

The Minister wishes to ensure that we maintain and support this valuable service. Therefore this interdepartmental group will explore how we can deliver and maintain these social inclusion services as well as identifying the correct organisational and governance arrangements for the future and which Department should host the community employment social inclusion schemes, including drug rehabilitation and childcare schemes. The Minister expects the work of the group to be completed quickly and intends that a report with recommendations would be presented to Cabinet within the next three months.

The Department of Employment Affairs and Social Protection also supports some 3,350 participants on the rural social scheme and 139 supervisors who are engaged in supporting almost 2,000 community projects. In 2018 the Minister announced an additional 250 places as part of the programme for Government commitment to rural Ireland. Overall there has been an increase of almost over 30% in the places available under the rural social scheme since 2017, from 2,600 to 3,350. Tús has seen a total of more than 53,000 participant places delivered by local development partnership companies since its introduction in 2011. The 12 month duration of the Tús contract was set to ensure that weaknesses identified in other work programmes resulting from longer duration placements were not replicated. It is considered that the existing 12 month placement period is adequate to meet the objectives of the initiative and after three years a person can become eligible for a further 12 month placement on Tús. There are no current plans to extend the duration of placement beyond 12 months.

I can confirm that there is no restriction on the number of places available to support jobseekers through the back to education allowance.

Sanctions are a common tool in use in many countries. A sanction in the form of a penalty rate may be applied by a deciding officer of the Department if a jobseeker fails to engage with-out good cause with the activation process. Deciding officers carefully consider all the facts and circumstances of each case while considering the application of a penalty rate. This process includes written and verbal warnings and an opportunity for the jobseeker to engage with the service prior to the application of a penalty rate. If dissatisfied, a jobseeker may appeal any decision to the independent social welfare appeals officer. Critically the normal rate of payment is reinstated as soon as the jobseeker complies, as requested, with activation measures. The number of penalty rates applied at any one time is extremely low, only 1% of those referred to activation services. The activation service, be it JobPath, Intreo, or the local employment ser-

vice has no bearing on the rules that are applied and the contracted provider has no role in the application of sanctions. This is solely a matter for the officials in the Department.

In respect of any specific matters raised this evening which require further examination and investigation, I am sure there will be a follow-up, either by the officials directly or by officials getting in touch with the Deputies for further information so that matters can be investigated. To this end I encourage Deputies where they know of an individual's circumstances which warrant examination to supply the necessary detail to the Department. I thank all those who contributed to this debate. The salient points raised will assist the Minister and the officials in the current scoping exercise for activation services in 2020.

**Deputy Pearse Doherty:** I dtús báire, ba mhaith liom mo bhuíochas a chur in iúl as a bheith in ann labhairt ar an rún seo anocht. Tréaslaím le mo chomhghleacaithe, Teachta John Brady agus Teachta Denise Mitchell, as an cheist seo a chur chun tosaigh sa Dáil anocht. As the Minister of State is aware, JobPath began in July 2015. It was heralded at that time by Government as the panacea to the problem of unemployment and getting jobseekers back to work. Yet JobPath has been blighted and marred by controversy since its inception because rather than providing proper investment in community-based job activation the scheme facilitated the transfer of taxpayers' money to private companies which have been tasked with administering it, Turas Nua and Seetec. These two companies between them have received €149 million of taxpayers' money as of November last.

In Donegal my constituents speak to me time and again of the indignity of being "simply like another number" in JobPath. Some claim that there was little consideration ever given to their needs or the valuable skills and experience they can offer and bring to the workplace. That sums up JobPath in its entirety. Níl aon aird á tabhairt ag JobPath ar riachtanais na ndaoine atá ag freastal air. Maíonn rannpháirtithe gur scéim neamhphearsanta amach is amach é. The fact that just 9% of those referred to the programme as of November last year secured employment through a minimum of 12 months also speaks volumes.

Separately, we know that JobPath's effect on other schemes is also alarming. Community employment schemes, for example, have experienced cut after cut under this Government. In my county, Donegal, between 2012 and 2016 the number of projects supported was reduced by almost 18% placing Donegal among the top five counties for CE schemes cuts both in terms of numbers of projects, losses and overall percentage reduction of projects. When will the Minister of State accept and admit that JobPath has failed jobseekers? While he says tonight that this will help the Minister in future deliberations, the Dáil is telling him tonight that JobPath must end. Rather than line the pockets of private enterprise I call on him to support this motion tonight and call for the immediate cessation of any further referrals to the service. The privatisation of job activation was wrong. It was wrong when it was established under the Labour Party in 2015. It is wrong now and it must be brought to an end. I call on all Deputies to support the motion brought forward by Deputy Brady tonight. In doing so we will send a clear signal to jobseekers that we as legislators support them and stand by them. That is the message the Dáil is sending this Government tonight. It needs to listen to the majority in this House if it cherishes democracy.

