



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 28 Feabhra 2019

Thursday, 28 February 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Independent Radio Stations: Motion [Private Members]

Deputy Timmy Dooley: I move:

That Dáil Éireann:

notes that:

— more than 3.17 million listeners tune in to radio every weekday;

— more than two thirds of listeners tune in to independent radio stations;

— Ireland ranks joint first with Germany, at 45 per cent, for using radio as a source of news; and

— radio is the most trusted medium for news in Ireland, with 68 per cent of Irish people trusting what they hear on radio;

agrees that:

— independent radio enjoys an excellent reputation for the provision of public service news and current affairs;

— this programming has been provided to date without State support;

— the statutory 20 per cent public service obligation on the independent radio sector to provide news and current affairs programming is increasingly difficult to deliver in the context of the advertising revenue shift to digital social media platforms;

— the ability of broadcasters to invest in Irish content on a sustainable basis depends in turn on their ability to generate revenues in an environment of significant disruption and challenge; — the threat to the viability of the independent radio sector has the potential to erode democratic dialogue both nationally and across communities throughout the country;

and

— independent journalism, free to pursue the public interest, is an essential component of the democratic process;

recognises that:

— commercial radio revenues, including those accruing to *Raidió Teilifís Éireann* (RTÉ), have declined significantly in the last ten years, to €127 million in 2016, compared to €140 million in 2007, leading to significant uncertainty regarding the future of the sector;

— the then Taoiseach, Enda Kenny T.D., committed to the reduction of the current levy on independent broadcasters in 2016;

— as with most European nations, the Irish broadcast market is already subject to public intervention in the form of funding and oversight;

— in order to address disinformation, Irish consumers believe that it is the responsibility of news media outlets and Government to take action;

— television licence fee evasion in Ireland is among the highest in Europe and millions of euro are being lost to the sector each year;

— the Oireachtas Joint Committee on Communications, Climate Action and Environment published its report on the Future Funding of Public Service Broadcasting in November 2017;

— the Committee recommended methods to reduce evasion aimed at generating between €35 million and €50 million extra to fund public service broadcasting;

— the Committee also recommended that the Minister for Communications, Climate Action and Environment establish a scheme to assist independent radio stations in the provision of local news and current affairs programmes;

— the Broadcasting Authority of Ireland (BAI) has called for RTÉ to receive an increase in public funding of at least €30 million per year to meet its remit;

— at 71 per cent, Irish consumers are more trusting of ‘most news’ than the European Union average, but that some 57 per cent of Irish consumers are concerned about ‘fake news’; and

— some 63 per cent believe the Government should do more to address disinformation; and

calls on the Government to:

— implement the recommendations of the Oireachtas Joint Committee on Communications, Climate Action and Environment report on the Future Funding of Public Service Broadcasting by the end of July 2019;

— establish a public service broadcast fund for the independent radio sector by the end of September 2019, to:

— invest 25 per cent of funds raised through increased collection of the television

licence fee to provide independent radio stations with additional funding to develop and maintain high quality news and current affairs programmes which empower democracy by facilitating democratic engagement and reflect local identity and address local concerns; and

— limit the funding provided to each organisation by ensuring that stations do not receive:

— more than 50 per cent of the cost of producing and broadcasting qualifying content;

— in excess of 20 per cent of their operational budget in a given year; and

— in excess of € 250,000 in a given year;

— implement the recommendation of the BAI to provide an extra €30 million a year to RTÉ recognising that this funding would be available from enhanced television licence fee collection; and

— implement its commitment to reduce the broadcasting levy to the independent radio sector by the end of June 2019.

We Irish are a nation of radio listeners. More than 3.17 million of us tune into radio every week day and, principally outside of the greater Dublin area, independent radio accounts for the majority of listenership. While these stations provide entertainment, advertising and music, they are also a vital source of region-specific information for local communities. The area and the radio station I know best is Clare FM. Like every other independent local radio station, it captures the life and soul of the area to which it broadcasts, from sport to news and current affairs to carrying special information about weather events right through to the deaths, which form an important part of the information citizens of that particular jurisdiction require daily. It is clear that the proof of the pudding is in the eating because people listen consistently and they expect that service to be provided.

Unfortunately, as a result of changes within the wider media landscape, local radio stations now find themselves operating under increasing financial strain. Revenues have declined very significantly during the past ten years, putting pressure on the independent stations to cut costs to remain viable and afloat. Much of the transfer of revenues away from advertising from the broadcasting sector towards the digital platforms has created a significant gulf in funding and is putting the capacity of these stations to provide the service as set out in their licence agreement whereby there is a necessity to provide 20% of the content from a news and current affairs perspective under particular strain. It is a real challenge for these stations to retain the depth and breadth of journalistic effort in place to provide that service. We have seen where similar situations have emerged with our nearest neighbour across the water where radio stations are unable to continue to provide that service and this has led to an amalgamation of smaller stations, which ultimately will fail to provide the location-specific information that is a hallmark of what local radio is all about. In the context of reduced revenues, local and independent stations are particularly impacted. If this pressure continues, the plurality of sources of news could decline, denying communities access to that vital source of information on issues which are really important in those respective areas.

We believe on this side of the House that the loss of high quality, independently sourced

news from the independent radio sector would represent a loss to the democratic dialogue at both national and regional level across communities throughout the country. To that end, we have proposed the establishment of a public service broadcast fund for the independent radio sector and we believe it is vital to ensure the future viability of the industry. Funding additional supports for local radio will not require the introduction of further measures to raise funds. It will only require the collection of fees that are already owed. As we are all aware, television licence fee evasion in Ireland is among the highest in Europe and millions of euro are being lost each year by both RTÉ and the independent sector.

We believe, based on a detailed body of work that was done by the Joint Committee on Communications, Climate Action and Environment, that with an enhanced level of detection and collection somewhere between €35 million and €50 million could be accrued to the State and could provide the resources to fund adequately the independent radio sector in its effort to fund news and current affairs and also address the very significant shortfalls that RTÉ is encountering. The Joint Committee on Communications, Climate Action and Environment has already examined the future funding of public service media in detail and the joint committee recommended that the Minister establish a scheme to assist radio stations in the provision of such news and current affairs programmes. It also recommended that the Revenue Commissioners should be tasked with the collection of the licence fee. We know how successful the Revenue Commissioners were in the collection of the non-principal private residence tax when responsibility for its collection was transferred to them from the local authorities and consequently the level of evasion was reduced significantly in a very short period.

The additional funds raised could have a dual purpose. They could be used to meet the ongoing funding issues at RTÉ, which the Broadcasting Authority of Ireland has identified as being very significant and requiring urgent attention, and provide a much-needed funding stream for the smaller independent producers. We should not forget that the licence fee already provides significant funding through the sound and vision fund to the independent production sector. That is one which we must harness and nurture as part of this.

As with most European nations, the Irish broadcast market is already subject to public intervention in the form of funding and oversight. What we propose is already the case in a number of European jurisdictions where they very much value their independent radio sector, recognising its importance in the democratic process.

Professionally produced journalism is an essential condition for the survival of modern democracies. The increase in fake news across the globe, particularly in the social media area, has increased the imperative to ensure the widespread availability of impartial transparent news and current affairs coverage to the individuals of the State. In order to continue to provide unbiased trustworthy fact-based news and current affairs coverage relevant for Irish society at the expected standard, adequate public resources must be invested in producing it. We should not be in any way reticent about supporting that.

Thanks to the quality of Irish media, Irish consumers are more trusting of most news than the EU average, but some 57% of Irish consumers are deeply concerned about the potential for fake news. In order to address this disinformation, Irish consumers believe it is the responsibility of news media outlets and governments to take action. Some 63% believe that the Government should do more to address this disinformation.

To address the specifics of the proposal, Fianna Fáil proposes that we invest 25% of funds

raised through increased collection of the television licence fee to provide independent radio stations with additional funding to develop and maintain high quality news and current affairs programmes. We are also keenly aware that this funding should be reasonable and provide as many stations as possible with supports. To this end, Fianna Fáil proposes a number of limitations. In the first instance, from a political perspective, we do not believe that the body politic should have any role in the administration of the funds or detailing how and where the funds are distributed. We believe that should go to the Broadcasting Authority of Ireland to do so in an independent and transparent way. We also believe it is necessary to limit the funding provided to each organisation by ensuring that stations do not receive more than 50% of the cost of producing and broadcasting qualifying content, in excess of 20% of their operational budget in a given year, or in excess of €250,000 in a given year, to ensure that there is the greatest spread of the available funds, ensuring that all those stations that provide quality news and current affairs to their respective licensing areas are provided with the appropriate assistance. The additional funds raised could also be used to address other funding shortfalls, as we are also conscious that the national broadcaster together with the independent sector provide comprehensive news and current affairs information and assisting one cannot be at a cost to the other.

I am taken by the level of intervention and the level of discussions that have taken place between RTÉ and the independent broadcasting sector. It is fair to say that there is a level of agreement between both sides to ensure that the future of the licence fee is shared in a manner that allows both sectors to survive. I note that RTÉ has a funding requirement of €30 million, as identified by the Broadcasting Authority of Ireland.

In conclusion, I recognise that in the Visitors Gallery today, there are representatives of most of the independent radio stations throughout the country as part of the Independent Broadcasters of Ireland delegation. I thank them for their presence and for showing an interest in the work we are doing on all sides of this House. I wish them well in their efforts to continue to provide trustworthy news and current affairs coverage in an independent and transparent way, to the benefit of Irish citizens and for the preservation of the democratic institutions of this State.

Deputy Dara Calleary: I commend Deputy Dooley on introducing this motion. This is a very significant year for independent broadcasting in Ireland. It is the 30th anniversary of the awarding of the first licences and it is the year the Minister will have to get real about its future. We have had many engagements, promises and discussions, but this year the Minister and the Department have to get real about securing the future of the independent sector that has been so successful at national, regional, local and community level. It has been successful in giving local voices and local issues a stage they would not otherwise get; in profiling local sports, local initiatives and local achievements; and in being there when communities are challenged, such as during huge weather events. My own local station, Midwest Radio, broadcast through the night during the worst of the weather last year. In the event of local tragedies these broadcasters are on hand to support local communities. A large national organisation cannot do that. Local, regional and independent radio does that.

The Minister knows and has said himself that fake news is a threat. It is not just some sort of comedy invention. Deputy Dooley's proposals put flesh on an effort to defend the integrity of journalism locally, regionally and nationally. They represent a move to defend it with cash rather than with kind words, which will not pay any bills in an independent radio station. We have to look at the connection between communities and their radio stations. The listenership figures one sees around the country are testament to that in a very intense commercial world. We have to recognise that this connection costs money. It cannot pay for itself commercially.

The Minister needs to come to the table with the kind of proposals that Deputy Dooley is putting forward, otherwise we will lose stations and lose that connection.

I also want to point out the success of community radio. Local community-based radio stations in towns like my home town in Ballina, in Erris, in Claremorris and in Castlebar bring local issues and local voices to the fore. That is the diversity Irish radio listeners have but that has been lost in many other countries around the world. We can stand up for that diversity. We can protect it by putting cash on the table from resources that are already there, or we can give it false promises and a pat on the back and see it disappear. I call on the Minister not to let it disappear on his watch.

Deputy Shane Cassells: I am delighted to speak on this motion in respect of local radio because it is an issue close to my heart. I am still a proud card-carrying member of the National Union of Journalists. I worked in local media for 17 years. There is no doubt that local media outlets are under huge pressure. The very existence of our industry is under threat because of the attack on its revenue caused by the advance of social media. Social media is hugely welcome but having been involved in both journalism and politics, I know we need functioning independent local media to inform people, to hold our public representatives to account and to cover council meetings and our courts. Facebook is not going to do that. That medium will not send someone to sit in the courtroom or the county council chamber.

It is also important to stem the advance of that infamous phrase, “fake news”. I am very lucky that my local radio station in County Meath, LMFM, produces some of the best programming in the country, thanks to its politics coverage with “The Michael Reade Show”, its newsroom, its sports team, and “The Late Lunch” with Mr. Gerry Kelly in the entertainment sphere. I know that if I want those shows to continue and want a future for my station, they must have a fighting chance and a level playing field. The proposals brought forward by Deputy Dooley in respect of the public service broadcasting fund provide a platform to allow local radio to survive and invest in its newsrooms.

I also back empowering the Revenue Commissioners to collect the licence fee. I pursued that with the Secretary General at the Committee of Public Accounts in discussions about the level of evasion, which accounts for some €40 million. Quite frankly, that is theft. It is theft from the rest of us who are actually paying the licence fee and from the public purse. It is accessing a public service for free. If that was happening in any other Department, it would be a scandal. It might not suit me to appear every morning on a political show like “The Michael Reade Show” in my local radio station. However, as a politician and a journalist I know the benefit Mr. Reade provides to the people by holding local public representatives to account. I want to see that man’s show and local radio stations continue in the future. We need to back these proposals.

Deputy Michael Moynihan: I welcome the opportunity to contribute to this debate. Thirty years after the licence was given, local radio stations are at a crossroads. A huge challenge is facing them. We talk about building strong communities and encouraging people to participate in their communities. One major thing that holds many communities together is a local radio station. They go far beyond any of the national stations. They give a voice to people who would otherwise be voiceless. They provide a service right across the spectrum. We are very lucky in my part of the world. We have the C103 station, which broadcasts the “Cork Today” programme in the mornings with Ms Patricia Messinger and Mr. John Paul McNamara. We also have agriculture broadcasting. Agricultural programmes are unique to local radio stations.

Those agricultural programmes speak to the issues of a particular community and part of the world, as distinct from other counties. We also have Mr. John O'Connor, who has been producing and directing his own programmes for many years.

At this point, local radio stations face serious funding challenges. It is time to accept that there is a problem. There has been plenty of lobbying and discussion in respect of local radio, but these broadcasters are at a crossroads. The Minister needs to take direct action. Deputy Dooley's proposals are welcome and should be implemented. We cannot leave to die this gem, which serves communities throughout the length and breadth of the country so well.

Deputy Eamon Scanlon: I thank Deputy Dooley for bringing this very important motion before the House. There is no doubt that since local radio was introduced people have enjoyed listening to it. That is proven by the verified number of listeners nationwide. I come from an area in Sligo that is serviced by Ocean FM. I would say it has one of the smallest franchise areas in the country and it is surrounded by very successful radio stations such as Midwest Radio, Highland Radio, and Shannonside. Despite that fact, Ocean FM has been very successful. It employs 35 people full-time and the same number part-time. There is no doubt that a public service obligation is very expensive. Local radio stations need it. They will not survive without it. Despite its small franchise area, Ocean FM has won many national awards for the work it does. There is no doubt but that it comes down to the work of the staff on the ground. It has an excellent staff.

The former Taoiseach, Deputy Enda Kenny, promised in 2016 that he would scrap the levy. Doing that would definitely make things much easier for local radio stations. Quite honestly I do not agree with all these amalgamations. If they happen the strong will get stronger and the weak will get weaker. Radio will lose its local identity, which is something for which we need to watch out. As for regional radio, iRadio, which also is a very successful radio station, covers the regions. All these stations will need support in the future. There is no doubt about it. That is why I am delighted Deputy Dooley has brought this before the House.

Deputy Éamon Ó Cuív: The licence fee is meant to provide for public service broadcasting. Traditionally, much of it has gone to RTÉ, which provides a service at a national level. At a local level, though, and other than Raidió na Gaeltachta, it does not provide any such service. Local news, local current affairs, local sport and local magazine programmes on, for example, agriculture are provided by local stations. If RTÉ needs a huge subsidy to provide public service broadcasting, how is it presumed that much smaller stations can operate without a subsidy? Therefore, I agree that the levy should be scrapped and that part of the public funding for public services should go to local stations providing these vital services to local communities throughout the country.

I published a Bill during the previous Dáil to deal with this issue. Unfortunately, with the overwhelming majority in the Dáil at the time, it did not make progress. It is now time to act. Is é an dara rud gur mhaith liom tagairt a dhéanamh dó sa chúpla soicind atá fágtha agam ná an difríocht ollmhór idir na costais a bhaineann le cláir a chur ar an teilifís ag RTÉ agus ag TG4. Tá maoiniú an-bheag á fháil ag TG4. Tá éagothroime úafásach ann i dtaobh maoinithe do TG4. Murach TG4 ní bheadh RTÉ leath chomh héifeachtach agus atá sé. Bheadh na costais fós i bhfad níos measa ná mar atá siad. Tá sé in am cothromú a dhéanamh agus cothrom na Féinne a thabhairt do TG4 ó thaobh mhaoiniú Stáit de.

Minister for Communications, Climate Action and Environment (Deputy Richard

Bruton): I thank Deputy Dooley for tabling this motion. It is our first debate on broadcasting in my time in this Ministry. It is timely.

I recognise the strong endorsement of the role of local radio stations given by all speakers from the Fianna Fáil benches. That will undoubtedly be reflected in other contributions. Local radio stations are the information lifeline for audiences and citizens. They are also the lifeline for politicians, providing platforms on which to discuss important public issues.

As Deputy Dooley rightly pointed out, we are increasingly seeing the room for sober debate on issues being dominated by the echo chambers of social media with the fury and anger that they can generate. Major changes are under way in broadcasting, both in television and radio. Some of these are cyclical as a result of the crash. We have seen a decline in commercial advertising and the pressure on licence fees. However, some of the changes are structural. The migration online will not stop. Audience penetration among younger listeners and viewers by traditional media is low. As they move to new online communication platforms such as players, it is difficult for many of these traditional broadcasters, which are an information lifeline, to monetise that move. They are under significant pressure. The restructuring that has occurred in public broadcasting as well as many parts of the private broadcasting sector has been necessitated by that pressure. I was not around for the recent Estimates process in this Department, but nearly €2.5 million has been provided to TG4 and €10 million to RTÉ in the past two years in recognition of the pressure that they have been under in recent times.

Deputy Dooley raised a number of issues and I will try to deal with them in the limited time available to us. The revenue collection system is not working. As Deputy Cassells mentioned, the evasion rate is 14% and the collection cost is 6%. The committee also pointed to an 8% exemption, increased from 2.5%. Combined, these figures constitute a 28% drain on licence fee revenue.

As the House knows, my Department chairs a committee involving all the relevant players, including Revenue, which Deputy Dooley believes should be the future collector. The committee has also considered other options, for example, a fresh tender, as a way of raising money more effectively from the licence fee. I understand that the committee's report will come to me by the end of March, and it appears to be on schedule.

The other issues raised by the committee are interesting and I would be open to considering all of them. We will have a thorough debate on them when the broadcasting Bill is before the House. As Deputies have pointed out, that Bill has been delayed. There have been tricky drafting issues around some of the provisions, in particular the putting out to tender and the power of the Broadcasting Authority of Ireland, BAI, to vary levies on different types of broadcaster. There has been an anxiety in the draftsman's office to ensure that proper policies and principles underpin the latter and it is not seen as an arbitrary power. When moving away from a public authority, in this case An Post, the powers of collection must also be properly based. These tricky issues explain the delay, but good progress is being made and I hope to be in a position to present the Bill.

The committee and Deputy Dooley have raised the question of how to use the proceeds of additional revenue. The Deputy recognises that the BAI has recommended €30 million for RTÉ and €6 million for TG4. The Government has made some progress in that regard. The Deputy has also set out proposals as to how a fund might be structured, but we must consider the issue of state aid rules. As I understand the matter, we cannot provide state aid to a commercial entity

except for a clear public purpose that is stated in advance and where the competitive delivery of that public purpose is tendered for. We cannot have a fund that gives money to a commercial entity just because it has a current affairs obligation. It would have to be a different structure. Some Deputies suggested that we needed to provide money to commercial stations so that they could keep going, but it would constitute state aid if it were phrased like that. We must identify public purposes for which private, local broadcasters can tender to deliver. Notwithstanding this difference in approach, the principle is there.

To be fair to the BAI, it makes a 7% allocation to encourage content. It does not include local information, but it includes information about international and wider issues. This comes from the legislation. There is an expectation that, while a local station will be good at identifying what is happening in its own community, there may be justification for support when moving to a wider arena. That is in the existing scheme, as are cultural and other important objectives. It is a question of designing something that would be seen as equitable.

Deputy Scanlon raised the issue of the broadcasting levy. It is intended under the Bill that some of the revenue would be used to fund the BAI, thereby reducing the obligation on a levy. I do not think the former Taoiseach said he would abolish it. Rather, he indicated that up to 50% could come off the levy. That continues to be the thinking within the Bill that will come forward for consideration.

The committee also raised some other issues, which Deputy Dooley referred to, such as moving away from TV set ownership to other devices. This is an issue that we need to consider. There is no doubt that we are seeing a huge change in the way people consume media.

10 o'clock The penetration of the market of those aged under 15 is in the low single figures. Even if one considers those aged 25, the viewing figures do not even hit 20%. It is only as viewership gets up to people of our own vintage, sadly, that we can see the high figures. A dramatic change is happening. If it continues, and those people are unlikely to change their behaviour as they get older, it will represent a massive change. This issue was raised by the committee and is worthy of thought.

The committee also looked at the idea of retransmission fees. I believe this is a double-edged sword. If one takes public service broadcasting off some of the platforms such as Sky and Virgin, do we achieve the public objective we set to provide Irish audiences with access to quality public service content? It is a double-edged sword but I believe the committee indicated that it is something the station should be allowed to negotiate rather than it being an all-or-nothing situation. The committee asked what we mean by public service broadcasting. It pulled up short of making really strong recommendations but there is no doubt that it raises issues we need to consider.

I welcome this debate. Our broadcasting services are, and continue to be, under pressure. This is the difficulty. There is a long-term migration that will pose challenges for us in the fake news arena and in getting access for Irish audiences to Irish content. We need to focus more on how we drive that content to the audiences.

Deputy Brian Stanley: I will share time with Deputy Ferris.

An Leas-Cheann Comhairle: Agreed. I understand the Deputy is to move the amendment.

Deputy Brian Stanley: I move amendment No. 1:

To insert the following after “independent radio sector by the end of June 2019”:

- “— commit to not increasing the TV licence fee as a means to fund local radio; and
- commit to improving the collection rates”

Sinn Féin broadly supports the motion put forward this morning. We believe the place of public service broadcasting needs to be maintained and supported because it forms an essential part of our media into the future. Local independent radio is an important part of that media landscape. It accounts for the majority of radio listeners every weekday across the State and it provides an important service to communities around the State. It can be the main source of news and a vital vehicle to keeping local communities connected. I see it in the midlands areas of Laois, Offaly and Westmeath. Midlands 103 FM airs across the three counties and well beyond with a weekly listenership of 119,000. Midlands 103 FM provides a very important service to Laois, Offaly, Westmeath and other surrounding counties. It has excellent coverage of news, current affairs, sport and entertainment. From the democracy perspective it has coverage of local government, the local councils and the events here in the Dáil. The station also covers European Union affairs, which is very important. It is vital that the public service obligation for independent radio stations be retained.

Alongside independent radio there is community radio, which has an important role for communities. Community radio in Ireland has some 2,000 volunteers broadcasting to 170,000 people in 21 fully licensed stations. Community radio presents a unique way for the community and voluntary sector, civil society, agencies, NGOs and citizens to work together to make a difference.

With regard to any future funding we have to ask where the money is going to come from. On the issue of the licence fee, RTÉ received €186.1 million from the licence fee in 2017 and it also receives substantial funding from advertising. RTÉ, however, has requested further funding. We understand there is a problem with the funding of RTÉ and the licence fee collection, but current expenditure at RTÉ is also an issue. I raised this with the Minister on the 24 January. I highlighted some of the excessive salaries at RTÉ and the incomes paid out by the broadcaster. Figures of €495,000, €400,000 and €389,000 are being paid for individual presenters. These are substantial sums for a station that serves a population on the whole island of 6.5 million. This is approximately half the population of London. Would a regional TV station in Britain, France or anywhere else across Europe serving a similarly sized population provide such excessive salaries? When I questioned the Minister, Deputy Bruton, about this last month, he committed to meeting RTÉ in this regard. Has the Minister met RTÉ, and if so, what was the outcome? The licence fee paid by the householder needs to be traceable. There needs to be accountability, transparency and justification for how householders' money is spent.

There is a high rate evasion of the TV licence fee and it must be dealt with. The evasion rate is approximately 15% and is one of the highest in the EU. Addressing the evasion rate would generate an estimated €35 million to €40 million per annum. We must take this on board and there are avenues through which this can be done. When this issue was discussed at the committee, Sinn Féin proposed there would be no increase in the licence fee because many households are already struggling to pay the fee, especially those on low and middle incomes. Sinn Féin proposed a different model for the collection of the TV licence fee and we put this forward for the report. There should be a registration onto a database for the purposes of collection of the licence fee at the point of purchase of the television set or at the point of connection for a

broadcast service. This would be a very straightforward way to do it and it is done like this in other countries.

Sinn Féin is opposed to the use of the Revenue Commissioners to collect the TV licence. This would be seen as another tax on people, not a licence or a fee. It is totally inappropriate to use this arm of the State for the collection of the TV licence fee. The Sinn Féin proposal to register at the point of purchase does not use the heavy arm of the State or the heavies of private debt collectors to collect the licence fee, which happened across the water in Britain when the collection was privatised and tendered out to private companies. This resulted in huge compensation being paid out to householders who were victims of sharp practice, poor practice and intimidation by some of those companies. We should not take that road.

There should be no increase in the licence fee but there must be improvement in the collection process. We should not opt for the simple option of just jacking up the fee again. There are alternatives that will increase compliance and we need to pursue these options.

The Committee of Public Accounts said that clarity should be brought to the oversight arrangements of RTÉ in addition to the provisions of the Broadcasting Act. I referred earlier to the incomes paid by RTÉ. Householders see these excessive salaries being paid out and wonder if they are justified. The Minister cannot simply pass the buck on the issue of the expenditure of the TV licence. He is the shareholder and the public representative there. The Minister and I both know that it is the shareholders in companies who call the shots. The Minister also sets the licence fee through the legislation, so he has a lot of leverage in his hands on this matter. The Minister has a responsibility to create transparency with the use of public moneys.

Sinn Féin sees the need for a good, proper and well-funded public broadcaster service. We want to see the local radio stations assisted in this. They provide a very important service to communities. They are important to counter the fake news online and much of the rubbish that is put up from time to time. It is more important now than ever that we retain that service and ensure we have it in the future. They are under pressure. Public service broadcasting is a popular role that local stations provide. We need to retain that. We have an amendment which is very straightforward. It commits to not increasing the licence fee solely as a means to fund local radio and commits to improving the collection rates. Sinn Féin asks that this be accepted by the Government and Fianna Fáil.

Deputy Martin Ferris: I commend this motion to the House. It is long overdue. We in Sinn Féin welcome it. As Deputy Stanley stated, the amendment we have tabled is designed to improve it. The value of local radio to communities throughout this country cannot be overstated. It provides a fantastic service that gives advice to people in every corner of the country and raises issues that would never find their way into this House if not for local radio. I say that in a positive way because it reaches out to communities and provides that service so that communities can partake in debate and publicise issues of concern. It is also open to county councillors and what were town councillors to raise national issues on local radio. The service has to be defended at all costs.

In my county, Radio Kerry has an unbelievable record. It was established in 1990 and has broadcasting studios in Tralee and Killarney. I have just looked at the figures and they are quite startling. The Joint National Listenership Research, JNLR, figures indicate that Radio Kerry has a market share of 48.3%, compared with 14.4% for RTÉ and 6.1% for 2FM. Both of the latter are State-funded organisations. It just goes to show the value of that to Kerry. The station

has a weekly reach of up to 81,000 listeners, 67% of the available audience. That shows how important and accessible it is to local communities. Radio Kerry employs 100 people. Some 50 of them are full-time employees. It is currently in negotiations with Clare FM and Tipp FM. If those negotiations are successful, that will double the number of people employed, which would be of significant value to local communities.

Local radio covers a vast range of issues in communities, which is fantastic, including farming, fishing, sport and current affairs. We in this House are called to account by local radio. I have been on local radio a couple of times every month since I became a Deputy. I have been questioned by various reporters, including Jerry O'Sullivan. It has been an interesting engagement. He has been very professional, as are all the staff that I have dealt with there. He is very challenging in the context of holding me and other Deputies to account. That is invaluable because local people connect with their local representatives and want to know how their local representative represents them in this House. Many of our elderly live in rural and isolated areas. Their social connection is local radio. Every morning, the radio programme that comes on right through to late at night is their local connection. They know everything that is happening in their local communities and throughout their counties. That has to be acknowledged and has significant value to the well-being and social connection of people across the constituency.

I was looking last night at a briefing note that I got regarding 9 February for Radio Kerry. It covered three football games that day. I have been involved in the GAA for most of my life. Radio Kerry has been invaluable for local results and so on. It covered three games that day. Two were all-Ireland finals. One was the intermediate championship, which Kilcummin won, while Beaufort won the junior championship. That night, the Kerry garsúns went out and beat Dublin in Tralee. It was a fantastic service. Radio Kerry lost advertising revenue by doing that because there was no break in the programme. That shows what a tremendous connection it is for everybody in our area.

We also need to acknowledge the role that local radio plays in county emergency plans, through the Garda, fire brigade, hospital services and any aspect that is in need. Even during the Beast from the East, local radio gave us news of what was happening all over our county and the country in general, about where people could be in danger and about matters of which people should be aware. Radio Kerry is considered locally as the voice of the kingdom. I have already mentioned that 48.3% of the audience that is connected to radio in the county is connected to Radio Kerry. I am sure that is replicated across the country. That is how valuable and important it is, and why we have to defend it, ensure it survives and continues to develop further. It is an essential part of our life, especially for our elderly, for those of us who have been involved in sport, agriculture and politics in this House, in county councils and so on. It is a great way for county councillors to communicate with communities and take on board issues that have been neglected. Many of those issues that come from local radio stations end up here and some can be resolved here.

I thank Deputy Dooley for tabling the motion, which I commend, and I recommend our amendment to it.