**Deputy John Brady:** I thank the people who made the effort to come and sit in the Visitors Gallery this evening and listen to the debate. Many of them have worked extensively on this issue since it was first rolled out in 2015. Many work in the services that actually do work, such as the adult guidance services and the local employment services, LES, the length and breadth

of the State. They are the people I listen to, as well as those who walk in and out of my constituency office daily to talk about JobPath.

Sometimes I think Fine Gael lives in a parallel universe. That has hit home and been proven correct here tonight. I listened to the Minister, Deputy Regina Doherty, who has cut her losses and run - and I hope she does the same to this JobPath programme - make some sort of accusation but every single person who spoke in here this evening, bar the two Ministers, have given one example after another of the catastrophe that is JobPath's impact on people throughout the State. I do not sit at home and dream up these examples. I am sure that every other Deputy who spoke this evening is in the same position. These are real people who have had negative experiences at the hands of Turas Nua and Seetec. The Minister actually sounded like Comical Ali as she tried to defend the indefensible. I listen to people like those sitting in the Public Gallery. I also listen to people working in the likes of the local employment service. These people are dealing with the fallout of JobPath because, after 12 months, many of the 206,000 people who were referred to those providers and who do not get a job end up being referred back to the LES, which is where they should have been in the first place. I also listen to the people in the Intreo offices who are now actively speaking out against this service and saying that it was a massive error.

I listened to the comments from the Labour Party who, quite interestingly, said tonight that this was an experiment which has failed. It should be borne in mind that it was a Labour Minister, Deputy Burton, who implemented this programme. She was a co-author of it with Fine Gael and presided over it in its early days. The Labour Party now says that the experiment has failed. The ideology of privatisation presided over by this Government and its predecessors has failed. The Government needs to be big enough to admit that. It should cut its losses and pull out now.

Unfortunately, what we have got this evening has been spin and more spin. It has been a continuation of the spin machine in whose use Fine Gael is an expert. To look at the figures the Government is trying to spin, it has said the €160 million which has been spent on this failed experiment equates to less than €790 for each of the 206,000 participants. That is absolute nonsense. I will put my spin on it. We know from the figures that have been given to the Comptroller and Auditor General that, of the 206,000 people who have been referred to JobPath, only 17,100 have been in sustained employment for 52 weeks or more. I can spin those figures. For every job that has been sustained for 52 weeks or more, €9,356 has been spent. All it is is spin. I deal with facts and reality.

We know the impact this has had on the likes of the community employment, CE, schemes. As we stand here this evening, there are more than 1,990 vacancies in CE schemes the length and breadth of the State. It should be borne in mind that these are schemes that work. They keep our communities together and ensure that work that should really be carried out by local authorities is done. There are 1,990 vacancies in those schemes. The supervisors of these schemes say that these vacancies are there as a direct result of JobPath. They are the people to whom I listen.

This Government is hell-bent on the notion that "work first" is the solution, rather than a solution based on individuals' needs or circumstances. It believes in the fallacy that getting back into work is the solution to everything. We know that is not the case because the type of work into which the Government is forcing people is low-paid, precarious employment. More than 100,000 people are now working poor. We know that the type of employment the Government

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is forcing people to take is predominantly low-paid and precarious. The reality is that JobPath has failed dismally. It is a failed experiment and the Government needs to cut its losses. As one Deputy said, the Government's experiment is dead, it needs to take it out and bury it immediately.

I will conclude by focusing on the report into the LESs carried out by Indecon. There is a lot of concern around that Indecon report and particularly around one recommendation at the end which says that an open, public, competitive procurement model needs to be brought forward. Nobody has any problem with open procurement, but the LESs and I firmly believe that this lays the foundations to allow Turas Nua and Seetec to come in through the back door.

The House has spoken. The Government will lose this vote and needs to withdraw its amendment and support the motion. We need a commitment that when this scheme is done away with we will look at what will come next. What comes next needs to be shaped by the debate here tonight, which called for penalisation of people and payment by results, which have failed, to be done away with. We need to get back to what works - the CE schemes, the job clubs, the adult guidance services, and all the other schemes that actually work and benefit people. The Government will lose this vote. It needs to cut its losses, to bury this scheme, and to get back to what actually works for people and their individual needs.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 7 February 2019.

The Dáil adjourned at 10.15 p.m. until 10.30 a.m. on Wednesday, 6 February 2019.