Deputy Jan O'Sullivan: I welcome this debate. It provides an important opportunity to discuss the role of local radio stations. I also welcome the fact that we had a briefing session in the audiovisual room yesterday, which was crowded with Members of the Oireachtas. It is important that the report is published and the broadcasting Bill is brought forward as quickly as possible. This issue has been around for a long time and needs to be addressed. In his contribu-

tion this morning, the Minister talked about the need for a clear public purpose to satisfy competition rules. That should not be a problem. Local radio stations serve a clear public purpose, especially in the context of their morning news programmes and the amount of information they disseminate regarding community activities and cultural and sporting events. My local radio station, Limerick's Live95FM, is particularly strong in this regard. That is also true of other stations. They are under challenge from digital media and various sources of news available to people around the country. This is about collecting extra money because we know that our national broadcaster needs to be funded too. Local radio stations are crucial for communities and, in particular, for those who live alone in isolated areas because they provide a link to what is going on. This has been floating around for a long time and it is now time to ensure there is a response from the Government. We must support diversity and genuine local news and current affairs programme produced in radio stations right around the country.

Deputy Willie Penrose: The Labour Party broadly supports the thrust of the Private Members' Bill and in particular the recommendation on the future funding of public service broadcasting set out in the committee report of November 2017. It was recommended that the Minister establish a new scheme to assist with the funding of independent, regional, local and community radio and television to produce local news and current affairs programming. We know what has been done. There are great political and other debates on those stations and RTÉ has a very important role in this regard also. I proposed an amendment to the Broadcasting (Amendment) Bill 2016 which aimed to insert a new section in the Broadcasting Act 2009 to provide that it would be a condition of the awarding of all sound and broadcasting contracts under section 55(8) that at least 30% of the aggregate amount of transmission time allocated to music content in the programming provided under the contract would be reserved for music components that relate to some distinguishing elements of the culture of the island of Ireland. That was voted down, disgracefully, and Fianna Fáil was accused of political cowardice on that occasion by former members of the party who had sat in the House. I will bring it forward in 2019 and I ask Fianna Fáil to consider it carefully. We now have a chance to get it to a committee and deal with it there.

The debate on Irish community music in the Dáil, when I tried to convince politicians from all parties to back the initiative to introduce a quota, was followed by a dry statement from the Broadcasting Authority of Ireland. It was expertly covered by Ailbhe Conneely of RTÉ, a brilliant journalist. The Broadcasting Authority of Ireland, BAI, admitted that a proposal for an Irish music quota had been submitted to the EU previously but had been withdrawn following complaints to the European Commission that it was not compatible with legislation. This rebuttal of the campaign was worded in such a way as to hide the fact that it was the independent Irish radio sector which had made the complaint to Europe and derailed the quota in the first place. Indeed, that is evident from Niall Stokes who admitted it in an article in *Hot Press* published some time after he stepped down from his role with BAI. Michael O'Keeffe, who remains on the authority, is following that. It is very important to look at this. Any funding that goes to the other stations should be contingent upon achieving this quota because it is farcical how things are going. What do our actors, musicians, composers and artists need to do to get the House to wake up to what is happening in our country? The powers that be have completely abandoned our national culture. They have only one thing in mind when it comes to culture, namely how to milk it for monetary profit until every vestige of artistic value is sapped from it while giving our artists little or no support. Our actors are on their knees as are our songwriters. Look at the likes of Michael English who employs 15 people every night. Every petrol station is open and every restaurant and hotel is booked because of these guys. One can name a whole clatter of

them, including Johnny Brady, TR Dallas, Tony Evans and Foster and Allen. They were in the Gallery. Tom Allen, a former Fianna Fáil councillor, was so disappointed. Let us get this back and teach the Government a lesson. I ask Fianna Fáil to get behind it. It should forget about Communicorp and those boys writing to us and let us get to the real stuff here.

We need to wake up to the impoverishment of a section of our community which has given so much of its talent to create the global image that now exists that we are an artistic nation at heart, second to none in Europe. The support we give to the broadcasting sector - this is crucial - should be contingent on that sector supporting homegrown talent. In truth, the sector does not currently support talented Irish artists. Our actors, writers, musicians and composers have been sidelined in the past 30 years without fully realising how that happened. If anyone in the House wants to gain an honest appraisal of Irish broadcasting in our time and how it has abandoned support for local talent, I ask them to read the relevant chapter of *The Bill*, a book which will be launched tomorrow night in Galway by Johnny Duhan. The title refers to Bill Whelan of Riverdance fame who came to the House over 30 years ago to try to show us the crisis we were already heading for even back then. We could not listen to him, however. I repeat, therefore, that the support we offer to our broadcasters must be contingent on their support for homegrown talent first. Mr. Tubridy is great for producing a show on Irish music which gained 550,000 listeners, but there is more talent in Ireland than Nathan Carter. It cannot be the one thing. RTÉ ends up with its presenters interviewing each other for entertainment. There are lots of people across the country: let them interview them and give them a chance. Let us look at our own national culture. RTÉ produces six programmes on the Fleadh, which was attended by 500,000 people in Drogheda last year. It should be covered by weeks of programming. RTÉ better wake up to ensure that our greatest national event - the Olympics of artistic and musical culture - is covered much more. FleadhTV has more than 1.4 million viewers. Let us be real here and support Irish artists and composers. I will be back to the House with a Bill before the end of the year which I have no doubt Fianna Fáil will support because its supporters will ensure it does.

An Leas-Cheann Comhairle: There is a two-minute slot for Independent Deputies. I call Deputy Naughten first and he will be followed by Deputy Fitzmaurice. The Deputies have one minute each.

Deputy Denis Naughten: During Storm Ophelia and the “beast from the east”, websites were of little use because of electricity outages. Even mobile phone masts were without power in some instances. Local and regional radio was a vital tool to update people on what was happening in their own communities. The “Be Winter Ready” campaign and public notices in advance of forecasted severe weather should encourage people to have their batteries on standby and to tune in to local radio to get local updates. Local radio, despite its remit to be a purely commercial operation, provides a vital public service in weather emergencies which will, sadly, become far more commonplace in future. This needs to be reflected in public service broadcasting funding. The broadcasting (amendment) Bill, for which I secured Cabinet approval, is the first definitive step in advancing that position.

Deputy Michael Fitzmaurice: I support the motion. In my area, there are many local radio stations, including Galway Bay FM, Shannonside, Midwest Radio, Ocean FM, Midlands Radio and iRadio. They give people a great deal of help and information in rural areas, including for the elderly and young people. Local radio provides information on sport and on weather: local radio does it all. Local events are only covered by local radio and not by the national stations. As I said yesterday evening, we are talking about reports. All we are doing in the Dáil from what I can see is dealing with reports or small pilot projects to test things out. The time has

come to recognise and fund the invaluable help local radio stations provide in all parts of the country.

Deputy Bríd Smith: I am a member of the committee that published the report mentioned in this motion. At the time of publication, I made it clear that despite the report containing a wealth of good information on broadcasting and funding models, we fundamentally disagreed with its recommendations, the biggest one being that Revenue should collect the licence fee or a revamped version of that fee. We have huge problems with aspects of the report's recommendations referenced in this motion. The motion is extraordinary. When one strips away some of the bizarre stuff on fake news and possible Government action to curb it, the motion boils down to a demand that the State funds in some way private radio stations to continue to provide what is a condition of their licences to broadcast, namely the condition that 20% of airtime be given over to news and current affairs. The motion tells us this a burden local stations cannot bear anymore, that it is a threat to their survival, and in some bizarre fashion might result in the growth of fake news instead of vibrant, democratic news, the bulwark of which is represented by these local stations. I am not sure if any Members listen to late night shock jocks, many of whom are on private radio stations. They might be surprised to find that fake news is alive and well, and not just on the Internet.

Like many Deputies, I received an invitation to the briefing yesterday by the radio stations in support of this motion. Both Newstalk and Today FM wrote to Deputies about this. One would be forgiven for mixing up the letters as both letters from two different radio stations were identical. That is not surprising as both Today FM and Newstalk are part of the Communicorp group, along with 98 FM, SPIN 1038 and SPIN South West, which are all owned by Denis O'Brien. I do not accept that those stations in the stable of Communicorp are struggling independent radio stations that require State support to fulfil their obligation or indeed that supporting them will be some kind of bulwark against fake news taking over.

Today FM and Newstalk have 21% of the national listenership. Despite some creative accounting practices that record losses, it is clear these stations are viable and commercial. We know Denis O'Brien has to date advanced loans of over €93 million to the Communicorp group. This man is not renowned for charitable investment for the sake of shoring up loss-making enterprises.

I fully agree with support for local and particularly community radio stations that provide vital sources of information, connectivity and entertainment to regional and local audiences in urban areas. However, that would not be the outcome of this motion. The bulk of any subsidy would not go to struggling little independent stations; let us not kid ourselves about that. The funding would be for the provision of news and current affairs content and would go disproportionately to the bigger players.

Last May, Communicorp renewed its contracts with 28 regional local radio stations to provide news content. *The Irish Times* reported:

Communicorp Media has renewed a contract to provide news bulletins to regional and local radio stations.

The radio group, controlled by businessman Denis O'Brien, has been running the syndicated service since 2009, which provides content to 28 local radio stations...

The service supplies local radio stations with news, sport, and entertainment bulletins

for a fee.

Limiting how much any entity could get a result of this motion does not mean that the largest and most influential group within independent radio would not gain disproportionately because it is very likely that any funding to pay for or subsidise news and current affairs content would swell the coffers of Communicorp in one way or the other.

I quoted *The Irish Times* report for a reason. The motion waxes lyrical about how the radio sector can shore up democratic dialogue. It is ironic that the main beneficiary of this motion, Denis O'Brien and Communicorp, continue to have a bar on any journalist from *The Irish Times* appearing on their radio stations, something which the Broadcasting Authority of Ireland regrets but appears powerless to do anything about. That ban was because of comments by Fintan O'Toole about the sexism of one radio presentation. So much for fair comment or the democratic dialogue. However, with a straight face Fianna Fáil is suggesting taxpayers' money should fund the news content of Denis O'Brien's stations and help pay for their syndicated news bulletins.

I note also the clarion call in the motion about how independent journalism is essential to the democratic process. I again find it odd that the drafters did not look at media ownership in the radio sector they seek to support or even question whether an over-concentration of media ownership could be having a chill factor on many journalists in pursuing stories of vital public interest if they clash with the interests of certain media owners.

We need a serious discussion on how we should fund public broadcasting, promote plurality in the media, safeguard local and regional voices in media both print and radio, and ensure cultural and current affairs content are not sacrificed at the altar of commercial criteria. That serious discussion is not addressed in this motion.

I am all for seeking ways to fund local radio and the good news and current affairs content it delivers. Over the years west Dublin has had a very vibrant local community radio. It struggles to survive and can only survive by engaging community employment scheme workers. It does a wonderful job in connecting the communities. I understand that is the case everywhere in Ireland. I frequently take holidays in the west and I love to listen to the local radio stations to get the news and get a flavour of what is happening. However, I am less enthusiastic about finding ways to fund Denis O'Brien's media ownership. The taxpayers have been generous enough to that particular business man.

An Leas-Cheann Comhairle: I call on Deputy Pringle, who may be sharing his time.

Deputy Thomas Pringle: I do not know with whom I am sharing. I am the only Member from the Independents 4 Change group present. I will take about three minutes and I do not know who will follow.

I have given the motion considerable thought in the past few days. While its overall thrust is welcome, there are many caveats mainly relating to the ownership of national stations as opposed to local stations, as mentioned by the previous speaker.

All the previous speakers have said that the local radio stations play a major role in local life and local political life. That can even be seen by the number of people who attended the presentation in the AV room yesterday. The ambulance workers were in the room immediately beforehand and a much smaller number attended to hear from people who provide a vital public

service and who are on strike today and tomorrow over the mistreatment by their management. The contrast in the numbers attending was immense.

Local radio plays a vital role. The motion stresses that role has a cost, which is true. Local radio stations are very popular. They give local news which is what people want to hear, particularly in rural areas. In Donegal Highland Radio and Ocean FM along with Raidió na Gaeltachta give that local news. That is what sets local radio stations apart from national stations. We have to gauge it in that way. We support local news, and we should support news, but that is also what makes local radio attractive for people to support. That needs to be taken into account when considering the motion.

The national radio stations should be separated out from the motion because that is where the crux of the problem lies. We need to look at how we stop the consolidation of ownership of local radio stations in the hands of a few individuals who may have a different attitude in terms of whom they believe the news is for. We also need to maintain that vigilance with RTÉ. The only way we can do that is through the small local radio stations; that is vital.

An Leas-Cheann Comhairle: I call Deputy Brassil.

Deputy John Brassil: How long do I have?

An Leas-Cheann Comhairle: If he wants to share with one of his colleagues, they will have about three minutes each.

Deputy John Brassil: I greatly welcome the opportunity to speak and thank my colleague, Deputy Dooley, for tabling this very important motion. The need for funding for our local radio stations and local media goes without question. We need action from the Oireachtas. The support comes unanimously from Members on this side of the House. In that spirit I hope the Government Members will work with us and take the action that is needed now.

There is no better example of effective broadcasting than in my county, where more than 50% of the population, in excess of 83,000 people, listen to Radio Kerry daily. It provides a full range of programming covering music and current affairs. Every morning in the show presented by Jerry O'Sullivan and Treasa Murphy there is no better example of balanced political and current affairs debate. Deirdre Walsh has her "Talkabout" show at 1.30 p.m., which would give Joe Duffy a run for his money any day of the week. There is comprehensive coverage of sport, agriculture and business along with music shows every day.

The legendary Weeshie Fogarty, who unfortunately passed away recently, had a fantastic programme called "Terrace Talk" which won numerous awards. It was an example of the kind of unique and individual programme which one would not get on national media but that local radio has the opportunity to produce. I fully support this motion. I ask for full support from across the House and that we provide the necessary funding to make sure that all local radio stations can fulfil their public service broadcasting obligations.

Deputy Eugene Murphy: I agree with most of the sentiments expressed by my colleagues. I compliment Deputy Dooley on his work on this Bill. I come with quite a bit of experience in local radio, having worked for 20 years with Shannonside Northern Sound presenting and producing. I count working in local radio as probably the best experience of my life. Local radio means so much to people in the communities. It is rather unfortunate that Deputy Bríd Smith has tried to muddy the waters at a very critical time for local radio and for the people who run

and work on it. I am sure Deputy Dooley will deal with that in time, but it was an outrageous way to carry on and one which is not usual in the House. I am very sad that it happened here this morning. We are here trying to help people in a difficult situation. We know they have to get help and assistance. As someone who worked in local radio, I remind people that local radio is the local doctor, the local nurse, the local garda, and the local community activist. These stations cover every aspect of life in what they do. Each and every one of them does phenomenal charity work. They raise vast amounts of money for charity.

They are a voice for the old and for the disabled. More importantly, on many occasions they are the unseen person in the room, particularly for old people and for people with disabilities. When families have gone out to work and old people are on their own, the other person in the room is the local radio station. That is vital and important.

Many areas of rural life have declined. I will not go into all that has disappeared from local communities in recent years. The one thing in particular that has been so crucial and important to people in rural areas is local radio. The people who run it and work on it need our assistance now. That is why we are here today and why Deputy Dooley has tabled his motion. There is no other reason. I am sure that the vast majority of Members of this House will agree with me. It is important that all politicians acknowledge the threat local radio and local journalism are under. One sees what is coming out on social media from extreme left-wing and right-wing groups. My own family, myself in particular, has suffered from this. It is so important that we protect what we have, what is good, and what is here by legislation and not allow these groups to dictate and destroy the true voice of the people.

Deputy Noel Grealish: I have only a couple of minutes. I compliment Deputy Dooley on putting this motion before the Dáil this morning. I am delighted to support it. I would like to talk about my own radio station in Galway, Radio West. It was formed back in 1989 by Mr. Gerry Rabbitte, who is in the Gallery. Its name was changed to Galway Bay FM in 1993. Many people have spoken about local radio stations but it is important that we speak about the people who are abroad. A lot of my family unfortunately had to emigrate, to the United States in particular. My local hurling club went to two county finals in the early 1990s. We used to do a deal with Galway Bay FM. The people abroad would ring the local radio station, which would be doing commentary. They would gather in a house and put the phone on speaker. There was no such thing as the Internet at that time. That was the local radio station keeping people in touch with what was happening, particularly with regard to sporting games. I believe that people abroad now listen to the local radio stations more than we do at home in Ireland, particularly to hear local news and sports news. One has to compliment the local radio stations on the tremendous sports shows they put on.

Many Deputies have spoken about their own local radio stations. They broadcast local news, the death notices, sports, and the shows in the morning. Galway Bay FM has Ollie Turner's show in the morning, which has a huge listenership. Many young reporters have started off on the local radio stations before going off to the national stations. I ask that all parties and every Deputy in this House support the motion tabled by Deputy Dooley and Fianna Fáil.

Deputy Michael Collins: Ireland has a long history with radio, which is still fondly known by many as the wireless. More than 3.1 million listeners tune in to the radio every day. This is a staggering statistic when one considers the population of Ireland. It shows the continuing popularity of radio in Ireland. Regular radio broadcasting in Ireland began with 2RN test transmissions in 1925 and community radio in Ireland has been active in Ireland since the late 1970s,

but it was not until 1994 that the Independent Radio and Television Commission established an 18-month community radio pilot project to explore and evaluate the potential of community broadcasting in an Irish context. More than two thirds of listeners tune in to independent radio stations. This statistic shows the popularity and success of our independent and community broadcasting stations.

Independent radio stations such as C103, 96FM and RedFM have an excellent reputation for providing up-to-date current affairs. Some people may not realise that these independent radio stations do not receive any State support and that there is a statutory public service obligation on the independent radio sector to provide 20% news and current affairs programming. This is increasingly difficult for these stations to deliver, as they rely heavily on advertising revenue to survive. With the modern-day shift to digital social media platforms, it is becoming harder for radio stations to fund themselves. In 2016, the then Taoiseach, Deputy Enda Kenny, committed to the reduction of the current levy on independent broadcasters. This promise was made three years ago but no action has yet been taken. The Government is now suggesting that the levy may only be halved. The levy was introduced in 2009 for the independent radio stations. This introduction occurred during the most severe downturn in revenues since the independent sector began. Independent radio stations have stated how this levy has seriously affected them in a negative way. These stations are calling for this tax on them to be dropped as the Government promised three years ago. I fully support these independent stations.

We need more supports to be made available for local independent radio stations. We need to look at establishing a public service broadcast fund for the independent radio sector by the end of September 2019. Some 25% of the funds raised through increased collection of the television licence fee should be given to the independent radio stations along with additional funding to develop and maintain high-quality news and current affairs programming.

I have to comment on my own local radio station. While I know 96FM and RedFM are there, C103 has a massive county to cover, the county of Cork. It has played an outstanding role in the biggest county of Ireland in a fair and honest manner, giving both sides of every issue. As Deputy Eugene Murphy has said, local radio is a voice for the young and a voice for the old. I have no doubt that, but for Patricia Messinger and John Paul McNamara of C103, there would have been serious loss of life during recent storms. During every minute of the day they gave up-to-date news from across County Cork about ongoing dangers. I will support these radio stations in any way I can.

Deputy Mattie McGrath: I too thank Deputy Dooley for bringing forward this Bill and for bringing in our guests yesterday evening. The local radio stations in my county are Tipp FM and Tipperary Mid West Community Radio. They cover everything from the cradle to the grave, from death notices to notices of births. They share people's joy, and their sadness at the end. This day 12 months ago, we were all sent home from here. The beast had arrived. We went home and dealt with it. I have fond memories of travelling into the Galtee Mountains with Trudy Waters from Tipp FM on a Fastrac - we took it very slowly - to see and meet people. The local radio stations go out and look after people. The team at Tipp FM on Fran Curry's show, including his producer, Ben Sweeney; Pat Murphy on the news; Trudy Waters; and all the others, are just loved by the people. A phenomenal 3.1 million people a day listen to community and local radio.

The beast we are now trying to deal with is the beast of RTÉ. It has too much of a say. It has control and its fingers must be taken off the sector. A fair share must be given to local radio

stations. The then Taoiseach, Deputy Enda Kenny, promised three years ago to get rid of the punitive levies they have to pay but nothing has happened since. They cannot wait any longer. It is not all about the Pale and RTÉ. I was out last night and saw the fabulous new entrance to RTÉ's studios on the N11. There was no problem for it in getting planning permission. There were no objections from the National Roads Authority or anybody else. I wonder why. I welcome it, as we can now get in and out more easily but Dublin gets everything it wants. We want our radio stations to be allowed to breathe, to be safe and to be able to look after people.

People would be dead in their houses only for them. People would not have had health issues dealt with if they did not have the outlet of Fran Curry or Joe Pryce's shows to air their issues. With support from the likes of us and with a bit of nudging, the HSE can perhaps then be shamed into doing something. Deputy Pringle was giving out about the big crowd yesterday evening but why would we not be there? They are our connectivity with the people. They sell our message and they bring the people's message to us. I fully support the ambulance drivers and paramedics and will be on the picket line with them tomorrow. Today we are talking about communication with the people. *Ní neart go cur le chéile*. It is vital that we support independent radio, which began with pirate radio stations such as Clonmel radio and Tipp Mid West Radio run by volunteers and ordinary people who loved radio for different reasons. They brought the independent sector to where it is today, providing professional services. Independent stations need to have a modicum of resources and need not to be weighed down by the punitive taxes imposed on them. They must be allowed to connect with the people and give a voice to the people. The people are being shut out of Government. This Government has closed down town councils, Garda stations, post offices and so on. Indeed, the post office in Thurles is being shifted out of the centre of town.

People want to have local radio stations and all that these stations want is a level playing field so that they are able to compete. The people have voted with their ears by listening to them and talking to them. They are listening to the Minister as well and are waiting for him to come good on his promises. The Government said that it would be fair and it would give the independent sector a modicum of respect. It must support local radio. So much is here in Dublin and that is the problem with this Cabinet, or rather, the cabal of Dublin people who are controlling the Cabinet. It is to hell or to Connaught with us in rural Ireland but we will not stand for this. The local radio stations need fair treatment.

I compliment Deputy Dooley for bringing representatives of the sector to the House today and for tabling the motion. I was shocked to hear the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, say last week that she would not listen to a motion that had been tabled and a vote of this House that called for something else to be done. The Government is ignoring democracy. It is ignoring the local radio stations, with their voluntary or paid boards and their volunteers. As Deputy Grealish said, these stations give young people an opportunity to get into journalism. They encourage young people to do research and to work during transition year, they support many charitable events and they are very successful. They want to be allowed to continue to do that. I have heard interviews by Fran Curry, Trudy Waters and others and they are riveting. They go into people's homes when people cannot come to them. One does not get that with RTÉ, which had a wonderful south east correspondent, as I am sure Deputy Butler will agree, in Damien Tiernan, for many years. He is gone now but has not been replaced. There is a lady coming from Kerry, who is fine in her own right, to do the job now but we need our own reporter for Waterford, Wexford and Tipperary, which are just as good as Dublin and the counties around the Pale. That position must be filled but, above all, we

need local radio stations to be supported. Ní neart go cur le chéile.

Deputy Eamon Ryan: There is an interesting article by Stephen Collins in *The Irish Times* today in which he argues that new politics is not working. Most often when it is not working, the blame can be laid at the feet of the Government. I can think of lots of examples to illustrate this, including the Petroleum and Other Mineral Development (Amendment) (Climate Emergency Measures) Bill introduced by Deputy Bríd Smith. That legislation deserves to get to Committee Stage but is being blocked by weird mechanisms which are keeping it in a legislative limbo. My party's Waste Reduction Bill 2017 is in a similar position. I read in today's *Irish Independent* that it is being officially blocked by the Government because it is in breach of European rules. In actual fact, the Bill is ahead of Europe in some ways and completely reflects what the European Commission has argued must be done in this area. It beggars belief that a Government and a Department can say black is white in that way and just block legislation. The Waste Reduction Bill is awaiting a money order.

On the other hand, there are examples of new politics working well. It often works when members of the Government and Opposition work together. I am sure Deputy Dooley will agree that the work of the Joint Committee on Climate Action is an example of this. The work being done by that committee is proper politics. The committee has held more than 30 meetings at this stage, many of which were hours long, during which members fought over every line. That is good politics. Another example of this Dáil working well is the work done by Government and Opposition Deputies at the Joint Committee on Communications, Climate Action and Environment on the future funding of public service broadcasting. That is as good an example as one can get of new politics working. The work of that committee was done properly and was not rushed. We invited all of the relevant stakeholders to participate and took a very innovative approach. We had a day long session at Dublin Castle at which we listened to arguments from every side. We listened to people of different ages and from every media background. We took our time and examined the issue in detail. We came up with a series of recommendations that aim to address the crisis in the profitability of Irish media whose survival is under threat. We came up with practical measures and, while not all of them might be acceptable to Government, the committee's clear aim was to raise significant additional revenue that would go to a range of different Irish media providers, including RTÉ, Virgin Media as well as local and independent radio and other digital and print media. We took the brave decision to do some of that hard work, to make some hard calls and to provide solutions. The Government has done nothing and I am not sure why. It is not as if it is going to get a political kicking if it implements some of the measures suggested by the committee. One of the measures is to allow RTÉ to require Sky TV to bid for transmission rights. That is not an attack on the Irish public but it could raise a significant sum. We suggested a change to the levy on local radio stations, which is not going to be an unpopular or difficult measure to implement. While there was no suggestion of an increase in the licence fee itself, nobody can agree with the current system where up to 15% of people do not have a television licence. That is an obvious inequity. The committee sought to iron out the inequities in the system and to restore revenues to Irish media organisations which are in crisis but the Government has done precisely nothing in that regard.

This is not an insignificant issue. All of the other analysis done by the communications committee shows that in many countries now, the very fabric of democracy is threatened by the media debate on what is happening in politics. A report was issued last week by the House of Commons on disinformation and fake news, which we will ignore at our peril. It is not just the fact that the bulk of the revenue from digital advertising is going to Facebook and Google; it

is also the fact that the structure of those media organisations, in some ways, leaves them open to exploitation and extremism, as referenced by Deputy Eugene Murphy earlier. These digital platforms can generate a kind of nasty bubble, with no real editorial or quality control. We get proper editorial and quality control from professional journalists in Irish media companies and this is not an insignificant issue for our democracy, 100 years after the first meeting of Dáil Éireann.

I do not know if Stephen Collins is right in his predictions on the length of the current Dáil but regardless of how long this Government lasts, the Minister has an obligation to act. If he does not do so, he will have to answer the question as to why, in this instance, new politics was not able to deliver what everyone agrees are necessary measures. I have yet to hear an answer to that. I acknowledge that he is relatively new to the job and that his brief is complex and includes a range of different portfolios. However, he has a chance to start implementing some of the practical measures suggested in the committee's report. If he thinks that the proposals for a fund for the independent broadcasting sector needs to be tweaked, he can do so. It is my understanding that Deputy Dooley envisages the BAI managing it, similar to the existing fund which works well. That fund has delivered good programming and is compliant with European state aid rules and so on. There is no significant legislative or administrative burden involved in extending the existing broadcasting fund.

If the Minister does not want to do anything on the licence fee, although he should, then he should examine the issue of transmission rights. The fact that Sky TV is taking €500 million out of the country every year and we are doing nothing, that another €500 million goes to Google and Facebook and that the Irish media is left to manage on crumbs is just not good enough. The Government cannot continue to ignore this issue because of the fear of a political backlash. There would not be a backlash were the Government to implement some of the practical measures proposed.

The Minister has to act quickly in the remaining months of this Parliament and pay respect to the work that all Members, including Deputies Naughton, Dooley, Stanley, me and others, did in that committee. It was proper politics and policymaking. It is time it was implemented.

Deputy Lisa Chambers: I commend my colleague, Deputy Dooley, on bringing this motion to the House and I support it. I would like the Minister to listen very carefully to the outpouring of support in this Chamber, to those in the Visitors Gallery, and to the public support for local and community radio. It plays an important part in ensuring the proper functioning of our democracy and provides a public service. My local station, Midwest Radio, covers local sporting events, council meetings, elections, emergency events, school closures and death notices. We sometimes take these services for granted, but if they were to close tomorrow, who would provide that service? It is nothing that the national newspapers would or can do or would have an interest in doing. That local information and news would be a massive loss to our communities and our citizens.

Local stations also give young broadcasters their first chance. Many local broadcasters started off in their community radio stations. I think of the station in Castlebar town where I cut my teeth as a young local politician. Westport, Ballina, Claremorris, Erris and many small communities have their own local stations. They provide an important opportunity for young people to start out, to cut their teeth in broadcasting, to get that experience and, it is hoped, to move on to bigger stations and maybe up to the national media arena.

These stations provide an important service and they run on a shoestring. There is no money wasted. Everything is used efficiently. They fundraise, run advertising campaigns and get support from local businesses and politicians. They are looking for only a small percentage, a little bit of help, to keep the lights on and keep going. We are not here just to give out but we are offering concrete solutions. Our suggestion is to increase the revenue taken from the TV licence and 30% of that increased revenue would be directed to local radio stations and not more than 50% of the operating costs of that station would be covered by these State funds. It is a reasonable request and I ask the Minister to give it serious consideration and listen to the people and the public support. If we lose what is a vital public service, it will be a sorry day in our communities where that local news and information is lost forever.

Deputy Mary Butler: Ireland is a nation of radio listeners with more than 3 million people tuning in to their local stations every day to catch up on current affairs, entertainment, local news, sports and music. However, despite their popularity, local and regional radio stations have seen their revenue decline substantially over the past ten years. My local radio station, Waterford Local Radio, WLR, has an amazing number of listeners, with 71% of all adults living in Waterford listening to it every week. That is a phenomenal vote of confidence in the presenters and the programmes. The station employs up to 50 people. The amount of employment these independent stations give has not been mentioned here today. One cannot mention WLR without mentioning the late great Billy McCarthy, synonymous with local independent radio for many years. We are also very lucky to have a second station, Beat, the go-to mighty platform radio station for entertaining and informing young adults in the south east. The familiarity of the voice on the radio every day brings the presenter into our homes. Whether it is the current affairs programme with Damien Tiernan, or the “Lunchbox” with Geoff Harris, or Teresanne on “The Drive Home”, the effect is immediate.

Local stations have a contractual obligation to fulfil the 20% public service obligation to provide news and current affairs programming, but they are finding it increasingly difficult to find the funds to maintain a full service newsroom. If this pressure continues, the focus on local and regional stories may have to be reduced. This motion today rightly puts the focus on the financial pressures many stations come under to fulfil these obligations and the important role these stations play 365 days a year.

Deputy Niall Collins: I am happy to support this motion seeking additional funding for our local and regional radio stations. There is no doubt, and I am sure the Minister knows, that local and community radio and regional radio takes the true pulse of Ireland and can take the temperature on every single issue around the country on any given day. In Limerick we have an outstanding service provided by Live 95FM which covers a complete range of topics, including current affairs, local and national politics, sport of all codes, including live broadcasts of inter-county GAA games, Munster rugby, farming, business issues, the arts and culture, obituaries, crime and Garda reports, to name but a few issues. I compliment Joe Nash and his team on the outstanding work they do in Limerick.

We also have a very popular regional radio station, SPIN South West, which provides a very good, eclectic mix and holds its young listenership, and huge congratulations are due to Nessa McGann and her team. These radio stations are run on a shoestring and we need to think innovatively and find ways to encourage, promote and foster them. They protect our democracy and our transparency and fight against the fake news agenda. That is why I am supporting the recommendations in Deputy Dooley’s motion, which are the recommendations of the Oireachtas Joint Committee on Communications, Climate Action and Environment. We need to avoid

the demise of local and regional stations. We need to protect the jobs of the people who work in our local and regional stations and to avoid yet another attack on rural Ireland. We have to invest in them. I was told recently of a community radio station that has €250,000 in the bank, yet some local and regional radio stations are nearly operating on the breadline every day of the week. That has to change.

Deputy James Browne: I thank Deputy Dooley for bringing forward this very important motion on local radio stations. More than 70% of us tune into local radio every weekday. Local radio stations focus on local issues and provide an opportunity to give our local communities a voice. They have a key role in the dissemination of news, current affairs, sports and entertainment. They inform people and allow local communities to participate in decisions that affect them, serving as the arteries of communication by empowering people to stay informed of what is happening in their local communities. They provide life-saving information in times of extreme weather events. They can facilitate and empower communities whose representation is generally ignored by mainstream media. I think of the invaluable community resource that South East Radio provides and in particular the news and the Alan Corcoran show. I also think that the critical contribution of BEAT events for young listeners in the south east. The commercial local radio industry is critically important to our economy as a whole and to local economies in particular. It provides jobs, an opportunity for young people especially to cut their teeth, and an outlet for local businesses to advertise and raise awareness, which businesses could never afford to advertise with mainstream media. This important value to local economies is often overlooked and in many cases taken for granted. The survival of local radio, like that of the local newspapers, is at risk. Unfortunately, as a result of changes within media, local radio stations now find themselves operating under increasing financial pressure. Revenues have declined significantly in the past ten years, putting pressure on independent radio stations to stay afloat. Fianna Fáil believes that the loss of high-quality locally sourced news from the independent radio sector will represent a loss to the valuable community and undermine our local democracy. That is why Fianna Fáil is proposing the establishment of a public service broadcast support.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): It is clear from this morning's debate that everybody in the House shares the concerns raised in the motion. The Opposition and Government agree and recognise the important part that independent radio stations play in society and the difficulties they are facing. As highlighted in the motion today, 83% of the population listen to radio daily. Radio stations, whether national or local, make an enormous contribution to the lives of individuals and communities, and we should work very hard to make sure that this valuable service continues in every way. As the Minister outlined, the Department of Communications, Climate Action and Environment is working on a range of issues in this area that are close to completion. The working group established to examine the Oireachtas joint committee's recommendations on the future funding of public service broadcasting is almost complete. The Minister looks forward to the findings of this group and the recommendations that will be made.

The Minister also wishes to point out that independent radio stations have benefited from the BAI sound and vision scheme funded by the licence fee. The motion also calls on the Minister to implement a reduction in the broadcasting levy by June 2019. I and others am aware that this measure is highly anticipated by broadcasters and everybody here in the House but this cannot take place until the Broadcasting (Amendment) Bill 2018 containing these amendments is enacted. The Office of the Parliamentary Counsel is working towards its finalisation and

publication, at which point it will be brought through the legislative process in the House. I and all Deputies on this side of the House are hopeful that there will be all-party support for it when it is brought before the Dáil and the Seanad.

Like Deputy Niall Collins, I and other Members from Limerick listen to Limerick's Live-95FM and the other stations in the mid-west region every day and I appreciate the difficulties faced by the independent broadcasting sector. That is the reason we are here today. The Minister and the Department are working to ensure that positive changes are made and to provide the necessary and relevant assistance. Progress is being made in this area. I thank Deputy Dooley and other Members who brought forward this motion and contributed to the debate on this important issue which affects people across regional, rural and other parts of Ireland.

Deputy Tony McLoughlin: I thank the Minister of State, Deputy O'Donovan, for sharing his speaking time with me on this important issue. I wish to reassert firmly my support for the introduction of the Broadcasting (Amendment) Bill to provide for a 50% reduction in the broadcast levy. It should be brought forward for debate in the House without further delay. I am conscious of the large amount of new priority legislation that has jumped the queue due to Brexit, but I believe there is now enough political support and will across the Chamber for this Bill to be given the priority required. I hope that will be the case in the weeks ahead. As a cross-party gathering, so to speak, today's motion and debate will emphasise this point and I believe the Government is listening.

This debate occurs at a pivotal moment considering the disappointing news from the UK that Global Radio, one of the UK's leading regional radio station owners, is to cut 100 jobs and reduce its news output across all its independent radio stations. No Member wants something similar to happen here. As a result, the Government must take action and I am confident that it will. Our local radio stations operate at the heart of the community. They are the bedrock of the daily lives of our constituents. It is clear that they need increased financial support to survive and thrive. Members will be aware that local radio stations have been pushed to the pins of their collars in recent years to comply with public broadcasting licence regulations. They need a break and assistance now, just as they did 12 months ago when the Bill was first proposed.

Local radio stations have as great a public broadcasting remit as RTÉ given the fact that they must have a minimum of 20% news coverage in their shows and that they cover every election, referendum and local news stories hourly as well as covering sports, arts, agriculture and current affairs. At this stage the public expects this news service. I am sure that if the public had an option they would prefer to see an allocation of the TV licence funding going to local radio stations rather than for big salaries for presenters in RTÉ. While I do not wish to discuss the RTÉ funding model at length, I must highlight one example. "Morning Ireland" is Ireland's most popular radio show with 450,000 listeners, but at the same time hundreds of thousands of people across the country are tuning into local radio stations for the same news service. These stations get no funding or relief from the State currently to help them to provide the same service. This must change quickly to ensure the survival of the industry.

I am told by good sources that the effect of the proposed 50% reduction in the levy for a radio station such as award winning Ocean FM in Sligo, Leitrim and Donegal would mean additional funding of approximately €9,000 being available to the station per year. While that might appear to be an insignificant sum when compared with the budget of RTÉ, this funding would help to ease the pressure on the station. There is no lavish spending at these radio stations, just honest hard work and commitment in attempting to provide a service to the public.

For a number of local radio stations staying afloat is getting harder each year.

I welcome this motion and I welcome the fact that the Government is committed to passing the Broadcasting (Amendment) Bill. I call for urgency on this issue in the weeks and months ahead.

Deputy Jackie Cahill: I commend my colleague, Deputy Dooley, for bringing this motion before the House. I listened to the various contributions to the debate in my office earlier. We cannot overestimate the importance of local radio stations to communities. Tipperary has Tipp FM, an independent station, and Tipperary Mid West Radio, a community based station. The community stations are under extreme pressure. Only for the fact that all their work is carried out voluntarily they would be unable to survive. I was talking to the chief executive of Tipperary Mid West Radio this morning and she said that one of the things she finds most annoying is that if the station gets a grant for any refurbishment or improvement, it is forced to pay a levy on that grant. It is nonsensical. These stations are finding it extremely difficult to keep their heads above water. Tipperary Mid West Radio runs two draws per year. It is the only way to get income to keep the station on the air.

As politicians, we cannot over-stress the importance of local radio stations. They give us a platform to communicate to our electorate. They give coverage to all politicians. This morning there was an issue in my local town and I was able to get onto Tipp FM to put across my point of view. Otherwise I would have been unable to convey to the people my view of a decision being taken in the town. The stations are important for us and for all groups who wish to advocate on a matter. They provide a platform for a local viewpoint and for local groups to get their message across.

We must step up to the mark. The radio stations are under economic pressure and we must ensure they are kept financially viable and on the air.

Deputy Barry Cowen: The Acting Chairman, Deputy Eugene Murphy, when he spoke earlier, adequately explained the importance of local radio throughout Ireland and the role its work and service play in communities. It is invaluable and, as Deputy Niall Collins said, it plays its part in ensuring that democracy prevails. That is true of all stations, including Midland 103 in my locality.

All the stations have endeavoured to meet their remit under the licensing laws dating back to 1989. At that time, and it remains the case, there was an obligation to allocate 20% of their broadcasting to news, sport and current affairs. They have met that remit, but currently they are finding it very difficult to deliver it in the way they did initially. That throws the ball back firmly into the Government's court. The Government of the day recognised that the stations had an ability to generate revenue through advertising, but the playing pitch has changed greatly in the 30 years since then. Currently, the radio stations can no longer meet the challenge due to competition from online news feeds and so forth. The onus of responsibility, therefore, is firmly on the Government to amend the means by which that challenge and remit can be met.

This motion is an offering on our part to which we hope other Members and particularly the Government will respond. It is a mechanism by which that remit can be met. We hope that if the motion is passed today it will not just be a token motion, to be put in the pile of other motions that have been passed in this Dáil, but that the Government will meet the challenge head on. We will ensure, on behalf of the people we represent, that the task of the Government is

relayed and delivered.

Deputy Anne Rabbitte: I thank Deputy Dooley for sharing time with me. I wish to echo what my colleagues said earlier. I hope this is not a motion that has no teeth but that it will lend itself to the broadcasting Bill. These stations cannot continue to exist without any funding. There is a serious obligation on us as legislators to ensure that we support the people who support our communities because they give their time to the communities day in and day out. Rural isolation is a significant issue. The only constant in some houses is the radio station and the link it creates. It is Galway Bay FM in the morning and Keith Finnegan's voice on the radio. People feel they are having a chat with the broadcaster and that they are at one with it. They are up to date with the news and the death notices. Radio stations provide a valuable service day in and day out, and we must not overlook that. They also make people aware and make them feel as though they are part of the hurling or football match. Although they may be incapacitated or unable to attend, they feel very much included. Local, community and regional radio stations have significant value in rural life.

Deputy Pat The Cope Gallagher: I thank Deputy Dooley for bringing the motion before the House. Independent local radio has played a massive role in media news distribution over the past 30 years. There has been a complete transformation of the listenership in our communities and local radio has increased radio listenership throughout the country during those years. As many of us will know, journalists have used local radio as a launch pad to become national journalists. In County Donegal, we are fortunate to have two local radio stations, namely, Highland Radio for most of the county and Ocean FM for the south of the county, both of which have stood the test of time, even through many difficult years. If what we say in the House is to be relayed to our constituents at home, it will not be through national radio but rather through local radio, which takes the clips from the Dáil and makes them locally available. I was elected a number of years before the inception of independent radio but, since then, there has been a major change and it is a considerable advantage to us in bringing our message to constituents. I am reminded of Raidió na Gaeltachta, which, while it covers the country, is all about local radio in the various regions, whether sa tuaisceart, san iarthar, ná sa deisceart. Although I do not know whether it will be enough, it received some additional funding this year and I would make a case for that.

In addition to local radio, I refer to community radio. In County Donegal, next door to where I live in Dungloe, we have Rosses Radio, South West Radio, Owenea Radio and Finn Valley FM radio. They are manned by volunteers who receive no income and they must also be supported. While some might say that some of them have a lot of money in the bank, the ones we know in County Donegal definitely do not. They, too, need assistance and must be helped. I know the Minister is pragmatic and there can be no procrastination. The motion will be passed, if not unanimously, by the vast majority of the House, and the Minister should put into effect the wishes of its Members.

Deputy Timmy Dooley: I welcome the opportunity to bring the debate to a conclusion and thank all those who have indicated a willingness to support our efforts. I listened with interest to what the Minister said and it is clear that he shares our view that there is a problem that needs to be resolved. He spoke about disruption and the fact that people are migrating away from listening to the radio or consuming public service news and information in a different manner, perhaps within a digital environment. We are trying to protect the collection and telling of stories. It is about trying to protect journalism rather than the means by which the information is transmitted. If one believes in public service journalism, which I think most people do, it must

be paid for. The traditional method of paying for it, however, principally through advertising revenues, is not working and the model is broken. We cannot allow a period of procrastination just to see where the dust settles because if we do, the noble profession of journalism will effectively evaporate. In the world of journalism, there is a recognition that a younger cohort of students does not consider journalism in the traditional way as a career for the future, which is deeply troubling.

I challenge what Deputy Bríd Smith said when she sought to place some negative connotations on the motives of Fianna Fáil and the people who support the proposal. It is not about supporting the owners of radio stations, whoever they might be, regardless of who or what they are. Rather, it is about preserving and protecting high-quality public service journalism and I believe that Newstalk fits neatly into that characterisation. It provides high-quality, independent public service journalism. Seeking to undermine the work of Newstalk or any other radio stations based on whatever certain individuals think of the stations' owners is unfair to the people who work hard for them daily. We must be prepared to stand up against that kind of chat from the shadows which is aimed at undermining the principles of democracy espoused by high-quality public service journalism. Similarly, in the case of our national broadcaster, we all have differences of opinions about the way certain programmes are occasionally run, but we cannot take away from the fact that the people who work on those programmes or who perform their duties in an independent and coherent way do so as a major tenet of the protection of the democratic principles by which the State should stand. As I stated earlier, if we are serious about that, we need to pay for it.

The Minister mentioned the idea of the sound and vision fund being a suitable method of funding. As he will know, however, that fund has a stipulation under which, I believe, it cannot fund live speech content and, therefore, unfortunately, it would not be a suitable way of doing it. He also stated the scrapping of the levy was not a part of a commitment by a previous Taoiseach but my understanding is that it was and that he indicated that it would be fully scrapped. Will the Minister bring forward proposals at the earliest opportunity to give effect to the motion?

Amendment put and agreed to.

Motion, as amended, agreed to.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Brexit Preparations

1. **Deputy Michael McGrath** asked the Minister for Finance the anticipated impact in monetary terms on tax receipts in 2019 and 2020 of a no-deal Brexit; the status of preparations for all Brexit scenarios; and if he will make a statement on the matter. [10145/19]

Deputy Michael McGrath: This question relates to the issue of Brexit. The Minister has provided updates on the potential consequences of a no-deal Brexit in the context of employment, economic growth and on deficit. Will he clarify the figure to which his Department is working in the context of the hit on tax receipts for 2019, in particular, and 2020? We have had a discussion on the Bill during the week and I ask the Minister to take this opportunity to update the House on the preparations for all Brexit scenarios.

Minister for Finance (Deputy Paschal Donohoe): My Department's budget 2019 macroeconomic forecasts, endorsed by the Irish Fiscal Advisory Council, IFAC, incorporate, as a central scenario, that the UK will make an orderly exit from the EU with a transition period until the end of 2020. Moreover, the impact of this assumption is to lower the level of GDP by almost 2 percentage points. This in turn feeds through to the fiscal projections underlying the budget.

My Department recently prepared a preliminary holding assessment, issued on 29 January, based on an initial application of the most recent estimates. An update prepared by the UK's National Institute of Economic and Social Research, doubled the projected impact of Brexit there. For Ireland, the no-deal impact is now assessed to be an economy of the order of 4.5% smaller than the 2019 forecasts and of the order of 6% lower than a no-Brexit scenario.

The assessment by my Department shows that on an aggregated level there would be a sharp deterioration in the public finances as measured by the general government balance. This top-down analysis incorporates the combined impact arising through both the expenditure and revenue channels. Accordingly, the budget balance is currently projected to turn to a deficit of 0.2% of national income with a further decline in 2020 from a surplus of 0.3% of gross domestic product to a deficit of 0.5%.

My Department is currently working with the Economic and Social Research Institute, ESRI, on a new assessment of the economic and fiscal impact of Brexit on Ireland. The ongoing ESRI exercise will estimate the tax and expenditure implications of a no-deal Brexit. However, as an indicative approximation of the revenue impact, the traditional estimated long-run relationship between nominal gross domestic product growth and tax revenue is a unitary elasticity. Accordingly, for every one percentage point change in nominal gross domestic product this is reflected in a similar relative change in tax receipts.

Deputy Michael McGrath: I thank the Minister for his reply. Will he spell out in nominal terms what the impact is expected to be in accordance with calculations by his Department and Revenue on tax receipts? He has explained that the surplus projection is expected to go to a deficit in the current year, which means his Department does have those figures. Can he spell out what it means in the context of tax receipts in nominal terms? Will he take this opportunity to update the House as to where we stand, from the perspective of his Department and the agencies under its aegis, particularly Revenue, on the question of Brexit preparedness in the context of customs officers, infrastructure developments at ports and so forth? Will he reassure the House that while, thankfully, a no-deal Brexit is looking less likely now than it was some weeks ago, it is still a scenario for which we have to be prepared and that we must prepare for all contingencies?

Deputy Paschal Donohoe: Regarding the Deputy's first question, the figures I have available to me are very provisional because we are only approaching the end of February. For me to be able to give the Deputy an exact read on how I believe tax revenue for this year will decline

on the basis of a disorderly Brexit is very difficult to do, but I will be in a position to do this when the ESRI has completed its work.

On the Deputy's second question, I reconfirm that with respect to the figures I gave him on the Revenue Commissioners having 400 staff in place by the end of March, we will deliver that and we will be in a place to quickly recruit a further 200 afterwards. From a preparedness point of view, while the events of Tuesday were very significant, we still have to plan for the worst. From a land acquisition and infrastructure perspective, we are on track to be as best prepared as we can be for the end of March.

Deputy Michael McGrath: I ask that the Minister come back with the figures I am seeking at the earliest opportunity. His Department must have a rough approximation, otherwise he would not be in a position to say that we are going to go from a certain surplus to a predicted deficit, and he has put those figures on the record. I could work them out myself but I do not want to make a stab at doing so. It would be better if the Department gave us the actual figures. The Minister can come back to us on those.

In the context of the Brexit Bill we have been discussing this week, have the taxation measures, which are a very significant component of it, been cleared with the European Union in the sense that from a corporation tax point of view we are hoping to continue to treat the UK as a member state? Essentially, it would be tantamount to a member state such that the existing *status quo* provisions will continue, whereas other member states will not have a similar relationship with the UK in a post-Brexit scenario if it actually leaves the European Union. Can the Minister confirm that the taxation elements of that Bill have been cleared fully with the European Union?

Deputy Paschal Donohoe: Yes, they have been. The Department of the Taoiseach and the Department of Finance provided briefings to parties and Independent Deputies on the Brexit Bill last week. On Tuesday, the Cabinet agreed two further amendments I proposed to the Bill on the operation of duty free and the VAT refund scheme. That and all the other tax changes have been cleared by the Commission. I will make available to Deputies Michael McGrath and Pearse Doherty an official briefing on those two new amendments in order that they will be in a position to understand them fully before we debate them in the House next week, particularly as the version of the Bill on which they were originally briefed would not have contained them. I will make contact with both of them and other Deputies to ensure they are briefed on them before we debate them in the Dáil next week.

Banking Sector Regulation

2. **Deputy Pearse Doherty** asked the Minister for Finance if a 25% cap on losses that can be carried forward by banks will be introduced in combination with a ten-year time limit on the use of these allowances; and if he will make a statement on the matter. [10012/19]

Deputy Pearse Doherty: The offer the Minister made regarding the Report Stage amendments to the Brexit Bill is very welcome.

On the question I have before him, he will be aware that this is the annual reporting season for the financial institutions. We have heard some of those reports already with respect to mega profits being made on the back of very high interest rates and repossessions taking place within

the banks, but we still have the scandal of banks not paying any corporation tax on their profits. I have put forward a proposal where we would cap the losses at 25% and that proposal stands. Is it time for the Government to consider a proposal of that nature?

Deputy Paschal Donohoe: Corporation tax loss relief is provided for under section 396 of the Taxes Consolidation Act 1997. It allows for losses incurred in the course of business to be accounted for when calculating the tax liability of a business. Loss relief is a long-standing feature of the Irish corporate tax system and is a standard feature of corporation tax systems in all OECD countries. It is available to, and claimed by, businesses in all sectors, not just those in the banking sector. In view of state aid rules, it is likely that any loss restriction would have to be broad-based, affecting all corporate entities, and this could have significant consequences across the economy.

As I have stated previously, I do not intend to change how tax losses are currently treated for Irish banks, either by means of a targeted restriction or a wider measure, because I am of the view that doing so would give rise to significant and negative consequences for the customer and for the Exchequer.

There would be an immediate and consequential negative impact as a result of the increased cost base for the banks being passed on to consumers in the form of higher fees, higher interest rates on mortgages and business and personal loans and-or lower deposit interest rates. Among other consequences for the Exchequer, there would be a material negative impact on the valuation of the State's investments from any change in tax treatment of accumulated losses where the banks are concerned. It is critically important to understand that the State is getting value from those tax losses today through share sales. If we were to change our policy with respect to tax losses now, the State's credibility with investors would be damaged as it sold shares in the AIB initial public offering, IPO, on the basis that there were no plans to change this policy. It is worth noting that the banks are contributing to the Exchequer through the financial institutions levy introduced in 2013. In budget 2016, the payment of this levy was extended to 2021. It is anticipated that the bank levy could raise €750 million over five years.

Deputy Pearse Doherty: Listening to the Minister, one would swear these banks were broke and that any tax they might have to pay, just as every business out there pays its taxes, they would have to absorb through higher interest rates and charges on the public just to keep their heads above water. The reality is very different. Bank of Ireland has reported its profits for last year. Its underlying profits amounted to €935 million and it is not paying a penny of corporation tax in this State. Permanent TSB told us that on the back of the sale of performing loans to vulture funds, it made a profit of €94 million last year. Tomorrow we will know the profits that have been made by AIB. We know that its profits for the first six months of this year amounted to €762 million, so total profit is likely to be in the same region as it was last year at €1.5 billion. These are some of the most profitable banks in Europe. Combined, these three banks have made approximately €2.5 billion in profit but have not paid a penny in corporation tax. There has been a change in the law in the past. The Minister changed the law to reduce the restriction and reduce the cap. Is it not time to ask the banks to do what every other business does and pay their taxes in a fair and timely manner?

Deputy Paschal Donohoe: We are treating banks the way we treat every other business. Every other business has the ability to treat its losses in a certain way. As the Deputy will be aware, the way losses are treated on the balance sheets of banks has an impact on banks' value and ability to perform. I did not indicate at any point that our banks are unprofitable. In many

cases, they have returned to profitability. I want to use that higher level of profitability to create a means by which over time we can get back from these banks the money that was invested to save them. The Deputy was very critical of that decision at the time. As such, I would have thought he would support a strategy that allows us to get that money back. Changing this policy at this point would lose the money we have invested in these banks on behalf of the taxpayer. Crucially, even with the higher levels of profitability, it would result in lower lending and higher interest rates for customers, outcomes I want to avoid. If those things were to happen, the Deputy would also be critical.

Deputy Pearse Doherty: The Minister's own research rubbishes what he says. It shows that the loss in the value of the three banks would amount to €480 million. Within 15 months my proposed cap of 25% would exceed the loss that would accrue. No other business that has incurred loss, whether it is the local hairdresser, the publican up the road or the local supermarket, was bailed out for its losses by the State. That is the what makes the banks different. We made up for their losses by transferring Exchequer money to them and now they want to benefit from the tax code. The reality is that we are an outlier in Europe and in the OECD, in allowing for 100% loss relief over an unlimited time. It is unjustifiable for the Minister to say it is okay for AIB not to pay a penny of corporation tax for 20 years. He again parrots the line from the industry that anything that changes the rules in this way will result in higher interest rates.

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

Deputy Pearse Doherty: I will make a final point. Bank of Ireland has signalled that it will increase interest rates for mortgages. I reported that bank to the Competition and Consumer Protection Commission, CCPC, for that because I believe it is the start of price signalling within the market. This approach to taxing them falls very short of the need to raise revenue.

An Ceann Comhairle: The House has an order that determines the time available. Deputy Doherty consistently disregards the order. Will he please adhere to the time that has been laid down? If the time is not adequate for him, he should get his people to change it.

Deputy Pearse Doherty: I appreciate that.

Deputy Paschal Donohoe: The research I published, which the Deputy referred to, also stated that the way taxes and losses are treated on the balance sheets of banks has a significant effect on those balance sheets. If we were to change that treatment, there would be consequences for the ability of the banks to meet the needs of customers in a more cost-effective way. The Deputy knows, of course, what would happen if we changed the tax treatment of banks' losses at this point. First, we would single them out from all other companies within the economy, which would have immediate consequences. Second, our ability to get back the money the taxpayer invested in these banks would be impaired. Again and again the Deputy has stood up and criticised the fact that these banks were supported by the taxpayer. I understand why. I would have thought he would be supportive of my efforts to get that money back.

Insurance Costs

3. **Deputy Michael McGrath** asked the Minister for Finance the priority measures he plans to implement in the coming months to address the cost of public liability and employer liability insurance; and if he will make a statement on the matter. [10146/19]

Deputy Michael McGrath: I assume that the Minister of State, Deputy D’Arcy, will take this question, which relates to insurance. It has been two years since the cost of insurance working group issued its report on motor insurance and a year since the report on employer liability and public liability insurance. There is a growing crisis in the area of business insurance. I will give an example when I ask my supplementary questions. I want the Minister of State to update the House on the key reforms that are needed to bring about more competitively priced insurance.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank the Deputy. The cost of insurance working group project culminated in the publication in January 2018 of the report on the cost of employer and public liability insurance. The report makes 15 recommendations with 29 associated actions detailed in the plan. The most recent progress update was published last November and shows that 18 of the 19 action points arising up to end of the third quarter of 2018 have been completed. It is envisaged that the next quarterly progress report will issue shortly. The vast majority of the total of 26 action points due for completion during 2018 overall have been carried out. Many of the recommendations of the report on the cost of motor insurance also applied to the area of employer and public liability.

I wish to highlight some steps that have been taken. Sections 8 and 14 of the Civil Liability and Courts Act 2004 have been amended to ensure defendants are appropriately notified of a claim submitted against their policy and to make it easier for businesses and insurers to challenge cases where fraud or exaggeration, respectively, is suspected. A protocol has been put in place between the Garda and Insurance Ireland in respect of the reporting of suspected fraudulent claims. The Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018 has been enacted. The Central Bank (National Claims Information Database) Act 2018 has been passed. I thank all the Deputies and Senators in both Houses who facilitated this legislation.

The Law Reform Commission, LRC, has been asked to produce a report on these Houses’ ability to cap the level of awards. That has been agreed to. Senator Anthony Lawlor will bring legislation to the Seanad in the next couple of weeks that will give this House and the Seanad this authority. Moreover, the establishment of an insurance fraud investigation unit within the Garda National Economic Crime Bureau, GNECB, is being considered by the Garda Commissioner, as opposed to a stand-alone insurance unit external to the GNECB but within its parameters.

Deputy Michael McGrath: I thank the Minister of State for his reply. I will give the example of a play centre in Cork. I know what I am about to say be fact - there is no exaggeration. The play centre has made no claims in recent years. In 2016, its insurance was €3,500. In 2017, it was €5,500. In 2018, it was €10,000. Its renewal will happen in March and the quote it has received is for €18,500. That will more than likely put the centre out of business. As the Minister of State well knows, this story is repeated throughout the country. We have a crisis in employer liability and public liability insurance costs for businesses. Where are we with the CSO’s collection of data on premium pricing in respect of business insurance? Where are we in terms of dealing with awards? In practical terms, where are we on the question of fraud?

Deputy Michael D’Arcy: I have met a large number of those involved in play centres. The issue is the level of awards. Claims are being presented that, to me, are spurious. If the incidents involved happened in the Deputy’s brother’s or sister’s house, the claims would not be made. A major issue for business insurance is that if an accident happens or somebody gets a bump, scratch or knock of any nature, a claim is presented against the business. That is wrong.

The level of awards is a significant issue. I did not anticipate the Judicial Council Bill getting stuck behind the Judicial Appointments Commission Bill in the Seanad. The Minister for Justice and Equality, Deputy Flanagan, has put 70 plus hours in on that front. I have spoken to him. He will restart the Judicial Council Bill in the Seanad next month, which is a positive development.

An Ceann Comhairle: I thank the Minister of State.

Deputy Michael D'Arcy: I apologise for going over time, but this is a crucial point. I ask all Members of both Houses to facilitate the passage of this legislation because it will allow the new guidelines to revise the book of quantum.

Deputy Michael McGrath: From a Fianna Fáil perspective, there is no issue with political support being provided. If the Government needs time in the Seanad, it should ask us. I will talk to our colleagues about providing our time in the Seanad to deal with the Judicial Council Bill.

It is two years since the first report was issued but, on the question of a fraud unit within the Garda, the Minister of State is saying that it is being considered. It was essentially recommended two years ago, yet there is no firm update as to whether it will happen. People want to know if it will happen and, if so, when. We lost a great deal of time in the argument about who would fund it, yet we still do not know whether it will happen.

The Minister of State is blaming the issue of awards completely. It forms part of the story, but I do not accept that a play centre's insurance bill increasing from €3,500 in 2016 to €18,500 in 2019 is completely down to awards. The data do not bear that out. If, however, the Minister of State attributes the main reason for premiums increasing to awards, where are we in terms of dealing with them?

Deputy Michael D'Arcy: It is the main reason. It is bigger than all of the other reasons combined. There is no question about that. I ask all parties to facilitate the passage of the Bill in the same way they facilitated the passage of the Insurance (Amendment) Act 2018 and the Central Bank (National Claims Information Database) Act 2018. I have always been generous in my praise for everyone who facilitated those, as they have been very helpful.

Regarding the Garda unit, it is not for me to tell the Commissioner how to allocate his resources. I have put to him the request that was put to me strongly by the finance committee regarding the establishment of an independent Garda insurance fraud unit. That will not be the case. Rather, the Commissioner has considered putting in place a section within the national crime bureau that will do exactly the same work. I am fine with that so long as the necessary work is done. I was critical of the Garda Síochána-----

Deputy Michael McGrath: It has not been committed to.

Deputy Michael D'Arcy: No, but he is considering establishing it quickly. I was critical of the Garda Síochána. In 2017, 400 cases of insurance fraud presented to it. None of them was prosecuted. That is not good enough.

Credit Union Lending

4. **Deputy Mattie McGrath** asked the Minister for Finance the status of the proposal to

allow credit unions to offer residential and commercial mortgages to their members; and if he will make a statement on the matter. [10011/19]

Deputy Mattie McGrath: Will the Minister provide an update on the status of the proposal to allow credit unions to offer residential and commercial mortgages to their members? Specifically, he might comment on the status of some of the 27 recommendations in the report of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach on the credit union sector. When the report was laid before the House, I understood the Government to be generally positive about allowing the sector the opportunity to become a co-operative movement that was fit for purpose in terms of mortgage and residential loans.

Deputy Paschal Donohoe: Credit unions are already allowed to offer mortgages to their members. Indeed, a number of them do. As of September, there were mortgages worth €171 million outstanding across the sector, representing a 17% increase year on year. However, the amount of mortgage lending that credit unions can engage in is limited by the Central Bank's lending regulations for credit unions, which allow only a certain proportion of a credit union's loans to be long-term loans due to lending maturity limits. These lending regulations have been under review since last October when the Central Bank commenced a public consultation. Reviewing these lending regulations is an important matter and one for which I have previously outlined my support, including in a letter that I wrote to the Central Bank Governor, Professor Philip Lane.

The proposed revisions to the lending regulations from the Central Bank contain a number of positive elements. The proposals change the basis of calculation for the limits from a percentage of loans to a percentage of assets, which is something for which the sector has been calling. The proposals would also allow larger and capable credit unions to do significantly more mortgage lending than is currently the case.

Based on the data supplied in the consultation paper, the proposals would allow in the first instance a sectoral capacity of €861 million for mortgages, which should be seen in the context of the €171 million of mortgages outstanding across the sector as of last September. This capacity would increase if applicable credit unions were approved for the higher limits. Were all credit unions with assets greater than €100 million to be approved for the higher limit, sectoral capacity could increase to a maximum of approximately €1.8 billion.

The Central Bank is in the process of reviewing the submissions received and expects to publish a feedback statement and draft regulations in the second half of 2019.

Deputy Mattie McGrath: It is good to hear the Government acknowledging the powerful work that credit unions do in communities across the State. Were it not for credit unions, many more people would have suffered significant turmoil during the past decade.

In 2018, the Central Bank conducted a review of house loans in credit unions. This was the same year that the credit unions were voted the most highly regarded organisation in Ireland in the Ireland RepTrak report. That said, we can all acknowledge that engaging in lending for house loans represents a change in strategy for credit unions, one that requires a specific understanding of the risks associated with this type of lending. The credit union movement is well equipped to meet this challenge.

We should not forget that the findings of the Central Bank's residential mortgage arrears and repossessions statistics for quarter 2 of 2018 showed that accounts in arrears over 720 days

constituted 42% of all accounts in arrears. That is a staggering figure. At €2.5 billion, this represents 91% of the arrears balances outstanding.

Deputy Paschal Donohoe: I thank the Deputy for recognising our acknowledgement of the credit union movement and the support that we have put in place for the sector in recent years. A review of whether it would be appropriate to allow the movement to play a larger role in the provision of mortgage loans is under way. I expect that work to come to an end later this year. It is appropriate that we allow it to conclude, given that the proposed increase in the movement's ability to lend would be significant. I expect to see draft regulations later this year, which the movement, other stakeholders and I will be in a position to evaluate.

Deputy Mattie McGrath: The €2.5 billion represents 91% of the arrears balances outstanding. Non-bank entities now hold 61,446 mortgage accounts for principal dwelling houses and buy-to-lets combined. Of this number, 47,820 relate to principal dwelling house mortgage accounts.

These numbers provide us with important context for the argument to extend the ability of credit unions to provide residential mortgages. It is a very important context as these institutions are sure-footed. If we need to develop new methods of regulation specifically for credit unions, let us do that, but let us not have the Central Bank putting its claws into these people and keeping them down. They are of the people and for the people. *12 o'clock* Ní neart go cur le chéile. We should treat them the same way we treat the banks if there are similarities in terms of loans, etc. There is no one-size-fits-all regulation, so they need specific legislation. The credit union movement must be supported in playing the part it wants to play and has played since its inception. There has been a major voluntary effort in it.

Deputy Paschal Donohoe: The credit unions are being supported precisely because we are recognising the potentially larger role they could play in the sector. A review of this has been under way and it has been led by the Central Bank because it is the regulatory body for the credit unions. I met representatives of all the credit unions a number of weeks ago in my Department and it was a very productive meeting to review the different actions we are taking and the opportunities and issues that present. The Central Bank will conclude its work during the year and will then provide us with the ability to assess whether this move should happen in addition to the significant volume of mortgage lending that a number credit unions provide.

Tax Code

5. **Deputy Eamon Ryan** asked the Minister for Finance the analysis conducted on the possible implementation of a digital tax; and if he will make a statement on the matter. [10160/19]

Deputy Eamon Ryan: I am very keen for the Minister, if he can, to share what analysis he will present in response to the OECD consultation document addressing the tax challenges of digitalisation of the economy. The digital tax is clearly centre stage for him, as a French Minister was here earlier in the week to discuss the matter. It is clear from the OECD that we will have to make a submission on the proposals for a digital tax by 6 March, which is next week. Whatever analysis the Minister has should be shared with the House and the process for our position should be transparent and open. I am keen to get access to that analysis.

Deputy Paschal Donohoe: The European Commission proposal for an interim digital ser-

vices tax, which seeks to impose a 3% levy on the turnover of certain companies' digital activities, continues to be debated at a political level among member states. The Commission's own impact assessment of its proposed digital services tax estimated that the measure would yield approximately €5 billion per annum across all EU member states. If it is assumed that Ireland would receive a portion of the yield in proportion to Ireland's population, the estimated annual yield in Ireland from the EU proposal is €45 million. However, any such tax paid is likely to be deductible in calculating profits subject to corporation tax and this would reduce Ireland's corporation tax receipts disproportionately. Based on an analysis carried out by the Revenue Commissioners, introducing the EU digital services tax would reduce Ireland's corporation tax receipts by up to €160 million per annum, assuming full deductibility from taxable corporate profits for digital services taxes paid in the EU by companies taxable in Ireland. I shared this work with the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach in May 2018.

This week I met the French Finance Minister, Mr. Bruno le Maire, who has been a leading advocate of the proposals in this area. I reiterated my principled concerns on the issue but we agreed that French and Irish officials would work closely together on the matter at OECD level. Ireland recognises that further change to the international tax framework is necessary to ensure that we reach a stable global consensus for how and where companies should be taxed. I remain convinced that the OECD base erosion and profit shifting, BEPS, inclusive framework is the correct forum for this work to be carried out.

Deputy Eamon Ryan: The OECD paper mentioned by the Minister is probably the central point of the Department's approach to this. It has set out a range of measures in the digital tax area, including user participation, marketing intangibles and significant economic presence provisions. We must put in our part of the consultation next week and go to Paris on 13 March or 14 March to engage in a wider public discussion. We have a significant digital industry here and these are not just brass plate companies. Tens of thousands of people work in the area and the Government must get this right so we can look after their jobs. It must also get it right to achieve tax justice, as the current system is not just. These companies can get away with paying minimal or almost no tax, and that needs to change. This is the key document in terms of what happens next and we must present our comments by 6 March. Will the Minister share that analysis with the Oireachtas so we know what is exactly the Government's position?

Deputy Paschal Donohoe: My understanding is the consultation process is public and I will share that information, assuming it does not undermine our ability to project our interests within the OECD. When the work is complete, as it will be in the coming days, and when we share it with the OECD, I will share all I can with the Deputy and the committee. I do not see any reason I would be unable to share it at all, given that it is a public process. The deadline referred to by the Deputy is very much an early part of a process that will take quite some time. I know from dealing with finance Ministers in other parts of Europe that there are many different concerns regarding the work under way in the OECD. I expect it will take quite some time to make progress on this matter, even within the OECD.

Deputy Eamon Ryan: I would be concerned if it were to take quite some time. Our reputation as a state depends on us being seen to be progressive and willing to take this action. There is major public disquiet throughout Europe and the world because these companies have engaged in tax avoidance to such scandalous levels. We need to act now. The Minister needs to start correctly. This is an early part of a consultation but that process will not take that long, as it is due to be signed off next year. We must know our position next week. I appreciate that

this is a public consultation but I ask that he share the submission with other parties on the same day he sends it to the OECD in order that we can be fully informed.

I am keen to hear the Minister's views on transparency. There is a concern that this will eventually be settled within the G20 but that is not a transparent process. We do not have direct representation on the G20, although we are represented indirectly through the European Union. The experience in the past has demonstrated that there is a closed room and we might not necessarily have control of what is said and goes on. Is that how the Minister sees it? Will it be decided within the G20? Where will this be settled?

Deputy Paschal Donohoe: It will take some time to do this work because of the complexity involved in trying to move this forward on a global level and the highly technical nature of it. The current timeline has the objective of a final sign-off by the end of 2020 and, after that, it will take at least two years to consider how the roadmap could be implemented domestically and internationally. Those kinds of timings are broadly consistent with what happened with the OECD BEPS process. That is the reason for my comment on timing.

The Deputy had a question on where this will be signed off. It will be signed off within the OECD. There is a target in place to be able to share a report with the G20 before the summer on the likely direction of travel. The sign-off mechanism for this will be within the OECD, and that environment is very different from that of the European Union.

Ceisteanna Eile - Other Questions

Brexit Preparations

6. **Deputy James Browne** asked the Minister for Finance the steps he has taken to date and plans to take in preparation for post-Brexit customs checks at ports here, specifically Rosslare Europort; and if he will make a statement on the matter. [9766/19]

Deputy James Browne: What steps has the Minister for Finance taken to date, and what steps does he plan to take, in preparation for post-Brexit customs checks at ports here, specifically Rosslare Europort?

Deputy Paschal Donohoe: I am informed by the Revenue Commissioners that in keeping with their role and responsibilities, they are strongly focused on facilitating the efficient and timely movement of legitimate trade post Brexit. During 2018, the Revenue Commissioners chaired an interdepartmental group established to consider the adequacy of port and airport infrastructure and facilities post Brexit. The group included representatives from the Revenue Commissioners; the Departments of Agriculture, Food and the Marine and Health; the HSE's environmental health service; the Department of Transport, Tourism and Sport; the Office of Public Works; the Department of Justice and Equality; and An Garda Síochána.

Regarding Rosslare Europort, the group identified the infrastructural requirements, including service and accommodation requirements. Following a Government decision in September 2018, the OPW was tasked with leading the engagement with relevant stakeholders with a view to ensuring that the necessary additional infrastructure for both the central case and the no-deal

scenarios becomes operational in a timely manner. This work is ongoing towards having the necessary temporary facilities in place to cater for a no-deal scenario in March 2019 as well as permanent facilities in place by 1 January 2021.

As regards staffing and resources, I am advised that Revenue is on track to have appointed over 400 additional staff nationally to customs and related roles for Brexit during the period from September 2018 to 29 March 2019. Of these additional 400 staff, 30 are being assigned to Rosslare Europort. These additional staff will bring the total Revenue staff in that port to approximately 50 by the end of March.

I am also advised that on 30 January, Revenue, together with the Department of Agriculture, Food and the Marine, hosted a customs Brexit information seminar in Wexford town. This was part of an extensive trader engagement programme where it contacted traders who trade with the UK to highlight and work on the many issues that will be generated by Brexit.

Deputy James Browne: I understand that the Government is set to use emergency planning powers to provide border inspection facilities to provide facilities for customs and agricultural inspections at Rosslare Europort. The OPW has either purchased or leased a 16-acre site at Rosslare Europort or is in the process of doing so in order to provide customs sanitary and phytosanitary inspections. Regardless of whatever Brexit takes place, the UK will attract third party status and sanitary and phytosanitary inspections will be required with regard to animals and fish one way or the other. Can the Minister confirm whether the purchase or lease is complete and can he outline in detail the timeline for planning, design and building of this facility? When will it become operational? Is it true that these facilities are meant to be only temporary? The Minister confirmed that in his reply. What is the timeline for providing permanent facilities? Did the Minister state that it will be 2021. Will he use emergency powers in terms of planning to provide those facilities?

Deputy Paschal Donohoe: I will be doing so in order to ensure that Rosslare Europort is at the right stage of readiness for dealing with a disorderly Brexit. I understand that the purchase of the proposed site has been completed. If I am wrong in that assumption, I will contact the Deputy about the matter in the coming days. However, my understanding is that it has happened. In the context of what will be located there, the plan is that there will be 13 inspection bays for trucks coming off ships, parking for 35 trucks, a dedicated area for live animals and a public office with counters and hatches to deal with the public. Additional office accommodation for an additional 90 staff will be also required within the port area. Regarding my comments about temporary to permanent, I am only using the word “temporary” because of how quickly we must do this work. My expectation is that it will become permanent.

Deputy James Browne: The site that has been purchased is 2 km from the port. One must pass several exit roads to get to it. How does the Minister propose to ensure the integrity of the lorries leaving Rosslare Europort to get to the customs facility? Will customs officials be following those trucks? Will they be guiding them - one in front and one behind - to ensure that the goods actually get to the customs check and their integrity is protected once they get there for inspection or will it simply be an honour system? The access road down to the port has been desperately in need of an upgrade for the past few years. I am told that Transport Infrastructure Ireland and Wexford County Council have funding to provide an upgrade but that Iarnród Éireann is refusing to contribute. This is a matter into which the Minister might look.

Either way, this is not just a port. It is a very large community with approximately 1,500

people living in it. There is already chaos down there regarding trucks getting in and out of the port. What facilities will be put in place to facilitate the local community? What engagement with the local community in terms of providing these facilities and this road has taken place?

Deputy Paschal Donohoe: To answer the core question regarding how we will deal with the area between the port and where the checking will take place, a traffic management system will be required to do that. A system of automatic number plate recognition will be put in place to ensure that as trucks and other vehicles are leaving the port, we can track how and when they arrive in the area within which they will be checked. If that system is not in place due to the speed with which all this could happen, alternative systems will be put in place to ensure the integrity of the procedures that will operate at the port. I will follow up on the Deputy's comments about Iarnród Éireann's alleged unwillingness to invest in infrastructure that might be needed in order to discover whether there is a need for me to intervene.

Tax Reliefs Data

7. **Deputy Joan Burton** asked the Minister for Finance the savings that will accrue to the Exchequer from the €1 million cap on special assignee relief programme, SARP, recipients; the reason this was not extended to existing beneficiaries to date in 2019; the number of persons who accessed SARP in 2017 and 2018, respectively; the tax cost in 2017 and 2018; the number of existing beneficiaries that earn over €1 million; and if he will make a statement on the matter. [9968/19]

Deputy Joan Burton: This question relates to SARP, which is the tax break for executives, particularly those earning over €70,000. In 2016, the cost of that tax break rose to €18 million per year. It was availed of by nearly 800 executives. I am concerned about a number of very highly paid people getting very high tax reliefs. I know the Minister has capped it this year for new people and for existing executives from next year. Can he give us the figures for 2017 and 2018?

Deputy Paschal Donohoe: SARP continues to be an important incentive. As the Deputy is aware, under the Finance Act 2018, there is no change in the level of income tax relief available in 2019 for existing beneficiaries of the programme and the new cap of €1 million is scheduled to apply to such taxpayers from 1 January 2020. In bringing forward such an approach, I was mindful of the need to proceed in a balanced way that, on the one hand and on the basis of the most up-to-date data, sought to curtail the extent to which tax relief would be available and, on the other, recognised the need to proceed in a measured and considered way in respect of those who have already taken decisions to relocate to Ireland on the basis of the programme as it applied up to the end of 2018.

It is not possible to accurately quantify the savings that will accrue to the Exchequer from the €1 million cap as this requires an estimation regarding the number of new applicants to SARP in the course of 2019 and their individual salary levels. However, curtailing the level of income tax relief was not only about prudent management, it was also about addressing the equity issues that arise from a small number of very high earners getting very significant levels of tax relief. The imposition of a cap at this level will have no effect for approximately 98% of SARP participants based on 2016 data. For example, in 2016, there were only 18 individuals out of a total of 793 with annual salaries in excess of €1 million; in 2015, there were eight individuals out of a total of 586; and in 2014, there were two individuals out of a total of 302.

Deputy Joan Burton: The information provided by the Minister suggests what I always felt about SARP, namely, that it is one of those schemes sold off the shelf by accounting and law firms around the world so people who are interested in tax avoidance might now be using Ireland for that purpose. In 2016, the scheme had some four people who earned over €3 million. Therefore, effectively, their contribution in terms of tax payable stopped at €1 million. This was worth at least €600,000 per year to each of those four people.

The Minister referred to tax justice and tax equity. It is wrong. I can understand why Deputy Michael Noonan favoured this so much as it was very much his contribution to tax policy in 2012, when there was no activity at all in Ireland. However, it is time this scheme was drawn in.

Deputy Paschal Donohoe: As I said, it is precisely because of the concerns the Deputy has just articulated that I have decided to make this change. In terms of its revenue impact, in the grander scheme of what we collect, I expect it will make a small contribution over time. I have decided this change has to be made on the grounds of tax equity. It was an appropriate and a correct decision at a point in 2012, when, as the Deputy said, the level of economic activity under way was very low and we were all working hard to try to attract more investment into our country, particularly jobs-rich investment. Having reviewed two aspects - first, the growth in the number of individuals who were in the scheme and, second, the growth in the number of individuals at the top end of the scheme and the amount of tax relief they were earning - I decided the reapplication of the cap was necessary. That is what I have done and I will review the impact of that cap on job attraction and job retention across 2019.

Deputy Joan Burton: To refer to an earlier discussion, the view of the Dáil probably prevailed in regard to not increasing the cap of €500,000 for the top paid executives. In this case, there is merit in lowering the cap further to around the €500,000 mark. We are talking about somebody earning €1 million for whom the tax break will be worth the guts of €300,000. That is generous and could be minimised. We do not simply want to attract people to Ireland for the purposes of tax avoidance. We are also helping people in this situation with private school fees to the tune of some €5,000. We should continue this conversation so we get to a point where there is an equitable balance in favour of ordinary taxpayers.

Deputy Paschal Donohoe: I am happy to continue this dialogue with the Deputy and the committee throughout this year. The only objective of the scheme should be that we are providing support to individuals who play a role in either the retention or creation of jobs. Having evaluated the scheme against those objectives, I decided that the reapplication of the cap was needed in the context of the growth of the scheme, in particular the growth of a number of earners at the highest end of scheme. When I realised the amounts that were involved in the relief as it stood, which the Deputy pointed out, I decided this change in policy was needed.

Question No. 8 replied to with Written Answers.

Brexit Issues

9. **Deputy Joan Burton** asked the Minister for Finance the effect of a no-deal hard Brexit on customs clearance and other requirements for importing from the UK and Northern Ireland, respectively; his views on the implication of a no-deal hard Brexit for VAT and business; and if he will make a statement on the matter. [9967/19]

Deputy Joan Burton: The Minister discussed Rosslare with Deputy Browne. Will the Minister provide details on the recruitment of customs clearance officials? All of these businesses will have to be revived in the context of even a difficult Brexit. While we are all still hopeful there will not be a hard Brexit, we will not know for a couple of months. There seems to have been relatively little recruitment overall of customs officials. The Minister might give us the details.

Deputy Paschal Donohoe: When the UK leaves the EU, it will become a third country from a customs perspective and the free circulation and free movement of goods between the EU and the UK will end. This will increase substantially the number of businesses that will have to complete customs formalities and other related obligations for trade with the UK and through the UK landbridge to the EU. This will present a significant challenge for many of those businesses which, up to now, have not had any experience of third country trade and customs formalities.

I am advised by Revenue that a priority for it is to facilitate the efficient movement of legitimate trade in the new trading environment. It has undertaken an extensive trader programme and has written to all businesses that trade with the UK, highlighting the Brexit-related Revenue supports available to them, and it has invited them to a series of Brexit seminars where it outlined customs procedures and the steps that businesses should be taking to prepare for Brexit.

Revenue's focus to date has been on east-west trade with the UK. As the Deputy will know, the Government has made it clear it is committed to avoiding the return of a hard border on the island of Ireland. In the event of no deal, there will be intensive discussions between the Government, the European Commission and EU partners regarding the customs formalities necessary for the movement of goods north to south.

In regard to VAT, under existing rules, when the UK becomes a third country, VAT on import will be chargeable at the point of importation unless the importer is approved to use the current deferred payment system, which allows approved traders to defer payment of certain charges, including customs and VAT at import, until the 15th of the month following importation.

I have included a measure in the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019 to allow for postponed accounting for import VAT. This is being introduced to alleviate the immediate cash flow burden for Irish traders arising from Brexit. Under this system, importers will not pay import VAT at the point of entry but will instead account for import VAT through their bimonthly VAT return.

Deputy Joan Burton: Figures released last week by the Revenue Commissioners show that only 117 customs officers have been hired as part of the 3,000-person recruitment campaign. I simply do not understand that low volume. Taking into account the different ports and airports we are aware of, not to mention towns on or near the Border, 117 people would barely fill a one-day shift cycle at one large port or Border town. In Dundalk, the old customs premises seem to be pretty much totally refurbished, and the Minister might confirm this, given it is what everybody who has looked at this believes and is what everybody has been told. This is in the context of the changes that may happen post Brexit. The Minister might comment.

Deputy Paschal Donohoe: The commitments I gave in regard to figures for additional staff for the Revenue Commissioners were that an additional 400 would be recruited by the end of this March, and we will deliver that. A further 200 will then need to be recruited and, in turn,

we will deliver that as well. The 3,000 to which the Deputy referred might be the number of people who applied for these roles. There was a high level of interest in this work and we have been able to build up a large panel of employees to do this work.

In regard to what the Deputy said about Border towns, in particular, we are not planning to have staff in place to facilitate the development of infrastructure on the Border. To address her point on the ports, it is worth bearing in mind that the additional staff we are talking about recruiting for Rosslare Port will mean a significant increase in the number of staff it would have available.

Deputy Joan Burton: I am conscious of the fact that the Government is recreating a customs clearance industry and that particular new arrangements are being established which will utilise technology. Nonetheless, at each service point for Border-based transactions when crossing to or from the United Kingdom, there will have to be some kind of oversight, preferably electronic, and there will also have to be a physical presence with people being available to conduct inspections as required. The same pertains to other people and veterinary inspectors in particular. During the debate on the Bill, there has been very little information from the Government, perhaps because the Minister himself has not been taking part. He has, however, been quite forthcoming this morning. Businesses along the Border are desperately worried. The head of Dublin Port showed the new booths there the other night on television. No one along the Border, though, knows what is going to happen. People are guessing.

Deputy Paschal Donohoe: We are not planning to have the same infrastructure in place at or near the Border as in Dublin Port. That is exactly what we are trying to avoid at the moment. On recruitment and the resources sought by the Revenue Commissioners to deal with the new customs procedures to be put in place, I have made those resources available. I gave an overview on Tuesday evening of the different sections of the Bill I am responsible for. As I stated some weeks ago in committee to Deputy Burton and other Deputies, if the Revenue Commissioners need additional resources beyond what I have made available to them, then I am very willing to engage on that. Deputy Burton made a valid point. This is the creation of a significant amount of new activity. I refer to the work of customs agents in particular. That work is going to be important in the days ahead and it is the kind of work that has not happened in our economy on this scale for decades.

Financial Services and Pensions Ombudsman

10. **Deputy Pearse Doherty** asked the Minister for Finance his views on whether sections 44(2) and 50(3) of the Financial Services and Pensions Ombudsman Act 2017 are in need of amending (details supplied). [9848/19]

Deputy Pearse Doherty: This question concerns the amendment and revision of section 44(2) and section 50(3) of the Financial Services and Pensions Ombudsman Act 2017. I am concerned about the interpretation of this Act which means that any court proceedings at all involving a consumer is enough for the ombudsman's office to wash its hands of the complaint. I know of a case where proceedings were struck out by the court. Those proceedings were not related to the specific complaint made to the Financial Services and Pensions Ombudsman, but the office could not investigate the claim because of the interpretation of the Act. There is a need for this Act to be amended.

Deputy Paschal Donohoe: I thank the Deputy for bring this matter to my attention and the attention of the House. One of the functions of the Financial Services and Pensions Ombudsman is that he may advise and, as appropriate, make recommendations to the Government in respect of any proposed legislative changes concerning financial services or pensions.

I sought the ombudsman's observations on section 44(2) and section 50(3) and he has not identified any difficulty with the operation of either section. Section 44(2) of the Act, among other things, prescribes that a complainant may not make a complaint to the Financial Services and Pensions Ombudsman, FSPO, where the conduct giving rise to the complaint is or has been the subject of legal proceedings before a court or tribunal. I need to stress that it is the conduct giving rise to the complaint that is referred to here. This is considered to be the right approach, as it would not be appropriate for the FSPO to become involved in an issue which has already been, or still remains, before the courts.

The FSPO provides an avenue for resolution of complaints about the conduct of financial service providers or pension providers as an alternative to the courts. It cannot undertake investigations in parallel to an issue which is being litigated or has been litigated before the courts. Subsections (1) and (2) of section 50 provide a counterbalance to this restriction. These allow the ombudsman to investigate a case where he believes the provider has initiated legal proceedings to frustrate an investigation. Section 50(3) prescribes that the ombudsman shall not investigate or make a decision on a complaint where "there are or have been proceedings (other than where the proceedings have been stayed under section 49) before any court in respect of the matter that is the subject of the investigation".

Deputy Pearse Doherty: I do not accept the ombudsman's position. I find it quite surprising. I have worked with that office and I have introduced and passed legislation that impacts on that office. I am referring to a situation where a consumer has taken a complaint to the ombudsman. The complaint concerns payment protection insurance, PPI, and completely different from what was before the courts. What was before the courts was also struck out. It was not adjudicated upon. In response to the complainant, the ombudsman stated that although it noted the proceedings were struck out, nevertheless it took the position that the matter had been subject to legal proceedings. The PPI issue was not subject to legal proceedings and was not part of that case. An issue concerning this individual's mortgage was before the court, and because of that it was deemed, under these sections of the Act, that the PPI issue was before the courts. That was the case even though the PPI issue was never adjudicated upon. It was simply struck out. It is unacceptable that where the courts have not ruled on the substance of an issue, the Financial Services and Pensions Ombudsman is locked out from engaging with the complainant.

Deputy Paschal Donohoe: Given the work the Deputy has done with the office of the Financial Services and Pensions Ombudsman, I hope he is aware, and I am sure he is, of how seriously that office takes its responsibilities and the important work it does in this area. The office has indicated to me that it does not believe there is a need for this change to the Act. All I have in the details supplied as part of this question is information on the policy issue as opposed to the particular case referred to by Deputy Doherty. If the Deputy, however, would be willing to share with me the specific details of the case, I will be happy to raise it with the Financial Services and Pensions Ombudsman and get a more detailed answer for him. From the work I have done with the ombudsman, and what that office has shared with me regarding how it does its work, I think it gets the balance right on the vindication of the rights of consumers and citizens. If the Deputy believes the office of the Financial Services and Pensions Ombudsman is being frustrated in its work in not following up on an issue that the Deputy takes seriously, I would be

surprised by that and I will be happy to investigate the matter further for him.

Deputy Pearse Doherty: I appreciate that and I will take up that offer from the Minister. This is a serious issue and not an isolated one. It is part of a broader concern. We are familiar with this legislation. I believe it was pushed, to a certain extent, to catch up with my own legislation at the time. It may have been slightly rushed. I think there is an issue with what is in the Act. Let us look, however, at the case and see how that applies. I am also conscious that the ombudsman's office is under significant pressure. I hope it has the resources to help it deal with the cases before it. We learned last week, through a parliamentary question, that it has 1,200 tracker mortgage cases to deal with. About half of those cases are live and the other half are awaiting the outcome of an independent appeals process. That will put a huge burden on the office of the Financial Services and Pensions Ombudsman, given the number of cases to be dealt with at one time. I will give the details of this case to the Minister. If this is going to be the approach of the ombudsman's office to cases, then I am concerned. Legitimate claims to the Financial Services and Pensions Ombudsman may be frustrated.

Deputy Paschal Donohoe: I have three points in response. Regarding the resources available to the office of the Financial Services and Pensions Ombudsman, I recently visited its new facilities located around the corner from the Houses of the Oireachtas. Those new facilities allow the ombudsman's office to meet citizens and follow up on issues raised. It will also be possible for the Financial Services and Pensions Ombudsman to be involved in mediation on important issues brought to the office.

Turning to the substantive issue raised by the Deputy, it is not unusual for the ombudsman, and similar bodies, to state that it will not adjudicate on issues that are either in the courts or have been dealt with by the courts. That is because one of the roles of the Financial Services and Pensions Ombudsman is to try to provide alternative ways to resolve issues apart from having to go to court.

Third, as I have said, if the Deputy will give me the details, as he has said he will do, I will follow up on the matter. In my engagement with the ombudsman's office, I have found that it takes and discharges its responsibilities very seriously. I discussed with the ombudsman's office the specific consequences that may affect the organisation in trying to deal with the tracker mortgage issue.

Estimates Process

11. **Deputy Thomas P. Broughan** asked the Minister for Finance if there will be more further revised estimates in relation to Budget 2019; if he is continuing to rule out a second Budget in 2019 in the event of a disorderly Brexit; and if he will make a statement on the matter. [9814/19]

Deputy Thomas P. Broughan: When this Government started in 2011, we had a second budget - a mini-budget - that year. In 2009, we had a kind of major budget to address the deficiencies in the 2008 budget. If there is a general election this year, it is probably inevitable that we will have a second budget. After the revisions and rescheduling that we discussed in the House last week, is it not likely that regardless of what happens on Brexit, the Government, if it is still in office, will have to come forward with another budget?

Deputy Paschal Donohoe: The central scenario that is forecast in budget 2019, as prepared by my Department, is the assumption that the UK will make an orderly exit. This would involve a transition period being agreed that extends or replicates existing frameworks until the end of next year. In other words, it is assumed that the UK will remain in the Single Market and customs union during this period. The baseline forecasts for 2021 onwards assume the EU and the UK will conclude some form of trade agreement. It is clear that the impact of Brexit on the economy and the public finances remains highly uncertain. The timing and nature of the UK's exit remains unclear. As more information becomes available, my Department will update and publish its assessment in the stability programme update which will be submitted to the Commission in April. Additional information will be available at the time of budget 2020, which will be introduced in October of this year. This will enable the Government to design the appropriate budgetary policy response. As I have said before, there will not be an additional budget for this year. The appropriate policy response to a disorderly Brexit, in the short term, is to allow the automatic stabilisers to provide a counter-cyclical support for our economy.

Deputy Thomas P. Broughan: Dr. Mark Cassidy, who is the chief statistician with the Central Bank, expressed surprise at yesterday's meeting of the Committee on Budgetary Oversight that in budget 2019, the Minister did not budget for a significant surplus as a cushion, given that we knew we were heading into some kind of Brexit and perhaps - hopefully not - a cliff-edge Brexit. Those of us who are interested in finance have had a chance to look at the European semester report, which acknowledges that the economy is continuing to strengthen but notes that the improvements in the budget balance are stalling. Most of all, we have had a continual history of under-forecasting. I am thinking particularly of the disastrous management of the national children's hospital. As I mentioned recently, I have been reading the Minister's management committee notes on risk factors. Given that these facts and issues are coming together, is the Department of Finance carefully managing expected expenditures or unknown expenditures this year?

An Ceann Comhairle: I will take a supplementary question from Deputy Burton.

Deputy Joan Burton: I would like to ask the Minister about the announcement he made regarding the new proposed treatment in respect of VAT and imports. Has he done an estimate of what the cost of this new treatment will be? What will be the impact on cashflows? How will it be accounted for? What are the expected cashflow implications? For how long will those implications persist? What does he expect the cost of that measure to be?

Deputy Paschal Donohoe: Three questions have been asked. As I have already said to Deputy Broughan, I am planning that there will be just one budget this year. That budget will be delivered in October of this year. We ended up moving to a very slight surplus of 0.1% last year. As I acknowledged at the time, that surplus was driven by corporation tax figures in November and December which came in even higher than expected. During the debates in this House on the two budgets for which I have been responsible, no Deputy has called on me to run a higher surplus. It has not happened yet.

Deputy Richard Boyd Barrett: That is not true.

Deputy Paschal Donohoe: I often compliment Deputy Boyd Barrett on the detail of the proposals he puts forward. I also argue that they would be disastrous.

Deputy Richard Boyd Barrett: They would involve a big surplus.

Deputy Paschal Donohoe: I do not recollect those policies yielding a surplus. If the Deputy ever holds the job of Minister for Finance, it is very unlikely that he would make the case for sustained surpluses within our economy.

Deputy Richard Boyd Barrett: Absolutely I would.

Deputy Paschal Donohoe: I am sure the Deputy would be looking to spend the surplus immediately.

Deputy Richard Boyd Barrett: No.

An Ceann Comhairle: The Minister has set a challenge for the Deputy.

Deputy Paschal Donohoe: Deputy Burton asked how much the move we have made in relation to deferred accounting will cost this year. We do not have a figure for the cost this year, for the simple reason that if a disorderly Brexit takes place, it will clearly create economic costs and difficulties which we have tried to quantify. It is difficult for me to be able to say what exactly the mitigating effect of this move would be. The effect for this year is more likely to be a cashflow effect, rather than a cost effect.

Deputy Thomas P. Broughan: We continue to hear ominous reports regarding the possibility of a no-deal Brexit, or something that incorporates elements of a no-deal Brexit. A week or two ago, Commissioner Oettinger told us that a no-deal Brexit would produce a general recession in this country that would be incredibly serious for indigenous industries like agrifood. The Governor of the Bank of England has said he expects something like a cliff-edge drop in growth - it could be 9% or 10% - which would bring us into major depression territory. I wonder what preparations, if any, have been made by the Department of Finance to have some sort of a cushion for such circumstances. I agree with my colleague that the characteristic shared by the budget proposals the Minister has received from the left every year is that they have all been well balanced. We have been prepared to come up with new taxes to balance our proposals. The key point is that the Department needs to be very ready.

Deputy Paschal Donohoe: There is a difference between a budget being balanced and a budget moving into surplus. I am quite happy to look at the different proposals and alternative budgets that Deputies submit to me. However, I do not recollect Deputies Broughan or Boyd Barrett ever saying we should raise money that we should not spend.

Deputy Richard Boyd Barrett: No, we have done so.

Deputy Paschal Donohoe: I stand to be corrected by the Deputy.

Deputy Richard Boyd Barrett: I will send it to the Minister

Deputy Paschal Donohoe: I am sure the Deputy will correct me if he is moving to a hawkish position on the national finances of the country.

Deputy Thomas P. Broughan: We would spend properly in health, in particular. We would fund the health budget. We would also focus on housing.

Deputy Paschal Donohoe: If that is the Deputy's view, his surplus credentials are already weakening. I have outlined on a number of occasions all of the different things we have tried to do to deal with a no-Brexit scenario. In response to some earlier questions, I outlined where the

Revenue is from a staff point of view and the work we are doing from an infrastructure point of view. A number of weeks ago, the Department of Finance published its forecast for what will happen to our economy in the event of a disorderly Brexit. The forecast points to an immediate and sudden change in our growth potential for 2019 and 2020.

Betting Regulations

An Ceann Comhairle: I will allow Deputy Pearse Doherty to introduce Question No. 12, which is in the name of Deputy Maurice Quinlivan.

12. **Deputy Maurice Quinlivan** asked the Minister for Finance if the review of the recent increase in betting duty and the examination of proposed alternatives will be accelerated in order to provide as much clarity as possible for the sector; and if he will make a statement on the matter. [9850/19]

Deputy Pearse Doherty: This question relates to the increase in betting duty. I welcome the postponement of the VAT increase on food supplements because it represents common sense. We discussed this at the committee. We also discussed the impact the betting duty is having on the sector. A number of independent bookmakers have already closed. Others are saying clearly and seriously that there is no way they can trade through the year unless they know a change is coming. They know that a review is taking place within the tax strategy papers. Can the Minister indicate to the House when that work will be completed? Can it be separated from the tax strategy papers to give the industry certainty, one way or the other, about what is coming down the line?

Deputy Paschal Donohoe: The increase in betting duty from 1% to 2% and the increase in the betting intermediary duty rate came into effect on 1 January 2019. The last time the duty rate was increased was 1975. At 1%, betting duty was at an all-time low. Receipts from betting duty represented less than 1% of all excise receipts in 2017. It is likely that this will also be the case in 2018.

In the course of last year's Finance Bill process, I acknowledged that small independent bookmakers may have difficulty competing with larger bookmakers with retail and-or online operations. At the time I agreed to review an alternative proposal put forward by the betting sector. My officials are considering this proposal, including the compatibility of a core element with EU rules, and will set out analysis and options in relation to betting duty at the tax strategy group meeting in July. The papers will be published shortly afterwards.

While work on the review is under way and there has been engagement with the industry, we must ensure that any potential change in either the model or the rate is fully compliant with EU regulations. This work is now happening.

Deputy Pearse Doherty: If it were the case that clarification regarding the proposal from the industry cannot be provided until July, I would accept that, but that is not what I am hearing. I understand significant work has gone on within the Minister's Department in respect of it. We welcome the fact that this is under review. I understand there has been significant engagement with different parts of the sector regarding their proposal but the issue is that bookmakers and their banks are saying there is no way they can continue to incur those losses month after month. Bookmakers are telling their banks that a change may be coming but the banks are ask-

ing when they will know that. Knowing in July or August is a bit late for some of them. We also have a scenario whereby some of the larger operators are poaching some of the best staff within these sectors because there is a knowledge within this sector that there is an issue with many small independent retailers. People who have been trained by and are loyal to those retailers are worried about their own future, and that is normal. The sooner we can give certainty to this sector one way or another, and I hope it will not be that the Government will not change its position but that it will legislate for the industry proposal, the better.

Deputy Paschal Donohoe: As I said, much work has already taken place regarding this issue. I thank the Deputy for acknowledging that. It is my intention to meet some representatives of the sector to have a discussion with them on the issue. I will not give a commitment at this point on how I will handle the tax strategy group papers because if I begin to pare out one sector or one issue from the entire process, the entire process runs the risk of being undermined. I am aware of some of the consequences this move may cause. It is difficult for me to disentangle the effect of this move from some of the broader changes that are taking place in this sector, but my officials are examining this alternative proposal and are looking at whether it is compatible with EU law. I plan to be in a position in the coming weeks to meet representatives of the sector and look at where this work stands.

If I may pick up on a different matter raised about the planned change on the tax on health supplements, this is a decision that was made by the Revenue Commissioners to allow more consideration of the issue. However, I want to highlight that they have emphasised to me their very significant concerns regarding the operation of that law in that sector. They have raised serious matters with me that will be further considered. I want to indicate to those in the sector that serious work will need to take place on this matter with the Revenue Commissioners, and I will be playing my part in that.

Deputy Pearse Doherty: We welcome that, and that will be dealt with in detail in respect of the tax strategy group papers. I asked the Minister in committee whether it would be helpful if the Revenue postponed its implementation. He might answer whether that would be helpful.

The key area is in respect of the bookmakers. I would argue that this is different from some of the other work under consideration in terms of the tax strategy group papers because it comes from proposals to carry out this review that have been put and accepted by Government in the debate on the Finance Bill. That is different. There was no need for it to be tied into the tax strategy group papers although, all things being equal, that is where it should be dealt with. The issue is that there is uncertainty. The Minister acknowledged in the debate on the Finance Bill that this would lead to job losses, however they can be quantified. There is no doubt that it will put additional pressure on a sector already under pressure and under restructuring. If clarification on state aid rules comes from Europe and if the Department is in a position to identify a recommendation to change the position on betting duty, will the Minister indicate that to the industry, if it is available to him, prior to the publication of the tax strategy group papers?

Deputy Paschal Donohoe: The Deputy is looking for certainty on behalf of businesses that want to be able to offer certainty to their employees or to those providing funding or lending to them. He is then asking a hypothetical question about what I might do. All I will commit to doing at this point is continuing work that is already under way. My officials and my Department have done a lot of work in this area. At an appropriate point, I will then meet those who are involved in the industry itself.

Property Tax Review

13. **Deputy Richard Boyd Barrett** asked the Minister for Finance if he will provide a progress report on the plans to review the local property tax; and if he will make a statement on the matter. [9763/19]

Deputy Richard Boyd Barrett: As the Minister knows, People Before Profit opposes property tax, full stop. We believe the Minister would raise more money and it would be fairer to introduce a wealth tax and would help to get a budget surplus. However, given that property tax exists, he had promised a review at the beginning of last year and said people were deserving of certainty as to the future plans for property tax. Given the dramatic increase in property values and the potential for huge increases in people's property tax liability, what is happening with the review? What can the Minister tell us about what is coming down the line?

Deputy Paschal Donohoe: A review of the local property tax, LPT, is being carried out by the Department of Finance in conjunction with the Departments of the Taoiseach, Housing, Planning and Local Government and Public Expenditure and Reform and the Revenue Commissioners. The terms of reference require that in conducting the review, the review group is to have regard to the principle of achieving relative stability in the LPT payments of those liable for the tax and provide clear direction on the likely payments faced by households in 2020. This is to inform me in regard to any actions I may recommend to Government concerning the overall yield and its contribution to total tax revenue.

The review group was asked to look in particular at the impact on this tax of property price developments since the original valuation date of 1 May. I expect the review to include an examination of the outstanding recommendations of the 2015 Thornhill review of the local property tax. A public consultation process was conducted on this.

I expect to receive the final report of the review shortly. Once I have considered it, I will bring the report to the attention of Government with proposals for the next steps.

Deputy Richard Boyd Barrett: I want to make a few points. First, I believe the Minister owes it to transparent and accountable Government to tell people what will happen with property tax before the local elections. It would be a bit of a scam to wait until after the local elections and then see massive hikes based on the November revaluation date, which is promised.

Second, I would point out to the Minister that there were two major justifications for property tax at the time it was introduced. The first was that it would control property values and stop property bubbles happening again. It clearly failed to achieve that. The second is that it would give extra revenues to local authorities. I want to read a sentence from the Dún Laoghaire-Rathdown transport roads project document. It states: "Since 2015 these grants [the grants from the Department of Transport, Tourism and Sport] were replaced by Local Property Tax income, and, up to 2018, this has resulted in a reduced income to Roads Maintenance of approx. €500K". It has failed to control property prices and it has led to a reduction in the moneys available to local authorities.

Deputy Paschal Donohoe: What we have seen is a change in property prices. I am well aware of the consequences of all of that and of the concern it has caused for many regarding their future bills. The revaluation date is November. The bills are not due until next January. I will fulfil the commitment I have given to provide clarity and certainty on the matter.

Regarding the impact it has had on local government funding, I believe it has made an important and significant difference to local government funding but it is a decision of all councillors whether they want to increase or decrease it. That in turn has an effect on the resources available to their local authority.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: Today is world Rare Disease Day, which is a day to raise awareness among the public and decision makers about the impact of rare diseases on people's lives. On 20 September last, more than six months ago, I raised the issue of spinal muscular atrophy, SMA, with the Tánaiste and the need for the HSE to improve the reimbursement for the drug, Spinraza. This has been raised on a weekly basis by many Deputies across the House since. As we stated, SMA is one of the most horrific diseases imaginable.

We had a meeting this morning, hosted by Deputy Ó Caoláin, in the audiovisual, AV, room where it would have broken a stone heart to hear the stories from the families and from those with the condition. SMA debilitates lives and until the arrival of Spinraza, there was nothing to tackle it effectively. Those living with SMA spoke this morning about the impact of Spinraza, this miracle drug, and the new opportunities it presented to them. They laid out those testimonies in a painful and direct manner, but along with the pain, there was bravery, courage and a raw ambition to live lives to the fullest. There was an ambition on the part of those older patients with SMA and an ambition on the part of those parents who are seeing lives that they thought they would not see because before the arrival of Spinraza, the average lifespan of somebody with SMA was two years.

The HSE does not seem to share that ambition or to understand that pain because, on Friday last, it told families again that it would not approve Spinraza for reimbursement and thereby took that chance away. It has sentenced sufferers and their families to continued suffering and to emigration to one of the 25 countries that have approved Spinraza medically and financially. It was laid out clearly to us this morning and I regret that this decision has potentially sentenced some of those sufferers to death because without Spinraza they will not survive SMA.

Twenty-five countries have approved Spinraza and can stand over the clinical effectiveness of the drug. Twenty-five countries have come to a deal with Biogen on the pricing of Spinraza, and yet the Government cannot. A number of Deputies have met Biogen representatives who have engaged with the HSE since September in a detailed manner. They have put a deal on the table, which is considerably less than the prices the HSE is quoting publicly. It strikes me that the HSE is deliberately misleading people about the potential cost of this drug in order to change the course of the debate.

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

Deputy Dara Calleary: At the same time, the HSE is ignoring a potential €90 million in savings that have been pointed out to it by Deputy Brassil through the use of what are known as biosimilars.

An Ceann Comhairle: Please, the time is up.

Deputy Dara Calleary: Why is the HSE using misinformation to add to the distress of families with SMA? Why will its staff not engage properly with Biogen regarding the deal that is on the table as opposed to a deal that they are making up? Can the Tánaiste ensure that the Minister for Health will meet directly with the families and the patients in the manner the Deputies did this morning to understand the consequences of this decision?

An Ceann Comhairle: Before we proceed, I implore Members to adhere to the time limits provided for questions.

The Tánaiste: I thank Deputy Calleary for raising this sensitive and important issue, which has been raised repeatedly. When I have taken Leaders' Question, it has come up almost every second week for many months now.

SMA, as has been described, is a terrible condition with awful consequences for sufferers, and I am sure extraordinary stress for families as well. I completely understand the stress and frustration that each family must be under and the anxiety caused as they wait for news about funding of this drug.

The Government wants an agreement to be reached so that sufferers have access to the best medication. However, we cannot ignore recommendations from the HSE in ensuring that we spend appropriate amounts on many drugs for rare conditions. Two have been approved so far this year through the system that we are discussing.

The price list sought by the company, according to information that I have, amounts to €600,000 per patient for the first year and €380,000 per patient per annum thereafter.

Deputy Lisa Chambers: That has changed.

The Tánaiste: Let me give the House the information that I have. I certainly stand open to questions.

Following detailed consideration of an application from the manufacturer, Biogen, the HSE leadership team made the decision that it was unable to recommend reimbursement of Spinraza at the price quoted on 12 February. On Thursday last, 21 February, the HSE wrote to the company informing it that the executive proposed to refuse reimbursement at the current price offering but had left the door open for the company to come back with a more realistic offering. Under the terms of the Health (Pricing and Supply of Medical Goods) Act 2013, as I am sure Deputy Calleary will be aware, the company has 28 days to come back to the HSE with a proposal.

The Government is keen to see agreement reached here. We want the HSE to work proactively with the company so that we can find a middle ground position that the company can accept in terms of pricing and that the HSE can recommend to the Government, which can allow this drug to be made available. That is where we are. The HSE has not recommended that there should not be reimbursement for Spinraza. It has made a recommendation that it cannot do it at the price on offer.

An Ceann Comhairle: The time is up.

The Tánaiste: I encourage the company to engage and ensure that we find a way, for pa-

tients and families who are stressed and suffering because of the anxiety and the wait on this issue, to bring that wait to an end if it is possible to do so.

Deputy Dara Calleary: Those prices the Tánaiste is quoting are out by up to 50%. He has been given information-----

The Tánaiste: I have been given a note by the HSE.

Deputy Dara Calleary: -----but we have spoken to the company. I accept that the Tánaiste has been given incorrect information. That is why he needs to take charge of this as deputy prime minister. The families have no confidence in the HSE or in the management of the Department of Health to see this through. Those prices are way out and they cannot be used to stop families accessing a better future.

The Taoiseach, of course, tweeted this morning, in the lack of anything of substance, that today is international Rare Disease Day and, “Up to 300k people in Ireland will be affected by a rare disease in their lifetime. We will do better in helping these patients & families in Ireland”. Let the Government do better. Let it do better for the parents of children and adults with SMA and give them access to something that will transform their lives. We want the Tánaiste and the Minister for Health to meet these parents and patients to understand how important this is and the transformative nature of this drug because the HSE clearly does not. I ask the Tánaiste to get the right information.

The Tánaiste: I will verify the information that I have. I have a date next to that reimbursement price that was proposed of 12 February, which I suspect may be accurate. Perhaps there has been a change since then in the price that is on offer. If there is, there is a structured mechanism for the company to engage.

Deputy Mattie McGrath: Do it again.

The Tánaiste: I ask the Deputy not to trivialise this important issue. We want to get it resolved. There is an absolute willingness on the part of the Government to do that. However, when we are talking about facilitating drugs for rare conditions, as we have been done this year, if we ignore price as part of the discussion, we could pay money that could go into other drugs.

Deputy Dara Calleary: There is €90 million in savings on the table.

The Tánaiste: Of course we want the best drugs to be available for rare conditions and other conditions. They are going through the assessment process. Cost must be a part of that discussion. The onus is on the company to come back with a proposal that I certainly hope the HSE will be able to consider favourably.

Deputy Caoimhghín Ó Caoláin: Today, in the audiovisual room, Deputies, Senators and support staff listened, many with tears in their eyes - I was facing them - and unashamed of the fact. They listened to the most heart-rending appeals of parents, children and adult survivors all contending with spinal muscular atrophy, SMA, in their lives. The stories of their lives and the lives of the many others who joined them afterwards at the gates of Leinster House need to be heard by every Deputy and Senator without exception. Along with colleagues from all parties and independent voices, I have been consistently raising the issue of approval of Spinraza for all SMA sufferers. I ask the Tánaiste to note that those who have turned 18 years of age and who have lived beyond childhood are equally entitled to this chance of not only improved life

but life itself. This is world Rare Disease Day. It should have been a day of celebration for the 25 children and the 50 people aged over 18 who live with the cruel denial of the ability to live full and active lives. It should have been a day of celebration for their heartbroken parents, their extended families and all who care for them. It would have been if the HSE had approved Spinraza for reimbursement when its senior leadership team met two weeks ago on 14 February, St. Valentine's Day, but it did not. Despite the fact that Spinraza has been approved in 25 of the 28 member states of the European Union, and that its efficacy and effectiveness have been clinically established and demonstrated in a significant number of the cases of people who are accessing the drug, Ireland, with Estonia and the United Kingdom, remains unmoved. Scotland has acted unilaterally within the UK and has approved Spinraza for types 1, 2 and 3. With the UK exiting the European Union, Ireland and Estonia will stand alone as the only EU countries not to face up to their responsibilities to all their children and to those who have survived into adult life.

I am sick and tired of appealing to the Government and the Minister for Health, Deputy Harris, in respect of this issue and so many others. When the Minister and the Department fail to set the policy and fail to instruct the HSE to act in a responsible way on a given issue - and in this instance where the lives of very ill children are at stake - it galls and angers me. Against the almost daily statements of his and the Government's commitment to children's healthcare services and the new national children's hospital, the State is continuing to fail a small cohort of 25 children suffering from a devastating wasting disease. Will the Tánaiste undertake to act now as deputy leader of the Government, as an accountable public elected representative and as a parent?

The Tánaiste: I assure the Deputy that I, as deputy head of Government and as a parent, try to act every day in terms of the responsibility I have. I do not think we should be trying to paint the HSE as some kind of cold body that does not want to grant reimbursement for Spinraza. It does want to grant it. The HSE rare diseases technology review committee recommended that it should be approved. As it moves through the process cost must be part of the discussion and because the HSE does not believe the company involved is offering value for money there is a stalling in the process. This is why the HSE has written to Biogen to this effect. I certainly hope that what was suggested earlier by Deputy Calleary, that the cost proposal has changed, can be a factor in the response the company makes to the HSE's letter.

Make no mistake, the Government wants this issue to be resolved. We want our children and the families who love them to get the support of the State in respect of rare diseases and the drugs that are very expensive but that are absolutely justifiable in those cases. We also have to ensure the State gets value for money because if it does not, we will spend money that could otherwise fund other really valuable drugs that are also needed and other families and victims will not get the support they need. In the context of the dealings the State has with the pharmaceutical sector and drugs companies, we have to ensure that there is a fair pricing model and that we have a process that does not allow children and their trauma and stories to be used as a way of trying to get prices agreed.

I will speak to the Minister for Health and the Taoiseach on this directly but it is important that politicians are not the ones who make decisions on what is or is not value for money in terms of healthcare and that we have a system we can rely on to do this. Again, I encourage the company and the HSE to try to resolve the issue because I know how many people in the House understandably continue to take a very personal interest in it.

Deputy Caoimhghín Ó Caoláin: I hope that what the Tánaiste is saying is the case in terms of the Government's keenness in wanting to see this resolved. I charge that those who are representing the Government and us in terms of the engagement with Biogen are not demonstrating the same commitment. Make no mistake about it, the figures that Deputy Calleary has shared with the House are accurate. I have also met Biogen and I can state that an imaginative proposal that would leave the cost for those aged under 18 alone - just dealing with children - at approximately €9 million for two year's provision has been put forward. Figures have been bandied about and put out on the airwaves. The Government must take direct responsibility on this engagement because trusting and not exploring the full facts makes it complicit in the failure. If the Tánaiste was at the gates of the House but an hour ago to speak to those families and meet those children, he would not give the answers he is offering. He would instead make this matter his number one priority. I ask him to commit to doing exactly this from this moment forward.

The Tánaiste: This is a priority, just like it was a priority to get other rare disease drugs approved to date in 2019. There are families awaiting and needing decisions on reimbursement and the absence of those decisions has been going on for too long. In the case of Spinraza, it has been going on for too many months. We also have to ensure that we have in place a system which makes decisions on the basis of the facts in order to ensure that we get the drugs we need for the families and, in particular, the children who need them. We must also ensure we spend money in a way that guarantees we get value for all the money we spend throughout the healthcare expenditure profile, for rare diseases and other diseases. This is where we are at on this. We want this issue resolved for the families concerned. There needs to be a response from Biogen to the effect that persuades the HSE leadership that its proposal represents value for money and is comparable with the price of the drug in other countries. I will certainly speak to the Minister for Health about this issue. It is the responsibility of the Government to ensure that the figures are accurate but we must also ensure that experts make decisions in technical areas such as this. This is why we have in place the existing structure and systems.

Deputy Brendan Howlin: The remarks made by the Minister for Children and Youth Affairs, Deputy Zappone, yesterday in respect of Scouting Ireland have caused a great deal of anxiety and concern, particularly among scouting families. It is not clear whether she was informing us of a new problem or simply opening a window into a process of review and improvement within Scouting Ireland of which we are aware and which has been ongoing for many months. Let us be clear that the first and foremost issue here is child protection. Since the scandals of child abuse in this country, the State has built up a range of invaluable safeguarding procedures and processes. Child abuse is a dreadful stain on our history. The State and all voluntary organisations must work together with parents and families to protect all our children.

However, we must also take great care in what we say, especially if it impacts on volunteers in any sector. From the responses of the Minister, Deputy Zappone, to date, it is still not clear to me what is new about the letter from Tusla to Scouting Ireland. Scouting Ireland and other major national organisations such as the GAA, the FAI and all the others have instituted detailed child protection policies in recent years. The Minister's comments yesterday suggested that parents need to be wary of sending their children to overnight scouting events, while some media commentary today suggested that scouting itself could be undermined. These are very serious matters. The letter from Tusla states, "we are concerned about the apparent lack of progress in reviewing the policies, procedures, training and culture which underpin the [Scouting Ireland] service, and we are of the view that these concerns should be escalated to you as CEO." Is this a new issue or is it simply a letter to the CEO asking him to accelerate an ongoing

process?

The letter is dated 18 February. I understand that last Monday Tusla met the board of Scouting Ireland but none of the eight items in the letter were raised. Is this true? Has Tusla previously met the board? I understand that some of the actions being sought by Tusla have been ongoing for some time. In July 2017, Scouting Ireland commissioned a review of the handling of child protection cases. This review and the implementation of changes have been led by a safeguarding specialist who is beyond reproach on this issue. Scouting Ireland staff have engaged with Tusla and the Garda since then.

This House and the families involved need to know whether there is a new problem in Scouting Ireland. I ask the Tánaiste to provide a timeline of events and explain exactly what are the concerns of the Government or the Minister regarding Scouting Ireland that have come to light this week. We need to give assurances and support to the many parents and thousands of scouting volunteers who are deeply worried about what the Minister had to say yesterday.

The Tánaiste: I thank the Deputy for the opportunity to clarify a number of the issues he raised. Yesterday, the Department of Children and Youth Affairs received a copy of a letter dated 18 February written by Tusla to the CEO of Scouting Ireland, who raised serious issues regarding the handling of several recent child protection cases and criticised the apparent lack of progress in reviewing the policies, procedures, training and culture which underpin Scouting Ireland's service. The letter makes a number of recommendations to the organisation. These include the need to review the Scouting Ireland child safeguarding statement and procedures, an urgent review of the manner in which the organisation managed current child protection concerns and disclosures from children, an immediate review of the supervision of children involved in scouting and issues concerning the operation of a helpline. The letter also recommends that Scouting Ireland should consider the viability of continuing with overnight trips given the concerns outlined.

The Minister for Children and Youth Affairs is determined to ensure the safety of all children and young people participating in Scouting Ireland services. She is anxious that parents should be aware of the situation in order that they can make informed decisions and know that actions are under way to ensure that all reasonable steps are being taken by Tusla to assist in strengthening the child protections within Scouting Ireland. The Minister previously suspended funding to Scouting Ireland, but restored it on the basis of work done by the organisation and an independent report which she commissioned. In light of Tusla's recommendations to the Minister, following consultation with the chief social worker in her Department, she is now directing Scouting Ireland to co-operate with Tusla to define a robust framework for the safety of children and, in particular, the supervision of children involved in scouting activities. In the meantime, Tusla will establish a helpline with effect from Thursday 28 February for children and parents who wish to raise concerns. Scouting Ireland is due to provide a progress report to the Minister at the end of March which will deal with progress on governance issues and historic cases. The Minister will also receive regular progress reports on the implementation of the Tusla recommendations.

The direct answer to the Deputy's question is this is an ongoing relationship.

Deputy Brendan Howlin: There is nothing new.

The Tánaiste: The Deputy should not say there is nothing new.

Deputy Brendan Howlin: I was asking a question.

The Tánaiste: The Deputy just said there is nothing new.

Deputy Brendan Howlin: I asked, “Is there nothing new?”

The Tánaiste: The Minister made a decision to publish the letter so that this is dealt with in an open and transparent way. Concerns remain in regard to the need for Scouting Ireland to put procedures in place to ensure they are fully consistent with Tusla recommendations on child protection because we know there have been real concerns and cases of concern in the past. This is an ongoing process whereby Tusla will work directly with Scouting Ireland to make sure we can provide the necessary reassurance that many parents will demand.

Deputy Brendan Howlin: The Tánaiste will be aware that there are thousands of parents whose children will be going on camps, some of them this weekend. I seek clarity on the knowledge of the Government and the Minister for Children and Youth Affairs in regard to these matters. The Tánaiste stated that the Government is directing Scouting Ireland to co-operate with Tusla. Is he saying that it is not co-operating with Tusla?

The Tánaiste: That is not what I said.

Deputy Brendan Howlin: I have asked the question. The Tánaiste can answer it in due course. Did Tusla meet the board of Scouting Ireland last Monday - subsequent to the letter - but not raise any of the issues in the letter at that meeting? My understanding from an announcement on the 1 o'clock news is that Scouting Ireland is going ahead with its camps this weekend. Is it the view of the Department of Children and Youth Affairs that that should not be the case?

The Tánaiste: No. I am surprised at the defensive tone of the Deputy's questioning on this issue. The Minister is trying to act in a way that is transparent, open and responsible-----

Deputy Brendan Howlin: She should be clear.

The Tánaiste: -----to prioritise first and foremost the safety of children. We know there have been cases of children who have been in totally inappropriate situations linked to Scouting Ireland in the past. Scouting Ireland is a very positive organisation and we want it to work, but we also need to ensure that Tusla brings its experience to bear on the necessary restructuring and procedures that need to be in place to give parents the reassurance they need.

Deputy Brendan Howlin: Is it?

The Tánaiste: That is why the Minister instructed that the CEO work with Tusla at the highest level of the organisation-----

Deputy Brendan Howlin: I understand they have had 40 meetings.

The Tánaiste: -----to make sure that is the case. If she was not still concerned in regard to the need for that work to continue, she would not have said it. The letter states that parents should seek assurances that no overnight trips take place without adequate numbers of trained supervisors. Scouting Ireland must ensure that each of these supervisors knows the exact steps to take if a child comes to them with a concern or if something happens. Parents who seek these assurances and ask sensible questions are behaving in a reasonable and responsible manner.

What the Minister is saying to parents is that they should ask the appropriate questions and get assurance from Scouting Ireland that appropriate numbers and supervision are in place before making an informed decision.

Deputy Seamus Healy: In the first case of its kind, the HSE pleaded guilty in Kilkenny District Court to two charges relating to the physical conditions in the department of psychiatry of St. Luke's General Hospital, Kilkenny and to two charges relating to not having a consultant psychiatrist sign patient seclusion orders within 24 hours of the seclusion taking place, as required by law. Judge Brian O'Shea fined the HSE and said:

For too long in this country, mental health issues have been ignored and stigmatised. The testimony of the inspectors and photographs [taken during the inspection] are the physical manifestation of that lack of care. What makes this worse is that the facilities here are those that house the most vulnerable people. Those people matter and the environment in which they are cared for matters.

The chairman of the Mental Health Commission, Mr. John Saunders, stated: "As a regulatory body, it is entirely unacceptable to find conditions that you would have expected to find in a Victorian workhouse in a mental health service in Ireland in 2019."

I will not go into detail on the issues raised in the court case: I would not have enough time to do so. The details are absolutely shocking. It is now quite clear that the unit is not fit for purpose. Most of those who know and have worked in the unit are satisfied that this is the case. Staff have been involved in industrial relations continually to rectify the problem.

The mental health services crisis at St. Luke's in Kilkenny and in south Tipperary has been ongoing since it developed in 2012, when the then Government and former Labour Party Minister of State, Kathleen Lynch, closed the 50-bed inpatient psychiatry unit, St. Michael's, in South Tipperary General Hospital, Clonmel. The closure of that unit was opposed by everybody, including nurses, doctors, patients and the public. All advised against it and warned about the difficulties and dangers that would ensue. Unfortunately, we were not listened to, and now the unit is not fit for purpose and continuously overcrowded. Patients are admitted to sleep on couches and mattresses on the floor. South Tipperary patients admitted to the unit are delayed on an ongoing basis and they suffer from inappropriate early discharge. There are also transport difficulties. I acknowledge the work of the Minister of State, Deputy Jim Daly, on this issue. He has accepted that the decision to close St. Michael's unit was wrong. We are working with him in the hope of having the unit reopened.

This is the straw that breaks the camel's back. We want to know sooner rather than later, and hopefully from the Tánaiste today, that the Government will agree to and support the reopening of inpatient psychiatric beds at St. Michael's, Clonmel.

The Tánaiste: On the Deputy's comments, it is true that the Mental Health Commission took a case against the HSE because of the poor conditions in St. Luke's Hospital, Kilkenny. I have read the background to this. The Deputy very helpfully agreed to let me know the issue he was going to raise this morning. As he said, it is pretty shocking. The HSE's mental health service accepts the serious concerns expressed by the Mental Health Commission and the findings from the legal proceedings. I am assured, however, that remedial works are already under way. The HSE has prioritised the psychiatry facility in Kilkenny for upgrade works valued at in excess of €1 million to bring it up to standard. The investment will address deficiencies identified

during inspection processes and will include a comprehensive maintenance programme across the facility to ensure full compliance with regulations set by the Mental Health Commission in respect of privacy and premises. A household supervisor has been appointed and additional household personnel have been allocated to St. Luke's to address the cleaning deficits identified during the inspection of the premises. A training programme has commenced for staff and rules governing the use of seclusion.

Nobody is doubting that the concerns outlined and aired in a legal case by the Mental Health Commission are not serious and need to be addressed but €1 million has been committed to respond.

With regard to south Tipperary, I recognise the work the Minister of State, Deputy Jim Daly, is doing. There are plans to provide a new respite facility in Clonmel to replace Glenville House. A new modular 40-bed unit is being delivered at Clonmel hospital. The question of including psychiatric beds in a 50-bed unit planned for the hospital is also being raised by local public representatives. The Minister of State met Oireachtas Members and various local representatives to discuss current and future provision of mental health services in Tipperary, including a review of bed capacity. He also visited mental health facilities in South Tipperary. Arising from this discussions, he is expecting the HSE to submit a detailed report in the near future, and he will then consider the options available to improve acute capacity in Tipperary.

Deputy Seamus Healy: Any works to upgrade the unit in Kilkenny are welcome. There is a proposal for a crisis house in Clonmel but that is not the issue here. The issue is the availability of inpatient psychiatric beds in Tipperary and the fact that the current service is simply not fit for purpose. The court case is not the only issue. In fact, it is only the tip of the iceberg. The Mental Health Commission reports for 2015, 2016 and 2017, the most recent available, state that in all 21 areas covered, the Kilkenny unit is non-compliant. In many of the areas, such as staffing, premises, drugs and the transfer and admission of patients, the unit has not been compliant since 2015. The fact of the matter is that it is accepted by the HSE and the Minister of State, Deputy Jim Daly, that there are not enough psychiatric inpatient beds in the south east. It is 20 beds short. We want some of the beds back in Tipperary. We want the Government to reopen beds in Clonmel. This is the tip of the iceberg. We have been waiting for inpatient beds for far too long. They should never have been closed.

The Tánaiste: As the Deputy knows, the 44-bed department of psychiatry based in St. Luke's General Hospital, Kilkenny, is the designated approved centre for acute inpatient services for south Tipperary. Clearly, my previous answer recognises that there were significant problems in regard to that unit. They are being addressed, I am assured, and not before time. From reading the note on the context, I can see why some people would be very angry about this. It is being addressed now, I am assured.

The issue of capacity in south Tipperary and the potential need for further investment in acute beds for mental health services are being considered by the Minister of State, Deputy Jim Daly. He is expecting a report from the HSE in this regard so he will be in a position to make decisions. I will certainly ask him to respond directly to Deputy Healy as soon as he has a recommendation in that regard.

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 or the Order of Business of Tuesday, 26 February that No. b11, motion re sittings and business on today's second supplementary Order Paper, shall be taken now without debate and any division demanded thereon will be taken immediately, and the motion shall be followed by the motion re the Special Committee on Climate Action.

An Ceann Comhairle: Is that agreed? Agreed.

Sittings and Business of Dáil: Motion

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

That, notwithstanding anything in Standing Orders, and unless the Dáil shall otherwise order, the following arrangements shall apply in relation to the sittings of the Dáil on 5th, 6th and 7th March, 2019:

(a) on Tuesday—

(i) topical issues under Standing Order 29A, and private members' business under Standing Order 140, shall not be taken;

(ii) the Dáil shall sit later than 10 p.m., and shall adjourn not later than 11 p.m.;

(iii) the Financial Resolutions for the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019 shall be moved together and decided without debate by one question and any division demanded thereon shall be taken immediately; and

(iv) the Motion *re* Istanbul Convention and the Motion *re* Proposed approval by Dáil Éireann of the terms of the Convention on social security between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland (back from Committee) shall be taken without debate;

(b) on Wednesday—

(i) the Dáil shall sit at 9.30 a.m. to take Questions to the Minister for Education and Skills under Standing Order 38;

(ii) in the event a division is in progress at 12 noon, Leaders' Questions shall take place on the conclusion of that division;

(iii) topical issues under Standing Order 29A shall be taken immediately following Leaders' Questions under Standing Order 29, and the deadline for such topical issues shall be 6 p.m. the previous day;

(iv) questions on promised legislation under Standing Order 28 shall not be taken;

- (v) Questions to the Taoiseach under Standing Order 38 shall not be taken;
 - (vi) the suspension of sitting under Standing Order 25 shall take place at 3 p.m. for 60 minutes;
 - (vii) private members' business under Standing Order 140 shall not be taken; and
 - (viii) the Dáil shall sit later than 10.15 p.m., and shall adjourn not later than 11.30 p.m.;
- (c) on Thursday—
- (i) the Dáil shall sit at 9.30 a.m., to take I4C's private members' business which would have been taken on Tuesday, for two hours;
 - (ii) Questions to the Minister for Business, Enterprise and Innovation under Standing Order 38 shall be taken at 11.30 a.m.;
 - (iii) Leaders' Questions under Standing Order 29 shall be taken at 1 p.m. and shall be followed by the Weekly Divisions under Standing Order 70(2);
 - (iv) questions on promised legislation under Standing Order 28 shall not be taken;
 - (v) no Committee report or private member's Bill under Standing Orders 91 or 140A respectively shall be taken;
 - (vi) topical issues under Standing Order 29A shall be taken as the last item of business on the conclusion of proceedings on Fifth Stage of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019; and
 - (vii) the Dáil shall sit later than 8.03 p.m., and shall adjourn on the conclusion of topical issues; and
- (d) the proceedings on Committee Stage of the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019 shall be brought to a conclusion in accordance with a schedule to be agreed by the Business Committee.”.

Question put and agreed to.

Special Committee on Climate Action: Motion

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

That, in relation to the Special Committee on Climate Action—

- (a) the Order of 3rd July, 2018 appointing the Committee (as amended by Order of the Dáil of 29th January, 2019) is amended by the substitution of ‘14th March, 2019’ for ‘28th February, 2019’; and
- (b) having reported to both Houses of the Oireachtas on or before 14th March, 2019,

28 February 2019

the Committee shall, not more than two weeks thereafter, report to both Houses recommending revised draft orders of reference for the Committee.”

Question put and agreed to.

Sitting suspended at 1.40 p.m. and resumed at 2.20 p.m.

European Parliament Elections (Amendment) Bill 2019: Committee and Remaining Stages

Section 1 agreed to.

NEW SECTION

An Leas-Cheann Comhairle: Amendments Nos. 1 and 4 are related and may be discussed together.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move amendment No. 1:

In page 3, between lines 15 and 16, to insert the following:

“Amendment of section 6 of Principal Act

2. Section 6 of the Principal Act is amended by the deletion of “or the United Kingdom” in each place that it occurs.”.

These provisions remove the explicit reference to the United Kingdom and British citizens from the European Parliament Elections Act of 1997. These explicit references are contained in sections 6 and 11 and in rules 5, 6, 10, 18, 19 and 96 of the Second Schedule to the Act. The references in section 6 relate to the entry of British citizens resident in the State on the register of electors and the exchange of information that is required with other member states as to which member state, where applicable, such European electors intend to vote in.

The remaining references concern the eligibility of British citizens to stand as candidates for elections to the European Parliament held in Ireland and the exchange of information provisions required under the nomination process. Council Directive 1/2013 of 20 December 2012, amending directive 109/1993, relates to certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a member state of which they are not nationals. There are requirements on member states to exchange certain information with other member states on non-national European citizens resident in their territories. This is to prevent a person from double voting or from standing as a candidate in a member state if he or she has been prohibited from doing so in his or her home member state.

By virtue of these provisions of the European Parliament Elections Act 1997, British citizens resident in the State are treated in an identical manner to Irish citizens. In particular, in rule 10 of the Second Schedule, British citizens who wish to stand as candidates in elections to the European Parliament held in Ireland have 14 days in which to submit their nomination forms and other citizens from the European Union have only seven days in which to return their

nomination forms.

While member states are permitted to differentiate between their own citizens and those from other member states who may wish to stand as candidates in the European Parliament elections to permit the necessary checks to take place, having multiple deadlines which distinguish between the citizens of other member states is considered incompatible with the requirements of Council Directive 1/2013. Legal opinion recently provided by the Attorney General confirms that multiple deadlines would most likely amount to direct discrimination between Union citizens and may not be capable of being justified.

Accordingly these amendments propose to remove the explicit reference to British citizens from the Act to ensure compliance with Council Directive 1/2013. In addition, these amendments are proposed on the grounds that legal opinion has also advised that when the UK withdraws from the European Union, British citizens resident in Ireland will no longer have a right to vote at, or stand as candidates in, elections to the European Parliament. In effect, the UK will be a third country and its citizens will no longer be citizens of the Union with all rights and entitlements consequent on that. In the event that the UK does not withdraw from the European Union, British citizens resident in the State will be treated in the same manner as other European Union citizens resident in the State in the context of the right to vote at, and stand in, elections to the European Parliament that are held in Ireland.

Deputy Paul Murphy: I am against these amendments and consider them to be quite serious in the substance of their aims of, in the event of Brexit taking place, removing the right of UK citizens to vote in, or stand for, European Parliament elections in this country. It would be the first time in the history of the State that the franchise is restricted as opposed to extended. History, generally speaking, has been of franchise being successively extended under pressure of struggle from below. We hope that continues to be the case, for example, with 16 year olds being given the right to vote. These amendments set a dangerous precedent in restricting franchise, in particular for UK citizens being carved out of the right to vote in European elections post Brexit.

Our starting point is that everybody who lives here and is affected by the decisions that are made here should have a right to vote in all elections that elect those who make the decisions that affect people's lives. That is our starting point and it is, obviously, not on the table here. From that point of view, the idea of removing the right to vote in European Parliament elections from British citizens represents a further step away from the position we should be in. It is an undemocratic and anti-democratic move.

Politically speaking, post Brexit, it should be the approach of the Irish Government and, for example, a future Jeremy Corbyn-led UK Government, unilaterally to grant rights to citizens of other countries. A Corbyn-led Government in Britain should unilaterally grant rights to EU citizens in the UK and, similarly, the Irish Government should unilaterally grant rights to British citizens here. Otherwise, this has the potential to start a tit-for-tat process in restricting the rights of British citizens in Ireland and those of European citizens in Britain post Brexit which would, again, be a dangerous situation to get into. We think we should be democratic and continue with a situation where British citizens who live here continue to have the right to vote in European Parliament elections post Brexit. The 2016 census showed that UK citizens here are the second largest non-Irish national group, with the Polish community being the largest. UK citizens would easily be the largest minority group if one includes those who might also hold Irish citizenship.

The Government claims in its justification for this position that, legally, British citizens cannot continue to have the right to vote in European Parliament elections here. I do not think that is the case. The European Court of Justice has dealt with this issue before in Case C-145/04, *Kingdom of Spain v. United Kingdom of Great Britain and Northern Ireland*. This related to the right to vote in European Parliament elections for Commonwealth citizens residing in Gibraltar but who did not have citizenship of the Union. The court's summary judgment stated:

In the current state of Community law, the definition of the persons entitled to vote and to stand as a candidate in elections to the European Parliament falls within the competence of each Member State in compliance with Community law. Articles 189 EC, 190 EC, 17 EC and 19 EC do not preclude the Member States from granting that right to vote and to stand as a candidate to certain persons who have close links to them, other than their own nationals or citizens of the Union resident in their territory.

[...] it does not follow that a Member State is prevented from granting the right to vote and to stand for election to certain persons who have a close link with it without however being nationals of that State or another Member State.

Clearly, UK citizens who live in Ireland have a close link with this country. The European Court of Justice has already ruled that we are not prevented from allowing them to continue to vote in European Parliament elections post Brexit, despite not being nationals of an EU member state.

I do not believe the Government's legal justification is well-grounded. The European Court of Justice has clearly ruled on this issue already. Accordingly, in that context, this is a political decision. We should make the political decision to continue to allow British citizens to vote here as opposed to moving to restrict the franchise in this way.

Deputy Darragh O'Brien: Will the Minister of State clarify that the approach being taken by the Government is consistent with that of other EU member states in this regard? I understand the logic of it but it is a shame.

Fianna Fáil, a pro-European Union party, regrets the fact that Britain is leaving the European Union. By leaving and not retaining EU citizenship, however, it makes sense that those who are not EU citizens should not vote for EU institutions. The irony is not lost on me that there is a party here which is anti-EU but which is arguing for citizens whose country voted to leave the EU to be allowed to vote for EU institutions. Deputy Paul Murphy and his colleagues supported the Brexit campaign. With that come consequences.

I want to ensure our approach is consistent with all other EU member states and that there are no unintended consequences with regard to EU citizens living outside of the EU and Irish citizens from the North residing here in particular. There is not a universal franchise for elections in this country. Not everyone resident in this country can vote in all elections and referenda. There are categories of voters. To claim that the starting point is that everyone should have a say on absolutely everything is not actually correct and not the legal case. Will the Minister of State clarify if our approach is consistent with the approach taken by other EU member states? Certain parties here welcomed Brexit. There is a contradiction in the arguments made by Deputy Paul Murphy and his colleagues for the retention of voting rights to an institution which the citizens in question do not actually support. Even at this late stage, however, I hope that, should Britain remain in the European Union, the changes made by this Bill will be sus-

pending and the *status quo* will remain.

Deputy Eoin Ó Broin: I am disappointed that my amendments were ruled out of order. I know that is not a matter for the Leas-Cheann Comhairle or the Minister of State. I will be challenging the decision, however. I do not accept the explanation I received from the Ceann Comhairle's office. We will be looking to bring forward these amendments, or a version of them, when the Bill is taken in the Seanad. As discussed at some length on Second Stage, whatever other Members may think of them, our amendments are a sincere and genuine attempt to deal with a significant issue, namely, that people in the North of Ireland voted against Brexit. Accordingly, we want to ensure they continue to have a voice in the European Parliament and their democratic view is respected.

Much of what is in the Bill is straightforward and technical in nature. It is just trying to deal with a difficult situation that is not the making of anybody in this jurisdiction or in this House. There is a possibility of an extension of Article 50. While people are currently talking about a short extension, it could be a lengthy extension. We know from previous crises in the European Union that it has a tendency to prolong crises and fudge crucial decisions if that is the easier of options.

From his discussions of these matters with his officials and the Attorney General, will the Minister of State explain what impact a longer extension of Article 50 could have on these amendments? To what extent could it result in a legal challenge from somebody, for example, who currently has an entitlement to stand as a candidate or vote in European elections prior to exit? If there is an extended period, strictly speaking, somebody from the North of Ireland, England or Scotland who does not yet have Irish citizenship could still have EU citizenship during that period. Have the legal implications been properly teased out? It is important that those of us who understand the logic of some of these amendments are not seen to be supporting provisions which might have significant legal consequences in the context of a legal challenge.

Deputy Jan O'Sullivan: We are really trying to tease out the legal advice in this regard. What kind of legal advice has the Minister of State received? We are dealing with European law and the unprecedented situation with our neighbouring country planning to leave the European Union. We need as much clarity on where the legal advice is coming from. Deputy Paul Murphy raised a case dealt with by the European Court of Justice. Will the Deputy clarify if that case related just to citizens of a European member state living in another member state? In the case of the United Kingdom, it would be a state which no longer belongs to the European Union.

Non-Irish and non-EU citizens can vote in local elections here. To what extent is it a matter that it cannot be allowed at certain levels but can be allowed at local level? Deputy Darragh O'Brien's question as to whether this will apply across the European Union is pertinent.

Deputy John Paul Phelan: I have written down that last point. I will respond to the points raised by Deputy Paul Murphy first. The amendments are about treating British citizens the same as we treat those of other member state citizens in European Parliament elections. I understand there is a broader point that does not relate directly to these amendments about the status of British citizens having voting rights in the upcoming and future European Parliament elections. There is an historic aspect to this. There have been different time periods for British citizens than other EU citizens to get their nominations in order to contest those elections. The two amendments are essentially about that. I emphasise to the House that the reciprocal

arrangements on voting rights for UK citizens in Ireland and Irish citizens in Britain in parliamentary elections still stand, regardless of this Bill or whatever happens over the coming weeks in relation to Brexit.

Deputy O’Sullivan’s point is something that we do not say often enough. We have one of the most open systems. This is why I disagree with Deputy Paul Murphy’s point that we should be democratic because we are very democratic when it comes to allowing people to vote in local elections. Very few countries have a system where people who are resident in a State can vote in local authority elections, which they will do at the end of May.

The case raised by several speakers was considered by the Attorney General. The advice is very strong that people who are citizens of a third country are not entitled to have a vote in a European Parliament election.

Deputy Paul Murphy: Commonwealth citizens in Britain have the right to vote.

Deputy John Paul Phelan: I refer to the advice of the Attorney General in relation to the European Union and the European Parliament election.

Deputy Paul Murphy: In Britain Australian citizens may vote in elections.

Deputy John Paul Phelan: That is fair enough. The Deputy will have his chance to speak later. I can only speak about the advice we have received. Many of the British citizens resident in Ireland have dual citizenship and many may be full Irish citizens at this stage. Obviously, in that case, their voting rights remain as is. However, the issue that we are discussing in these two amendments is primarily one of trying to level the playing field between British citizens and the citizens of other EU member States who are living in Ireland in relation to European Parliament elections.

With regard to the point made by Deputy Darragh O’Brien, this is absolutely consistent with the position of every other European member state on voting rights in the upcoming and future European Parliament elections. Should the UK opt to remain, British citizens resident in Ireland will be treated the same as every other citizen of an EU member State living in Ireland in relation to time periods for nomination and entitlement to vote under these amendments.

Deputy Ó Broin referred to something that we may hear more of in coming weeks in the event of an extension. Britain will be obliged to hold European Parliament elections under the treaties as they stand if there is to be a longer extension. That will mean that British citizens living here will be entitled to vote. In the event of a short extension, the new European Parliament does not officially take office until the first week in July. There is a body of opinion that in the event of a short extension British elections to the European Parliament would not be necessary. Then, in the Irish context, we would be able to elect our allocation of 13 MEPs.

Deputy O’Sullivan referred to the Attorney General’s advice. It is very clear and in line with what other member states are doing. I do not have any great joy in it. Something which struck me when I first contested an election 20 years ago was the amount of British citizens who are living in south Kilkenny, in my case, but more generally around the country. I know many of these people will have Irish citizenship by now but it is a significant part of the electorate. Before I give any more anecdotal evidence, I will read the official departmental line. The right to vote in European elections is provided for in section 8 of the European Parliament Elections Act 1987 which states “every person whose name is on the register of European electors for the

time being in force for a constituency, and no other person, shall be entitled to vote at the poll at a European election in that constituency.” Legislative provisions in respect of the register of electors are provided for in Part 2 of the Electoral Act 1992 which in section 9 provides that a “person shall be entitled to be registered as a European elector in a constituency if he has reached the age of eighteen years and if, on the qualifying date, he was ordinarily resident in that constituency and was either (a) a citizen of Ireland, or (b) a national of a Member State other than the State.” Accordingly, if the UK withdraws from the EU, British citizens resident in the State who do not hold dual citizenship with another member state will no longer have the right to vote or to stand as candidates in European Parliament elections. I wish there was an easier softer answer but having opted to leave the EU, the EU’s institutions have the right to decide who is entitled to vote in the elections. That is partly what this legislation is about.

An Leas-Cheann Comhairle: I call Deputy Darragh O’Brien.

Deputy Darragh O’Brien: Tá mé ceart go leor. Fuair mé mo fhreagra.

Deputy Paul Murphy: I wish to return to the legal point. I interrupted the Minister of State to make the point that Commonwealth citizens in Britain have the right to vote in European Parliament elections at the moment. A citizen of Australia living in Britain can vote in European Parliament elections, even though one is not a citizen of a member State. In order to explain the legal basis of that, they refer to the European Court of Justice’s 2004 judgment on Gibraltar and Aruba, although neither of which are this scenario exactly. It noted:

as regards the possible existence of a clear link between citizenship of the Union and the right to vote and stand for election which requires that that right be always limited to citizens of the Union, no clear conclusion can be drawn in that regard from Articles 189 EC and 190 EC, relating to the European Parliament, which state that it is to consist of representatives of the peoples of the Member States. The term ‘peoples’, which is not defined, can have different meanings in the Member States and languages [...] no principle can be derived from them that citizens of the Union are the only persons entitled under all the other provisions.

That goes back to the fundamental political point. Deputy Darragh O’Brien is correct to say that the UK has voted to leave and they cannot have their cake and eat it. However, I am not talking about British people who live in Britain having the right to elect British representatives to the European Parliament, I am talking about British people who live in Ireland having the right to elect representatives from Ireland to the European Parliament. It seems to me that is a question of democracy. These are people who live in the EU, in Ireland, they are affected by the laws of the EU, on which the European Parliament plays some, relatively limited, unfortunately, role in crafting. Therefore, they should continue to have the right to have an input into that process by having the right to stand for election and having the right to vote in European elections. That is where the question of democracy comes in. We should not discriminate against any non-EU citizens in terms of not having the right to vote in European Parliament elections. There seems to be no clear legal basis for doing so and in this particular case the situation arises that if we were not to make these amendments and the UK did exit, then British citizens living in Ireland would continue to have the right to vote in European elections, which I think would be a good thing. Therefore, I oppose the amendments. Regarding the approach that says they should not have voted to leave and that these are the consequences, they do not have to be the consequences. We can continue to say that British citizens who live in Ireland have the right to vote in European elections. That would be a good thing to do and what we should be in favour

of in terms of the rights of Irish and other EU nationals living in the UK after Brexit.

Deputy Jan O’Sullivan: In the context of the Minister’s response to the question on dual citizenship and British people who have taken out Irish citizenship, if one is entitled to vote only in local elections, there will be an “L” besides one’s name on the register. There might be a lot of people on the register who either have dual citizenship or have recently taken out Irish citizenship but may not realise they do not have the right to vote in the European elections. Is the Department aware of this and will these people be informed to the effect that they may lose out if they do not inform the people who keep the register of their Irish or dual citizenship?

Deputy Eoin Ó Broin: Do people in this category have to have a passport or do they simply have to have the right to citizenship? In the strict legal sense, does one have to go to the expense of getting a passport to be able to claim the franchise or is an entitlement to Irish citizenship sufficient?

Deputy John Paul Phelan: A passport is generally accepted as the definitive document, but for those who have gone through the recent citizenship ceremonies and have the documentation that accompanies them, that documentation is of a similar status.

I understand where Deputy Paul Murphy is coming from with his suggestion that this is anti-democratic but I disagree with him completely. We have always adopted the position that citizenship is linked to certain entitlements. To the people who voted to remain, we are not saying “Tough luck, the majority voted the other way”, but we cannot and should not dilute the entitlements of citizenship by giving complete and open access to the elections to the European Parliament. We allow this at local election level because a resident in any ward or district of a local authority has skin in the game as regards the footpaths, the lights, the roads etc. If international decisions are made that are beyond somebody’s control, there has to be some sort of knock-on effect.

The Attorney General considered the cases to which the Deputy referred and we have had a lot of discussion about this in the past couple of weeks. Legal advice was sought prior to the development of the Bill, which concluded that while it might be possible for a member state to allow citizens of third countries resident in their territories to vote in European Parliament elections, the better and more prudent view is that there exists a minimum requirement to hold European Union citizenship as a precondition to vote at, and stand in, European elections. Further legal advice was sought while the Bill was being drafted and the issue was discussed in many different fora outside this House. The opinion of counsel was that any proposal to enfranchise British citizens resident in Ireland after withdrawal for the purposes of the European elections would be inconsistent with the law of the European Union. This is the Government position and it is one with which I fully agree.

I take Deputy Jan O’Sullivan’s point. The process of reforming the register has begun and we are looking at the issue of public information. People can change their status on the register up to the supplementary register and there may be a category of people, identified by the Deputy and referred to by other Deputies, who have taken out Irish citizenship since the Brexit vote, some more famously than others. They need to be aware of the “L” and the “E” in the side columns determining in which categories of election they can vote. We will do some work to promote the need to check the register to see that the relevant letter is opposite their names to entitle them to vote.

Amendment put:

<i>The Committee divided: Tá, 72; Níl, 26; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Brady, John.</i>	
<i>Breathnach, Declan.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Collins, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Connolly, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Ellis, Dessie.</i>	
<i>Byrne, Catherine.</i>	<i>Ferris, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Funchion, Kathleen.</i>	
<i>Cahill, Jackie.</i>	<i>Healy, Seamus.</i>	
<i>Calleary, Dara.</i>	<i>Kenny, Gino.</i>	
<i>Canney, Seán.</i>	<i>Kenny, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Mitchell, Denise.</i>	
<i>Carey, Joe.</i>	<i>Munster, Imelda.</i>	
<i>Casey, Pat.</i>	<i>Murphy, Paul.</i>	
<i>Cassells, Shane.</i>	<i>O'Brien, Jonathan.</i>	
<i>Chambers, Jack.</i>	<i>O'Reilly, Louise.</i>	
<i>Collins, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Creed, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Curran, John.</i>	<i>Pringle, Thomas.</i>	
<i>D'Arcy, Michael.</i>	<i>Quinlivan, Maurice.</i>	
<i>Deasy, John.</i>	<i>Smith, Bríd.</i>	
<i>Deering, Pat.</i>	<i>Stanley, Brian.</i>	
<i>Doherty, Regina.</i>	<i>Tóibín, Peadar.</i>	
<i>Doyle, Andrew.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzmaurice, Michael.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Howlin, Brendan.</i>		

<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Catherine.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McLoughlin, Tony.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Nolan, Carol.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Eoin Ó Broin and Paul Murphy.

Amendment declared carried.

3 o'clock

Section 2 agreed to.

Dáil Éireann
NEW SECTIONS

An Ceann Comhairle: Amendments Nos. 2 and 5 are related and may be discussed together.

Deputy John Paul Phelan: I move amendment No. 2:

In page 3, between lines 18 and 19, to insert the following:

“Amendment of section 11 of Principal Act

3. Section 11 of the Principal Act is amended—

(a) in paragraph (d) of subsection (2), by the deletion of “or the United Kingdom”,

(b) in subsection (3), by the deletion of “or the United Kingdom”,

(c) by the substitution of the following subsection for subsection (4):

“(4) (a) A person who is elected under this Act to be a representative in the Parliament, and who when so elected, holds office as—

(i) the Attorney General,

(ii) the Chairman or Deputy Chairman of the Dáil or the Chairman or Deputy Chairman of the Seanad, or

(iii) a Minister of State,

shall, on such election and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, cease to hold that office.

(b) A person who pursuant to section 19 of this Act is to be regarded as having been elected to be a representative in the Parliament or when he or she commences to be so regarded holds office as—

(i) the Attorney General,

(ii) the Chairman or Deputy Chairman of the Dáil or the Chairman or Deputy Chairman of the Seanad, or

(iii) a Minister of State,

shall on being regarded as having being so elected, on the day on which he or she commences to be so regarded, and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, cease to hold that office.”,

and

(d) in subsection 4A—

(i) by the substitution of the following paragraph for paragraph (a):

“(a) A person who is elected under this Act to be a representative in the Parliament, and who, when so elected, is a member of either House of the Oireachtas, shall on such election and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, cease to be a member of the House of the Oireachtas concerned.”,

and

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) A person who pursuant to section 19 of this Act is to be regarded as having been elected to be a representative in the Parliament or when he or she commences to be so regarded, and no later than taking up his or her seat in the Parliament, on the date specified by the Parliament for the taking up of such seats, shall cease to be a member of the House of the Oireachtas concerned.”.”.

Like amendments Nos. 1 and 4, amendments Nos. 2 and 5 also remove a number of explicit references to the United Kingdom and British citizens from the European Parliament Elections Act 1997. They include amendments to section 11 and rules 88, 92 and 94 of the Second Schedule to the European Parliament Elections Act 1997 to provide contingency arrangements in the event of a delay in the withdrawal of the United Kingdom from the European Union.

The amendments to section 11(4) of the principal Act are proposed to address the timing of the application of the dual mandate provisions to certain officeholders whose holding of such offices is deemed to be incompatible with membership of the European Parliament. In particular, under section 11(4), certain prescribed officeholders must cease to hold their existing offices when they are deemed to be elected to the European Parliament. This takes place at the end of the relevant count following the election. The officeholders who may be affected are Ministers of State, Chair or Deputy Chair of the Dáil, Chair or Deputy Chair of the Seanad, Members of the Oireachtas or the Attorney General.

In a scenario where there is a delay in the withdrawal of the UK from the EU, the provisions of Article 3(2) of the European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament will apply. In practical terms, this means that two MEPs deemed to be elected out of the 13 deemed to be elected may not take up office in the European Parliament until the UK has exited the EU. Accordingly, given the uncertainty surrounding the timing of when these two MEP designates may be allowed to take up office, it is proposed to amend the Act to provide that these prescribed officeholders would not have to cease holding their existing offices until such time as they take up their seats in the European Parliament. It should be noted that the Council decision requires that the additional MEPs across the 14 member states affected would all take up their seats simultaneously when the UK's withdrawal becomes legally effective. This amendment will ensure that serving Members of the Oireachtas will not have to resign their seats until such time as they take up their seats in the new European Parliament, if they choose to stand for that election, are deemed to be elected and are one of the two MEPs designated who may not take up their seats on 2 July 2019 when the new European Parliament is constituted.

In the event of a delay in the withdrawal of the UK from the EU, it is proposed that the two Members who would not take up their seats immediately would be the last person elected in the

constituency of South and the last person elected in the constituency of Dublin. The reason for this approach is because it was these two constituencies that were allocated additional seats in the review carried out by the independent constituency committee established last year to recommend how the increased numbers of Irish MEPs and their seats, which are increasing from 11 to 13 in the next term, should be distributed between constituencies. It should be noted that in the event that the last remaining candidates in the constituencies of Dublin and South are not in a position to take up their seats due to a delay in the UK's exit from the EU, the principle of equality of representation within these two constituencies, which underpinned the recommendations of the committee established last year to review the European Parliament constituencies, would be affected for the duration of any delay. Representation in the Dublin constituency would be 449,120 people per MEP. That is a variance of plus 3.7% from the national average. Representation in South would be 472,747 persons per MEP, which is a variance of plus 9.2% from the national average. The difference between the lowest variance, which would be Midlands–North-West at minus 12%, and the highest variance in South at 9.21% would be 21.23%. While this would be the highest on record, variances of in and around 20% were recommended by the constituency committees in 1977, 1993, 1998, 2003 and 2007, respectively. However, it is unavoidable and temporary given the use of sub-national multi-seat constituencies for the holding of elections to the European Parliament in Ireland. This issue will be resolved when the UK exits the EU and that becomes legally effective.

To ascertain the last persons deemed to be elected in Dublin and South, rule 88 of the Second Schedule of the European Parliament Elections Act 1997 makes provision for the election of the last remaining candidates in a European constituency. Where a delayed withdrawal occurs, it is proposed to amend rule 88 to allow for the transfer of votes to continue for the last remaining candidates in the Dublin and South constituencies until such time as the final candidates in these constituencies are deemed to be elected. This will ensure that the last remaining candidates will each have a total number of votes that can be used to inform which candidate in each of the two constituencies will not take up his or her seat in the event that the withdrawal of the UK from the Union is deferred post the holding of elections on the last weekend in May.

The amendment to rule 92 complements the amendment to Rule 88 in that it provides that the returning officers in Dublin and South will publicly announce the order of election in respect of the last remaining candidates deemed to be elected in each of those constituencies. This will ensure that the order of election in respect of the final candidate in each of the constituencies of Dublin and South is clear and unambiguous, which will facilitate the chief returning officer in making his or her return under rule 92 of the European Parliament Elections Act on the take up of seats in those constituencies in the event that the withdrawal of the UK from the Union is deferred post the holding of elections in May.

The amendments to rule 94 will provide for the deferral of the last candidates to be elected in the Dublin and South constituencies from taking up their seats in 2019-2024 European Parliament until such time as a date for the additional seats allocated to a number of member states, including Ireland, to be taken up is established. It is proposed that the implementation of the amendments to section 11 of the European Parliament Elections Act 1997 and rules 88, 92 and 94 of the Second Schedule to that Act will be subject to a commencement order. When the timing of the UK's withdrawal from the Union is confirmed, it will become clearer whether there will be a need to implement these provisions in the Bill.

Deputy Darragh O'Brien: I suggest that the Minister of State circulates his notes because this is a crucially important amendment. The reason I say this is because it is important for

electors in these constituencies who are going to vote on 24 May to understand exactly what they are voting for and the status of the MEPs they elect. I would have thought that this was unprecedented. I understand the reason for it and I support it, but it is unprecedented and we must be very clear with the electorate when it is voting as to what it means, particularly in Dublin and South, so I would not take this for granted or have a flippant attitude towards it. A lot of work needs to be done on this.

Has work been done at EU level by the Minister of State or the Tánaiste and Minister for Foreign Affairs and Trade? What is deemed to be the delay period? The elections will take place on 24 May. If a delay to Article 50 is sought by the UK and granted by the EU that goes on after 1 July, what will happen to the fourth MEP elected in Dublin or the fifth MEP elected in South - MEP designates? I take it that if the UK leaves before 1 July, they will take up their seats as normal but if the UK does not leave on 29 March, the electorate will be voting in the European elections knowing that the people for whom it is voting will not take up their seats immediately. What period of time has the EU given for a delay to be an extensive delay? If it is over a year, does the UK then hold European elections? What is that timeframe? If an extension is sought and the UK holds European elections and puts candidates forward, I take it we will still have our elections based on 13 seats and will still have a fourth MEP in Dublin and a fifth MEP in South. That needs to be clarified because if, for argument's sake, the extension runs for a year and the UK holds European elections, will those British MEPs take their seats for that year? Do our MEPs-designate, for want of a better phrase, who are deemed elected just stay in abeyance and basically in limbo for a year? What is the timeframe? In the intervening period while Article 50 is revoked, what happens with these two MEPs? What happens if there is a second referendum?

I do not expect the Minister of State to have all the answers. I take it these MEPs are only MEPs-designate. If everything happens as we think it will happen and there is a short extension and Britain then leaves, what role will those MEPs have in the intervening period? How do we ensure the people who voted for them are not disenfranchised? Will they still have representative powers in the sense they will still be entitled to an EU office and staff, and to have their administration done from within the European Parliament? Will they be entitled to ask questions, although perhaps not on the floor of the Parliament? Will they have staff to provide administrative back-up? Will they be paid and for how long?

I fully understand the need for this. It is unfortunate and it is a consequence of Britain leaving the EU, but it is right and proper that the seats be reapportioned among member states. I would like to get under the bonnet of this because it will become part of the debate in the election campaign. We want to make sure that in Ireland South, for example, a distinction is not made between the top four MEPs elected and the fifth, and a hierarchy is not created. We have to ensure the people who elect that fifth MEP, even though the person is MEP-designate for a period, still have some representation. The same goes for my own county and city of Dublin, in that should Britain seek an extension, the question arises as to what role the MEP-designate would have in the intervening period before taking up the seat.

Deputy Eoin Ó Broin: I want to go through a number of questions in a similar vein. First, I want to go back to the question I asked regarding citizenship. I understand a passport is the most obvious example of citizenship but it is not the only one. This is quite an important point. If this Bill goes through, and if somebody is resident in the State before the European elections and they do not have a passport but have an entitlement to Irish citizenship, will they be entitled to vote? For example, what will be the position regarding someone of a Unionist persuasion

living in the South who has a British passport and does not want an Irish passport but who has the entitlement to vote? I would like the Minister of State to tease that out in practical terms.

Second, on the dual mandate, if a Member is elected and is unfortunate enough to be the final candidate elected in Dublin or Ireland South, according to the Minister of State, he or she would remain a Member of this House but he or she would also have a subsidiary status as a substitute MEP. Do we know, for example, what the European Parliament and the European Council intend to allow those substitute MEPs to have by way of remuneration, offices, attendance at Parliament and so on? I am not raising a problem with that but the more clarity we have, the better.

With respect to the treatment of the last elected candidates in Dublin and Ireland South, proportional representation is a sophisticated system and voters come to it with a sophisticated understanding of how the preferences operate. If it is a three-seater and the quota is set at X, people have an understanding and think tactically about how they vote in the context of the three people they would most like to be elected. If the quota is different in a four-seater and they can elect four people, voters think tactically about this, sometimes consciously, sometimes less so. I am not questioning the common sense logic of what the Minister of State has done because it seems to be the common sense answer to a problem none of us wants. However, from a legal point of view, for example, can the Minister of State satisfy the House that the Attorney General believes this is the most robust and legally sound way of doing this? Could we have a situation where somebody who gets the fourth seat in Ireland South or Dublin and, for example, is subject to a lengthy period of secondary status because of an extended extension of Article 50, launches a legal challenge? I am just trying to tease out the possibilities. In the event that we have an extension of Article 50 and then a second referendum - and there is increased talk of a second referendum in Britain following the recent announcement by Jeremy Corbyn - could somebody be elected, hold that secondary status for a period, and then be deemed unelected because Britain has voted to return to the EU? Could the State be subject to a legal challenge by that candidate? Have those eventualities been thought through or legally proofed with the Attorney General?

It is for us to be satisfied. If the Minister of State is asking us to support this Bill, we have to be fully satisfied that the Government has thought through and worked through all of the different possibilities. I may come back in depending on the answers to those questions.

Deputy Jan O'Sullivan: The more we go into this, the more one would want to be a learned Jesuit to figure it all out and I am certainly not a learned Jesuit, for a whole lot of different reasons. My questions are somewhat similar to the others. For the people who are in the unfortunate position of being in the cold storage seats in Dublin or in Ireland South, there is provision as to what will happen to them if they are the Attorney General, on an Oireachtas committee or a Minister, and so on. However, what about the ordinary citizen who has been working in a job and gets elected to the European Parliament and, therefore, does not have a job to return to if they have left it, or may not be able to go back to their job on a temporary basis because they might at any point become a Member of the European Parliament? Where do they stand? There is the question, which I raised on Second Stage and which Deputy Darragh O'Brien has just raised, of whether they get paid, have an office or have a job to do, even though they are not taking their seats in the Parliament. It is a question for people who are thinking of running in the European elections in either of those constituencies and we need to get as much clarity as possible. We all hope it will not come to that but it may well do, even more so if there is a second referendum in the United Kingdom, which I would like to see, as most of us would.

My second question relates to the variance to which the Minister of State referred in his contribution, that is, the 21% variance between Ireland Midlands-North-West and Ireland South, and whether there is an issue of enfranchisement for the people who live in Ireland South as opposed to those who live in Ireland Midlands-North-West. There may be a legal issue in respect of adequate representation in the European Parliament.

These are difficult questions and there is a lot of what-iffery about it. Nevertheless, if people are thinking of running in the European elections in either of those constituencies, they will have to ask themselves those questions. If they realistically do not think they are going to be in the top couple of seats - and anyone in a party like mine would not expect to be, although it might be different for Fianna Fáil and Fine Gael as they may run two or three candidates - then it is a question for people who are considering running. It is also a question for the electorate to know whether we will have the normal level of representation we would expect for our population.

An Ceann Comhairle: Perhaps the Minister of State will bring clarity to those questions.

Deputy John Paul Phelan: I will try my best, although some of them are beyond my competence. In regard to the points made by Deputy Darragh O'Brien on circulating the memorandum, I have no problem in doing that. I will ask my private secretary to circulate it to the committee membership because it is very involved. Given all of us are practising politicians, the minutiae of how elections take place, as well as being fascinating, are important and could have profound consequences.

On the question of the status of the cold storage MEPs, as we called them on Second Stage - the two in Ireland South and Dublin - that is ultimately a matter for decision by the European Parliament. We expect that, in advance of the European elections, their status will be spelled out because this is an issue in 14 member states, not just in Ireland. At the moment, no such agreement or provision has been made. It would be better if I had the final decision. I am led to believe, however, by those involved in some of these discussions at European level that we will have that position spelt out in advance of the elections to the European Parliament. Deputy O'Brien asked me how long the delay will be.

Deputy Darragh O'Brien: My question was on the timeframe.

Deputy John Paul Phelan: Wiser heads than mine do not know if there will be a delay and how long it will be. I understand the broader point he is making, however, which concerns the need not to create two categories of MEP. I do not think there is a danger of doing that. There is a difference between the Irish and European parliamentary systems. In an Irish context, representatives are elected on the day the votes are counted, while in the European Parliament, an MEP is elected the day the seat is taken up and not on the day the votes are counted. Seats will be taken up in the new European Parliament in the first week of July. Some of the points we have been making may be academic if an agreement is reached, if no agreement is reached or if a minor extension is agreed.

Deputy Darragh O'Brien: That is fine.

Deputy John Paul Phelan: There is a bigger problem if there is a longer extension. Britain will then be required to hold elections for the European Parliament. The question Deputy O'Brien raised concerning Article 50 will also then be an issue. It is arising now more in the context of a second referendum being held rather than revocation. If Article 50 is revoked and

Britain remains part of the EU, then the European Parliament would have to look again at how it would be composed. We can only deal with the recommendations of the committee we set up to look at boundaries for European and Dáil elections. That report is clear that, because of our geographically based system, we should allocate the seats in the manner suggested by the committee. The Attorney General, along with many others, has been consulted at every stage of the process. That issue was raised by Deputy Ó Broin. I may be doing the Attorney General an injustice, but this method is seen as the least worst option. I say that in the sense that it is an attempt at marrying our geographic constituency system with the prospect of having two additional seats sometime in the future.

These are completely uncharted waters. It will be a nice niche area for historians in future who may be examining when legislation such as this was considered. The Attorney General, however, is clear and the advice we have is also clear. This is the best solution for the Irish electoral system. The boundary committee that was established did not recommend a 13-seat national constituency. That might, indeed, have been a better way of overcoming the proportionality question. That would, though, involve turning our electoral system, as we have known it since the foundation of the State and indeed before that, completely on its head.

Regarding the questions raised by many of the Members, we await a decision by the European Parliament on the status of these MEPs. That includes pay, but that is only one aspect. Members have also made points regarding the ability of an MEP-designate to have an office and participate in the Parliament in some way, shape or form. That is a legitimate question but there is no clear answer yet. We expect to have one well in advance of the election. On Deputy Jan O'Sullivan's point about non-officeholders, for legislative reasons we are dealing with our existing provisions regarding the dual mandate and, in particular, in these amendments. We cannot designate for people who are privately employed. It is a legitimate issue to raise. We need to get clarity, at the level of the European Parliament and European institutions, as to the status of the cold storage MEPs.

Deputy Eoin Ó Broin: I asked a question about the citizenship issue.

Deputy John Paul Phelan: Yes, I took note of that. The registration authorities are the local authorities. One of the officials here reminded me about his elderly relative who does not have a passport. Once a person can establish that he or she has an entitlement to vote, he or she will be entitled to vote in the elections to the European Parliament. That is not dependent on having a passport. We use passports now because they are acceptable documents to prove certain entitlements.

Deputy Eoin Ó Broin: Such as birth certificates.

Deputy John Paul Phelan: Equally, however, for citizens who have never held a passport, other documents, such as birth certificates, will be accepted by the authorities and all documents will be invalid.

Deputy Darragh O'Brien: I will follow up slightly later on the Minister of State's answer to Deputy Ó Broin. It is important to establish the status of what the Minister of State called the cold storage MEPs. We might come up with a better description, such as "deemed elected MEPs". That status has not yet been decided among the 14 member states affected. Do we have any idea of a timeframe for the decision on that status? It must be done before the European elections are held. The Minister of State may have some idea as to the timeframe or what the

plans are for that agreement to be reached. It is important to know that. I will not go over the questions the Minister of State has answered as best he can. Where is the cut-off for the length of the extension granted to the UK? If the extension is longer than six months or a year, when will Britain actually have to hold European elections under the current EU treaties? Is it if the extension goes past 1 July? Must elections then be held? That is the answer I am seeking.

I am also curious about the answer the Minister of State gave to Deputy Ó Broin. The Minister of State referred to anyone with an entitlement to citizenship, but not holding it, having a right to vote. I think that is the answer the Minister of State has given and I do not think that is correct. I refer to a person with an entitlement to vote or an entitlement to citizenship. Taking what we are doing in this Bill as an example, let us consider a British citizen who has lived in Ireland for more than five years or is married to an Irish citizen. That person would have an entitlement to apply for citizenship. The Minister of State's answer is, however, incorrect because that person would not have an entitlement to vote. Even though a person may have an entitlement to citizenship, that does not mean that he or she actually has citizenship. I do not think the example of someone having a passport is relevant in this context. That is a separate issue and different from an Irish citizen who has a vote but not a passport. I would like the Minister of State to clarify that issue. The answer he gave suggests to me that a British citizen or subject who has been living here for more than five years or is married to an Irish citizen is, by extension, allowed to vote, even though he or she has not applied for Irish citizenship and, through that, European citizenship.

Deputy Eoin Ó Broin: I will follow up on Deputy O'Brien's point for clarity. I think we are talking about two different groups of people, but we need clarity on both. As I understand it, several categories of people have an automatic entitlement to citizenship. They include people born on the island of Ireland before 2004-----

Deputy Darragh O'Brien: That is correct

Deputy Eoin Ó Broin: -----people with relatives and people who may be British citizens but who are from the North of Ireland. They do not have to apply for naturalisation. They just have to apply for the passport. I take it the Minister of State's answer was in respect of that category. Will he confirm that is the case? On the other hand, Deputy O'Brien is referring to a category of people who do not have an automatic entitlement as a result of marriage or length of time living in the country. Those people can apply for naturalisation. I would welcome clarification from the Minister of State on this issue, because it is important.

Deputy John Paul Phelan: We have already asked the European Parliament and European institutions about when that information will be available. It will be after the European Council meeting on 22 March and 23 March. That is the possible timeframe but nothing is definitive yet. The language concerning citizenship is archaic and unusual. The phrase used is "the right to assert citizenship". I did not mention citizenship specifically, because that would bring us back to the passports and other documents. If a person can assert his or her citizenship, and not his or her right to citizenship, then that person is entitled to vote. That is the best answer I have for that question.

Deputy Darragh O'Brien: That is fine.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 3:

In page 3, between lines 18 and 19, to insert the following:

“Amendment of section 15 of Principal Act

3. Section 15 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) Subject to subsection (4), an area specified in the Third Schedule shall be taken to be that area as constituted on 1 September 2018.”,

and

(b) by the insertion of the following subsection after subsection (3):

“(4) Sections 28 and 29 of the Local Government Act 2019 shall apply for the purposes of the holding of European elections in the year 2019 as they apply for the purposes of the holding of local elections in that year, subject to the following modifications in section 28—

(a) by the substitution of ‘European’ for ‘local government’ in paragraph (b) of subsection (1),

(b) by the substitution of ‘European’ for ‘local government’ in subsection (2), and

(c) by the substitution of [‘this Act’ for ‘Part 4 of the Principal Act’ in subsection (3).”.”.

The purpose of this amendment is to replace the existing section 3 with a revised version that includes additional provisions in respect of the holding of elections in Cork. These provisions are necessary due to the boundary change between the city and the county. We may have thought we were finished with that matter.

Deputy Darragh O’Brien: We are very lucky that Galway was not included.

Deputy John Paul Phelan: For the purposes of holding elections to the European Parliament later this year, the cities and counties listed in the Third Schedule should be those that were in existence on 1 September 2018, when the European Parliament constituency committee was completing its report. The Local Government Act 2019, which was enacted on 31 January last, subsequently provided for a significant extension to the boundary of Cork city. While the overall outcome of the European Parliament election in the South constituency will not be affected by this change, the European Parliament elections in Ireland are administered by local authorities based within the wider European Parliament constituency and are jointly held with the local elections. The Cork city sheriff is the local returning officer for the city, while the county sheriff is the local returning officer for County Cork. For the purposes of the efficient administration of the elections, it is considered necessary to make provision for the changes to the boundary between Cork city and county.

Amendment agreed to.

Section 3 deleted.

SECTION 4

Deputy John Paul Phelan: I move amendment No. 4:

In page 3, after line 27, to insert the following:

“(i) by the substitution of the following subparagraph for subparagraph (c) of paragraph (1):

“(c) a form of statement indicating whether the candidate is—

(i) a citizen of Ireland, or

(ii) a national of a Member State, other than the State, and”.”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 5:

In page 5, to delete lines 12 to 19 and substitute the following:

“(c) in rule 6, by the deletion in paragraph (1), of “or the United Kingdom”,

(d) in rule 10—

(i) in paragraph (2), by the deletion of “or the United Kingdom”, and

(ii) in paragraph (3), by the deletion of “or a British citizen”,

(e) in rule 18, by the substitution of the following subparagraph for subparagraph (b) of paragraph (1):

“(b) a form of statement indicating whether a person nominated by entry thereon as a replacement candidate is—

(i) a citizen of Ireland, or

(ii) a national of a Member State other than the State,

and”,

(f) in rule 19, by the deletion in paragraph (2), of “or the United Kingdom”,

(g) in rule 50, by the substitution of the following subparagraph for subparagraph (d) of paragraph (2):

“(d) the name of each candidate’s political party, if any, or, if appropriate, the expression ‘Non-Party’ shall be printed in large capitals, and the name of each candidate’s political group or European political party, if any, shall be printed in ordinary characters.”,

(h) in rule 88—

(i) in paragraph (1), by the substitution of “Subject to paragraph (4), when” for “When”,

(ii) in paragraph (1A), by the substitution of “Subject to paragraph (4), when” for “When”, and

(iii) by the insertion of the following paragraphs after paragraph (3):

“(4) For the purpose of the European elections held in the year 2019—

(a) paragraph (1A) shall not apply in the constituencies of Dublin and South as specified in the Third Schedule, and

(b) subject to paragraph (5), when all vacancies have been filled in the constituencies of Dublin and South as specified in the Third Schedule, the order in which candidates are deemed to be elected in each such constituency shall be—

(i) where a candidate is deemed to be elected at the end of a count, that candidate shall be deemed to be elected before a candidate deemed to be elected at a subsequent count,

(ii) where two or more candidates are deemed to be elected at the end of a count, the candidate with the greater number of votes credited at the end of that count shall be deemed to be elected before a candidate with a lower number of votes credited at the end of that count.

(5) If, at the end of a count, two or more candidates in the constituencies of Dublin and South as specified in the Third Schedule have each the same number of votes—

(a) regard shall be had to the number of original votes credited to each candidate, and the candidate with a greater number of original votes shall be deemed to be elected before a candidate with a lower number of original votes credited,

(b) where the numbers of the original votes are equal, regard shall be had to the total numbers of votes credited to each candidate at the first count at which they had an unequal number of votes and the candidate with a greater number of votes credited at that count shall be deemed to be elected before a candidate with a lower number of votes credited at that count, or

(c) where the numbers of votes credited to each candidate is equal at all counts, the returning officer shall determine by lot the order in which the candidates are deemed to be elected.

(6) In this rule and without prejudice to rule 82, “determine by lot” means determine in accordance with the following directions, namely, the names of each candidate concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, each candidate shall be deemed to be elected in the order in which his or her name is drawn.”,

(i) in rule 92, by the insertion of the following paragraph after paragraph (3):

“(4) Notwithstanding paragraph (3), for the purpose of the European elections held in the year 2019, the returning officer for the constituency of Dublin and the returning officer for the constituency of South shall give public notice of the last candidate deemed to be elected, in accordance with rule 88, in each said constituency. The returning officer for the constituency of Dublin and the returning officer for the constituency of South shall send a copy of the said notice to the Minister, the chief returning officer, Clerk of the Dáil (or, where he or she is unable through illness, absence or other cause to fulfil his or her duties or where there is a vacancy in the office of Clerk of Dáil Éireann, the Clerk-Assistant of Dáil Éireann) and to each person elected.”,

(j) the substitution of the following rule for rule 94:

“94. (1) The chief returning officer shall, as soon as may be after receipt of the return referred to in rule 92 from each returning officer, make a return, in the form directed by the Minister, to the Parliament of the persons elected in the State to be representatives in the Parliament.

(2) For the purpose of the European elections held in the year 2019, the return made by the chief returning officer under paragraph (1) shall declare that the last candidate deemed to be elected, as set out in the public notice given in accordance with rule 92, in each of the constituencies of Dublin and South as specified in the Third Schedule, shall not take up their seats in the European Parliament until such time as a date has been specified by the Parliament for the taking up of such seats.”,

and

(k) in rule 96, by the deletion in subparagraph (bb) of paragraph (1), of “or the United Kingdom”.”.

Amendment agreed to.

Section 4, as amended, agreed to.

SECTION 5

An Ceann Comhairle: Amendments Nos. 6 to 8, inclusive, are out of order.

Amendments Nos. 6 to 8, inclusive, not moved.

Question proposed: “That section 5 stand part of the Bill.”

Deputy Eoin Ó Broin: I am opposing this section.

Question put:

<i>The Committee divided: Tá, 66; Níl, 25; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	<i>Murphy, Paul.</i>
<i>Breathnach, Declan.</i>	<i>Brady, John.</i>	
<i>Brophy, Colm.</i>	<i>Broughan, Thomas P.</i>	
<i>Bruton, Richard.</i>	<i>Buckley, Pat.</i>	

<i>Burke, Peter.</i>	<i>Collins, Joan.</i>	
<i>Byrne, Catherine.</i>	<i>Connolly, Catherine.</i>	
<i>Byrne, Thomas.</i>	<i>Cullinane, David.</i>	
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Funchion, Kathleen.</i>	
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>	
<i>Casey, Pat.</i>	<i>Kenny, Gino.</i>	
<i>Cassells, Shane.</i>	<i>Kenny, Martin.</i>	
<i>Chambers, Jack.</i>	<i>Mitchell, Denise.</i>	
<i>Chambers, Lisa.</i>	<i>Munster, Imelda.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>O'Brien, Jonathan.</i>	
<i>Creed, Michael.</i>	<i>O'Reilly, Louise.</i>	
<i>Curran, John.</i>	<i>O'Sullivan, Maureen.</i>	
<i>D'Arcy, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>Deering, Pat.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Doherty, Regina.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Donohoe, Paschal.</i>	<i>Quinlivan, Maurice.</i>	
<i>Doyle, Andrew.</i>	<i>Smith, Bríd.</i>	
<i>Durkan, Bernard J.</i>	<i>Stanley, Brian.</i>	
<i>English, Damien.</i>	<i>Tóibín, Peadar.</i>	
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzmaurice, Michael.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McLoughlin, Tony.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Catherine.</i>		

<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbinette, Anne.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		

Tellers: Tá, Deputies Tony McLoughlin and Seán Kyne; Níl, Deputies Eoin Ó Broin and Aengus Ó Snodaigh.

Question declared carried.

Section 6 agreed to.

NEW SECTION

Deputy John Paul Phelan: I move amendment No. 9:

In page 6, between lines 22 and 23, to insert the following:

“Short title, collective citations, construction and commencement

7. (1) This Act may be cited as the European Parliament Elections (Amendment) Act 2019.

(2) The European Parliament Elections Acts 1992 to 2014 and this Act (other than *section 6*) may be cited together as the European Parliament Elections Acts 1992 to 2019 and shall be construed together as one.

(3) The Electoral Acts 1992 to 2018 and *section 6* may be cited together as the Electoral Acts 1992 to 2019 and shall be construed together as one.

(4) This Act shall come into operation on such day or days as the Minister for Housing, Planning and Local Government may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so ap-

pointed for different purposes or different provisions.”.

This amendment introduces a commencement provision by way of a new sub-section (4) to provide for different commencement dates for the Bill’s provisions should the need arise. This provision is being proposed given the contingency provisions in the Bill, which relate to the impact of any delay in the withdrawal of the United Kingdom from the European Union. In the event that the UK legally withdraws from the Union on 29 March, irrespective of whether a withdrawal agreement is or is not in place, all 13 seats allocated to Ireland under the Council decision will be filled-----

An Ceann Comhairle: I am sorry, Minister. Will Members show the Minister of State respect by keeping silence in the Chamber, please?

Deputy John Paul Phelan: All 13 seats allocated to Ireland will be filled following the European elections if the United Kingdom leaves the European Union, either with or without a deal, on 29 March next. In this scenario, the amendments to the detailed count and notification rules will not require implementation.

In addition, the amendments to section 11 of the European Parliament Act 1997 in respect of the prohibition of the holding of dual mandate for certain officeholders, that is, Members of the Oireachtas and those others outlined, would no longer need to be implemented. Accordingly, the enactment of these provisions will be subject to a commencement order should the need arise when the position becomes clearer.

Amendment agreed to.

Section 7 deleted.

Title agreed to.

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

Deputy John Paul Phelan: Now.

An Ceann Comhairle: Is that agreed?

Deputy Eoin Ó Broin: It is not agreed.

4 o'clock

Question put: “That Report Stage be taken now.”

<i>The Dáil divided: Tá, 61; Níl, 25; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Breathnach, Declan.</i>	<i>Brady, John.</i>	
<i>Brophy, Colm.</i>	<i>Broughan, Thomas P.</i>	
<i>Bruton, Richard.</i>	<i>Buckley, Pat.</i>	

<i>Byrne, Catherine.</i>	<i>Collins, Joan.</i>	
<i>Byrne, Thomas.</i>	<i>Cullinane, David.</i>	
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Funchion, Kathleen.</i>	
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>	
<i>Casey, Pat.</i>	<i>Howlin, Brendan.</i>	
<i>Cassells, Shane.</i>	<i>Kenny, Gino.</i>	
<i>Chambers, Jack.</i>	<i>Kenny, Martin.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Mitchell, Denise.</i>	
<i>Creed, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Curran, John.</i>	<i>Murphy, Catherine.</i>	
<i>D'Arcy, Michael.</i>	<i>Murphy, Paul.</i>	
<i>Deering, Pat.</i>	<i>O'Reilly, Louise.</i>	
<i>Doherty, Regina.</i>	<i>O'Sullivan, Jan.</i>	
<i>Donohoe, Paschal.</i>	<i>Ó Broin, Eoin.</i>	
<i>Doyle, Andrew.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Durkan, Bernard J.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>English, Damien.</i>	<i>Quinlivan, Maurice.</i>	
<i>Farrell, Alan.</i>	<i>Smith, Bríd.</i>	
<i>Fitzgerald, Frances.</i>	<i>Stanley, Brian.</i>	
<i>Fitzmaurice, Michael.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McLoughlin, Tony.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		

<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		

Tellers: Tá, Deputies Tony McLoughlin and Seán Kyne; Níl, Deputies Eoin Ó Broin and Aengus Ó Snodaigh.

Question declared carried.

Bill received for final consideration and passed.

An Ceann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

Criminal Law (Extraterritorial Jurisdiction) Bill 2018 [Seanad]: Order for Report Stage

Minister for Justice and Equality (Deputy Charles Flanagan): I move: "That Report Stage be taken now."

Question put and agreed to.

Criminal Law (Extraterritorial Jurisdiction) Bill 2018 [Seanad]: Report and Final Stages

An Ceann Comhairle: No amendments have been tabled.

Bill received for final consideration and passed.

An Ceann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann 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 Éamon Ó Cuív - to discuss the recent report on Traveller halting sites and group housing in Galway city and county; (2) Deputies Joan Collins, Thomas P. Broughan, Thomas Pringle, Caoimhghín Ó Caoláin and Mick Barry - to discuss the industrial action in the ambulance service; (3) Deputy Fergus O'Dowd - to ask the Minister to outline the emergency resources that will be made available to An Garda Síochána in Drogheda following the attempted murder in the M1 retail park in Drogheda yesterday and to ask the Minister to make a statement on the matter; (4) Deputy Jackie Cahill - to ask the Minister for Communications, Climate Action and Environment to justify the proposed changes of location, either permanent or temporary, for Thurles post office, which is currently situated on Liberty Square in Thurles, County Tipperary; (5) Deputy Noel Rock - to discuss an update on legislation for regulations on electric scooters; (6) Deputy Martin Ferris - to discuss the shortage of respite and step down beds in Kerry; (7) Deputy Bernard J. Durkan - to raise with the Minister for Transport, Tourism and Sport, pursuant to relevant standing order, the action or actions that can and will be taken to accelerate the upgrading of the M4 and the respective interchanges at Maynooth and Celbridge, all of which have insufficient capacity to meet current or expected traffic volumes, and to ask if the Minister will make a statement; and (8) Deputy Brian Stanley - to discuss the progress toward a final decision on the national broadband plan tender.

The matters raised by Deputies Ó Cuív and Joan Collins, Broughan, Pringle, Ó Caoláin and Barry have been selected for discussion.

Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019: Second Stage (Resumed)

Question again proposed: "That the Bill be now read a Second Time."

An Ceann Comhairle: Deputy Ó Cuív was in possession. As he is not in the House, I call Deputy Ó Snodaigh.

Deputy Aengus Ó Snodaigh: Tá an reachtaíocht lena bhfuilimid ag déileáil rithábachtach ar bhealach amháin, ach ar bhealach eile tá súil againn nach mbeidh sé tábhachtach nuair a thagann athrú poirt ar Rialtas Shasana. Tá sé an-tábhachtach go ndéanfaimid déileáil leis an mBille seo agus leis na féidearthachtaí a bheidh ann má tharlaíonn an Breatimeacht ar an 29 Márta seo chugainn. Tá sé ceart agus cuí go bhfuil pleanáil á dhéanamh againn maidir leis an mBreatimeacht. Nuair a bhíomar ag tnúth leis an mBille seo, dúradh linn gur Bille omnibus a bheadh i gceist. Tá go leor Billí a bhí i bhfad níos mó ná 69 leathanach feicthe agam thar na blianta. Dúradh linn go mbeadh 1,000 leathanach i gceist. Tá an t-ádh linn, i slí amháin, nach bhfuil 1,000 leathanach ann.

Cé go bhfuil fadhb agam leis an moladh sa Bhille seo a lán cumhachtaí a thabhairt d'Airí difriúla cinntí a dhéanamh ar ár son i gcrúachas na héigeandála a bheidh ann má imíonn an Bhreatain as an Aontas Eorpach gan conradh nó deal a bheith déanta, is dóigh liom go bhfuil sé tábhachtach go ndéanfaimid an reachtaíocht seo a rith. Measaim nach bhfuil sé iomlán fairfe.

Ba chóir go mbeadh i bhfad níos mó sa Bhille. Maidir leis na cumhachtaí atá le bronnadh ar Airí amach anseo, níl mé sásta nach mbeidh na hAirí sin freagrach don Dáil as na cinntí a nglacfaidh siad más rud é go bhfuil fadhbanna ann. Tá na cumhachtaí sin liostaithe sa reachtaíocht. Ó thaobh cúrsaí sláinte, mar shampla, tá sé ráite sa Bhille gur féidir leis an Aire “with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make such order or orders as he or she considers necessary to continue in being or carry out any reciprocal or other arrangements in relation to health services” agus leanann sé ar aghaidh mar sin. Ní dóigh liom go bhfuil éinne i gcoinne na forála sin, ach is dóigh liom go bhfuil fadhb i gceist má táthar ag tabhairt cumhachtaí d’Aire nach mbeadh ag an Aire sin ag aon am eile seachas am éigeandála. Cé go nglacaimid leis go bhfuil éigeandáil i gceist, ba cheart go mbeadh srian leis na cumhachtaí seo.

Ba mhaith liom cásanna éigeandála eile a lua. Mar shampla, tagann rún maidir leis an Offences against the State (Amendment) Act 1998 os comhair an Oireachtais gach bliain. Dhein muid cinnte de go raibh ar an Aire teacht ar ais os comhair an Oireachtais chuile bliain, ar a laghad. Tugann sé sin deis dúinn a chinntiú nach bhfuil mí-úsáid á bhaint as an gcumhacht éigeandála atá i gceist sa chás sin. Bhí cumhachtaí éigeandála eile i gceist nuair a theip ar gheilleagar na tíre seo. Ag an am sin, dhein muid cinnte de go raibh bealaí áirithe istigh sa reachtaíocht chun an t-ábhar a chur ar ais chuig an Teach seo. Bhí sórt oversight ag an Dáil, nó ag coiste Oireachtais, ar úsáid na cumhachtaí sin ionas nach mbeadh mí-úsáid i gceist, nó fiú nach mbeadh bealach eile timpeall ar na cumhachtaí sin.

Is í an fhadhb is mó ná go bhfuilimid ag pleanáil i gcomhair rud atáimid ag súil nach dtarlóidh sé. Cé go bhfuil sé ceart agus cuí a leithéid a dhéanamh, tá gá ann maoirseacht dhaonlathach éigin a bheith ar chinntí na hAirí. Ní Aire amháin a bheidh i gceist. Tá an tAire Sláinte luaite agam, ach measaim go ndéanann an reachtaíocht seo tagairt do sheisear Airí gur féidir leo cinntí a ghlacadh gan aon fhreagracht, nó aon dualgas orthu teacht at ais chuig Tithe an Oireachtais. Tá dualgais orthu, dar ndóigh, as na cinntí a ghlacann siad. Caithfidh siad an fhreagracht sin a bheith acu i dtús báire mar chuid den Rialtas. Is féidir linn iad a cheistiú anseo, ach ní gá dóibh tacaíocht na Dála a fháil agus iad ag iarraidh cloí leis na cinntí sin. Faoi láthair, mar shampla, tá cinntí á nglacadh ag an Rialtas gan tacaíocht ó thromlach na Dála. Tugann an struchtúr atá ag an Dáil i láthair na huaire deis don Rialtas leanúint leis an gcur chuige sin.

Is dóigh liom gur cheart dúinn athruithe a dhéanamh sa chomhthéacs seo. Beimid ag déileáil leis an gceist sin an tseachtain seo chugainn. Ba cheart dúinn a chinntiú go bhfuil bealach éigin ann tuairisciú ar ais a eagrú. B’fhéidir gur chóir go mbeadh ar an Dáil tacaíocht a thabhairt do na cinntí seo i bhfoirm rúin nó a leithéid - roimh ré, más féidir, nó ina dhiaidh muna féidir é sin a dhéanamh i gcás éigeandála. I roinnt cásanna, ní aithneoidh muidne cuid de na fadhbanna a thiocfaidh chun cinn tar éis na Breatimeachta go dtí go dtarlaíonn siad. B’fhéidir nach mbeidh aitheantas á thabhairt do cheadúnas éigin nó ceadúnas eile. Fiú an tseachtain seo, tá sé feicthe againn go bhfuil gá le mionathruithe ón Rialtas chun déileáil le ceisteanna a ardaítear. Nuair atá an reachtaíocht seo á phlé againn ar Chéim an Choiste an tseachtain seo chugainn, b’fhéidir go mbeidh ceisteanna eile tar éis teacht chun solais. B’fhéidir go mbeidh orainn aitheantas a thabhairt d’eagras, do cháilíocht nó do riail éigin sa Bhille seo. B’fhéidir go mbeidh orainn teacht ar ais le Bille eile go luath tar éis an 29 Márta chun na poill atá fágtha sa reachtaíocht seo a líonadh agus cosaint éigin a thabhairt.

Sa deireadh thiar thall, tá sé i gceist againn anseo cosaint a thabhairt do shaoránaigh na hÉireann, go háirithe, agus do gheilleagar na hÉireann, agus a chinntiú nach mbeidh dochar déanta dóibh. Ní ceart go gcuirfear srianta nó bacanna roimh na mic léinn agus na tiománaithe

atá ag taisteal Thuaidh-Theas, nó ag bogadh ó chuid amháin den oileán go dtí cuid eile, nó fiú trasna na hoileáin. Tá sé i gceist againn aitheantas breise a thabhairt don chomhlimistéar taistil, atá aitheanta againn ó na 1920í ar aghaidh. Ba cheart go mbeadh breis seasamh ag an gcomhlimistéar sin ar aon leis na rialacha eile atá i bhfeidhm idir an dá thír le fada an lá, fiú roimh an Aontas Eorpach. Tá sé aitheanta againn go bhfuil sé riachtanach go mbeadh ceangal nó buntáiste ann dúinn thar an Aontas Eorpach. Tá an saol athruithe ó déanadh roinnt de na cinntí éagsúla i dtaobh na gconarthaí idir an dá stát ar an dá oileán. Toisc gur ghlac muid ballraíocht san Aontas Eorpach, táimid ag brath ar rialacháin nó directives a thagann ón Aontas, ach nach bhfuil cosaint dhleathach acu ó thaobh Éire agus Sasana toisc go bhfuil Sasana ag imeacht, má imíonn siad. Is gá dúinn an chosaint sin a chur ar fáil ar bhealach amháin nó bealach eile.

Níor labhair mé mórán faoin mBreatimeacht go dtí seo. Nuair a bhí mé ag caint le duine thar an deireadh seachtaine, dúirt sé liom go bhfuil sé ceart go leor bheith ag caint faoin mBreatimeacht, ach caithfear a thuiscint gurb é an leigheas ar fhadhb an Bhreatimeachta ná an Sasimeacht. Aontaím leis a mhéid a bhí le rá aige. Ba cheart dúinn féachaint ar conas bogadh ar aghaidh. Don chéad uair i mo shaol polaitíochta, toisc an Breatimeacht tá daoine ag caint faoi leigheas na críochdheighilte in Éirinn. Tá siad ag teacht ar an tuairim a bhí agam i gcónaí - gur chóir go mbeadh Sasimeacht. Bheadh sé i bhfad níos éasca dá mbeadh sé sin tar éis tarlú, mar bheadh leigheas éigin ar a lán de na ceisteanna atá ag déanamh tinnis dúinne sa Bhille seo. Ní leigheasfadh sé gach fadhb - fós bheadh ar na trucks agus a leithéid ag dul trí Shasana toisc nach bhfuil an B&I, mar shampla, againn. Níl ár longa farantóireachta féin againn mar Stát. Tá an cuma air nach bhfuilimid tar éis bheith gafa le haon chuid den chaimiléireacht atá ag tarlú i Sasana maidir le longa farantóireachta. Ní féidir le roinnt de na calafoirt sa tír sin glacadh le longa móra. Tá siad tar éis deontais móra a fháil chun longa farantóireachta a ghlacadh. Tá daoine éigin i Sasana chun tairbhe a bhaint as seo. Is í an fhadhb atá againn in Éirinn ná nach bhfuilimid tar éis na pleanála sin a dhéanamh. Níl an t-airgead againn, agus anois tá an cuma ar an scéal nach bhfuil an t-am againn.

Nuair atá leoraithe lastais ag dul go dtí an Eoraip, caithfidh siad dul trí Shasana don chuid is mó. Measaim go mbeidh fadhbanna againn amach anseo. Ba chóir dúinn i bhfad níos mó a dhéanamh le díriú isteach ar conas is féidir linn ceangail níos fearr a dhéanamh dóibh siúd atá ag scaipeadh earraí timpeall na hEorpa. Ba cheart go mbeidís in ann na hearraí sin a thógáil chuig an margadh chomh tapa agus is féidir, agus chomh saor agus is féidir. Ní cheart go mbeadh bacanna orthu má éiríonn fadhbanna idir Shasana agus an chuid eile den Aontas Eorpach ag Dover nó aon chalafort eile amach anseo. Cé nach ngoileann fadhbanna bunúsacha den tsórt seo ar an gcuid is mó den phobal faoi láthair, goilfidh siad orthu an-tapa má thosaíonn praghsanna na n-earraí ag ardú amach anseo, nó muna bhfuil tús áite á fháil againn ar mhargaí na hEorpa san am atá amach romhainn, toisc go bhfuil moill ar ár n-earraí a sroicheadh na Mór-Roinne.

Ardaíonn an Bille seo roinnt ceisteanna eile maidir leis an gcóras leasa sóisialta agus an cód cánachais. Tá a lán eile sa reachtaíocht. Bhí mé ag lorg cruinnithe leis an Aire Cultúir, Oidhreacht agus Gaeltachta chun féachaint ar impleachtaí an Bhreatimeachta don Roinn sin. Cé gur mhínigh an tAire Stáit, an Teachta Kyne, dúinn nach bhfuil mórán impleachtaí ag an mBreatimeacht don Roinn, níl mé cinnte gurb í sin an fhírinne. B'fhéidir gur cheart dúinn filleadh ar an gceist sin. Cén stádas a bheidh ag na EU directives, ar nós an habitats directive, nach stopann ag an Teorainn? Ós rud é go bhfuil an Bhreatain ag imeacht, beidh stop reachtúil ann seachas stop sa timpeallacht. Leanann an timpeallacht trasna na Teorann. Is cuma leis na héin cá bhfuil an Teorainn. Ní aithníonn siad aon teorainn. Ní aithníonn na crainn nó - go minic - na feirmeacha an Teorainn. Má tá dhá réimeas dhifriúla ar an oileán seo, cruthófar fadhbanna

amach anseo ní hamháin ó thaobh na timpeallachta ach freisin ó thaobh coinníollacha oibre, pá agus ceisteanna eile a dhéanann tinneas dúinn.

Mar phoblachtánach, tagann ceist na Teorann chun cinn sa chomhthéacs seo. Tá roinnt de mo chomhghleacaithe tar éis na ceiste sin a ardú. Is cuimhin liom stair na Teorann. Is cuimhin liom an tionchar ar fad a bhí ag Teorainn Shasana ar phobal an cheantair go háirithe, agus ar an oileán seo i gcoitinne. Bhí cead againn dul thar an Teorainn ag na ghnátháiteanna ina raibh bacanna móra curtha suas ag arm Shasana, mar shampla in Iúr Cinn Trá. Dhein daoine cliste a bhí ag iarraidh dul sa seans, agus nach raibh ag iarraidh suí i scuaine in Iúr Cinn Trá ar feadh uair an chloig, iarracht dul thar an Teorainn ar unapproved road. Bhí a lán bóithre den tsórt sin ann. Is cuimhin liom freisin tréimhse sna 1980í nuair a dhein an gnáthphobal iarracht teacht timpeall ar a lán de na háiteanna ina raibh arm Shasana tar éis blockages a chur trasna na mbóithre, poill a chur sna bóithre nó na droichid a phléascadh díreach chun an Teorainn a chur i luí i gceart i measc an phobail.

Is cuimhin liom na border-busters a bhí ann ag an am. Fágadh daoine Baile Átha Cliath ar bhus gach uile deireadh seachtaine. Théidís dul suas go dtí an Teorainn lena gcuid sluaisaid agus a leithéid. Bheadh JCB ann chun bóthar a thógáil timpeall an bac. Taispeánann sé sin cé chomh mór is a bhí ghnáthphobal an cheantair ag iarraidh teacht timpeall ar an Teorainn chun a gcuid oibre laethúil a dhéanamh, mar shampla mar fheirmeoirí. Ní raibh na bóithre seo oiriúnach do trucks, busanna nó a leithéid. Bhí gnáthdhaoine ag iarraidh beithigh a thógáil ó thaobh amháin den Teorainn go dtí an taobh eile. Bhí siad ag dul go dtí an margadh. Bhí sé mar bhuntáiste i gComhaontú Aoine an Chéasta gur cuireadh deireadh lena lán de na bacanna sin. Measaim go bhfuil breis is 300 bealach trasna na Teorann idir an Stát seo agus an stát sa Tuaisceart anois. Léiríonn sé sin go bhfuil sé beagnach dodhéanta teorainn a bheith idir an dá stát ar an oileán seo. Ba chóir dúinn ár ndícheall a dhéanamh a chinntiú nach dtiocfaidh sé sin ar ais arís.

Léiríonn scéal na border-busters cé chomh díograiseach is a bhí na daoine. I mo thuairim, bheidís gach cuid chomh daingnithe amach anseo. Tá gnáthphobal na gceantar agus na gcontaetha atá gafa leis an Teorainn tiomanta nach rachfaimid riamh ar ais go dtí an tslí a raibh an Teorainn sna 1980í agus na 1990í, go háirithe. Is é sin an fáth go bhfuil formhór na ndaoine ag impí go huile is go hiomlán ar Rialtas Shasana na haitheantais agus na cosanta cuí a thabhairt do Chomhaontú Aoine an Chéasta agus na forálacha sa Chomhaontú a bhain na bacanna ó cheantar na Teorann, agus gan glacadh le haon Breatimeacht a chuireann Comhaontú Aoine an Chéasta, agus an mhéid a tháinig as, i ndainséar. Má théann Rialtas Shasana thíos an treo sin, cuirfidh siad leis an Sasimeacht agus leis an éileamh atá ann an tír seo a aontú arís. I mo thuairim, ba chóir go mbeimid ag díriú isteach ar cheist na hathaontaithe pé scéal é. Ní cóir go mbeimid ag díriú isteach uirthi toisc go bhfuil an Breatimeacht ag tarlú - ba cheart dúinn díriú isteach uirthi ar bhonn difriúil ar fad - ach déanfaimid é sin más gá.

Ba mhaith liom ceist mhór a lua nár chuala mé go leor trácht uirthi go dtí seo. Glacaim leis go bhfuil na hAirí, na hoifigigh agus na Státseirbhísigh ag déileáil leis go ciúin. Má tharlaíonn an Breatimeacht agus an éigeandáil lena bhfuilimid ag déileáil sa reachtaíocht seo, an bhfuil ciste ann chun cúiteamh nó cuidiú a thabhairt do ghnáthfheirmeoirí, do ghnáththionscnaimh agus do ghnáthphobail na tíre seo a bheidh thíos leis? Muna bhfuil an tAontas Eorpach sásta cuidiú linn ar bhealach amháin nó bealach eile, beidh muidne thíos leis agus beimid ar ais san áit ina rabhamar deich mbliana ó shin nó b'fhéidir níos faide siar. Ba cheart go mbainfidh an chéad díospóireacht eile a bheidh againn leis an gcaoi inar féidir linn. Nílim ag rá go mbeimid spleách ar an Eoraip go dtí deireadh an domhain, ach go mbeimid spleách orthu muna bhfuil

aon bhealach amach againn. Sa chás seo, agus an tóin ag titim as an margadh orainn muna féidir linn lastas agus earraí a thógáil go dtí an margadh, tá seans ann go gcuirfidh bacanna agus rialacha an Aontais Eorpaigh isteach orainn. B'fhéidir go mbeidh srian ar mhic léinn agus a leithéid amach anseo.

Táimid ag fáil cúiteamh faoi láthair. Tá cúiteamh ann tríd an globalisation fund má dhúnann ionad sa Stát seo toisc go bhfuil an comhlacht ag bogadh go dtí áit éigin eile san Aontas Eorpach. I gcás mar sin, is féidir leis an Stát airgead a lorg chun oideachas a thabhairt do na gnáthoibrithe agus cuidiú leo poist eile a fháil. Is dóigh liom go bhfuil a leithéid de globalisation fund na hEorpa ag teastáil sa chomhthéacs seo. Nílím ag rá go mbeadh deontais ar fáil go huathoibríoch, ach go mbeadh bealach éigin ann teacht ar airgead éigin chun cuidiú leis na háiteanna iargúlta, sa chuid is mó, atá i gceist anseo. Nílím ag caint faoi Bhaile Átha Cliath. Beidh daoine le monarchana beaga i gContae Liatroma, i dTír Chonaill nó fiú thíos i gCiarraí atá ag brath ar mhargadh an Aontais Eorpaigh, nó fiú ar mhargadh Shasana, thíos leis má theipeann ar sterling. Muna féidir leo an margadh a shroichint, beidh siad thíos leis. Measaim go gcaithfidh an tAontas Eorpach seasamh isteach. Ba cheart dúinn tosú ag féachaint ar an gceist sin agus déileáil leis anois.

Minister of State at the Department of Rural and Community Development (Deputy Seán Canney): I compliment Deputy Ó Snodaigh on the way he spoke the native language. I was enthralled by how well he was able to do so without pausing. Well done.

Deputy Aengus Ó Snodaigh: Go raibh maith agat.

Deputy Seán Canney: I am pleased to be contributing to the debate on this essential legislation. It is groundbreaking that we have to introduce such legislation because of the decisions of others. It is vital that we put in place a contingency plan for the possibility of the United Kingdom crashing out of the European Union without a deal. Our preferred option is to have a managed and agreed Brexit. Even with an agreed Brexit, however, the exact consequences of Britain leaving the European Union are still a matter of concern. I am pleased, however, that the Irish Government has prepared for all eventualities. The Bill bears testament to that. A considerable amount of work has gone into it. While it is complex, I appeal to all Dáil colleagues to get behind it. The time is here for us all to wear the green jersey.

In Britain, the ground continues to shift regarding the direction Brexit will take. In many respects, we are spectators as the drama unfolds. While divisions are clear in the United Kingdom, the European Union has shown a united front during the negotiations. Members have reinforced the position that the fundamentals of the backstop are beyond amendment. The backstop is a mechanism that the Irish Government hopes will never be used, and we can only hope the upcoming votes in the UK Houses of Parliament will lead to an agreed deal rather than a disorderly departure.

With regard to my responsibilities, I am satisfied that all that can be done in the Department of Rural and Community Development and the Department of Communications, Climate Action and Environment has been done. In particular, the Department of Rural and Community Development has funded programmes and schemes that are vital in supporting urban and rural communities in managing the impact of Brexit. Uncertainty and the potential impact on local economies and communities reinforce the importance of building sustainability and resilience within communities. We must build greater flexibility into our funding programmes to respond effectively to the emerging needs. In that respect, the Department is committed to a strategic

review of its funding priorities. This is a key consideration whether there is an orderly Brexit or no deal at all.

The impact of Brexit is uncertain but we are preparing and supporting regions that may be affected adversely. We are conscious of the consequences of a disorderly Brexit on rural communities. Agriculture, in particular, is likely to be significantly affected. Right now, more than 15% of Irish goods and services exports are destined for the UK market. This figure is much higher in the agrifood sector, where an average of 40% of exports go to the United Kingdom. Wherever there is greatest need, we will act. I very much welcome the commitment shown by my colleague, the Minister for Agriculture, Food and the Marine, who has been unequivocal in his willingness to offer significant and substantial support to all parts of our agriculture industry, including those facing the most acute threat from Brexit. In particular, beef is a major part of the agriculture industry in my constituency of Galway East and it is important that we create resilience for the beef trade.

Agriculture is the lifeblood of our rural communities and we have shown commitment to support our farmers with a variety of pre-Brexit measures, in particular for the beef industry. However, it is equally important that we explore the new options and markets as a way of insuring ourselves against our reliance on trade with only a narrow range of partners. It is important that we look to the rest of Europe and Asia, specifically China, for further markets. I was on a trade mission to China two years ago negotiating beef trade and I am delighted that market has opened up. We need to explore more of these markets to make sure that we have other markets for our beef and we continue to thrive as one of the best producers of beef in the world.

We are seeking commitments and financial support from Europe to offset the economic impacts that Brexit may bring. Europe has also provided support to our communities in the form of LEADER funding and we have been able to use that funding for Brexit contingencies. For example, last October, we broadened the eligibility for the €15 million LEADER fund for small food businesses to help them face post-Brexit challenges.

In my role as chairman of the task force on the implementation of the Atlantic economic corridor, I know full well the impact that Brexit will have on the west, particularly in rural areas. The task force provides a forum on which we will build resilience and work together for the common good of the region. It is a target of the programme for Government that we achieve balanced development in this country and the Atlantic economic corridor takes on a significant role in ensuring we do this. Counties from Kerry as far as Donegal are important drivers in our regional balanced development and we need to push on with the corridor. I take on that task.

We need to create better connectivity. I was pleased with the comments of the Taoiseach this morning regarding the NBP. We need connectivity if we are to be resilient in rural Ireland. We need to ensure we have fibre broadband for every home, and we need to do that in a way that is fair and equitable so nobody is left behind. It is even more important that we meet that challenge with the advent of Brexit, whatever form it takes. We need to ensure that we have connectivity to make business better, more resilient and more efficient throughout the country.

The Western Development Commission will also play a major part in development in the west. Our Department has granted more funding to make the commission more Brexit-resilient and to develop more jobs in the west. Regional assemblies are preparing their strategic plans for the next five years at the moment. They are preparing those by including Brexit issues and making sure that we deal with the issues now in a way that allows us to plan for the future.

The NDP has allocated €110 million for the next ten years. It is important that we make sure that funding is flexible and can adapt to changing needs that may arise in the next number of years.

Transport connectivity through our airports and infrastructural development must ensure direct connectivity with Europe. That must happen in a way that ensures that we get our TEN-T maps back to where they were and ensure we are in a position to draw down whatever funding is required. I am particularly talking about the western region, the western rail corridor and the roads and infrastructure in the west that need development to ensure we reach our full potential.

Ireland will be the only English-speaking nation left in the European Union post Brexit. We need to harness that potential and become the anchor for the world to reach Europe. We can easily do that by ensuring that our embassies continue to sell Ireland as the place to come in order to be introduced to Europe.

I was at the global telecommunications showcase in Barcelona last weekend. There were 27 Irish companies with stands displaying their products and doing business with the rest of the world. That is the type of forum we need to have to ensure Ireland remains a strong leader in the digital age. We will reach our full potential within Europe by doing that. While in Barcelona, I met some Ministers from other EU countries. They are totally behind us in everything we do. We have that European support. We have the full support of the people of this country and all politicians to ensure that the greatest challenge we have ever faced is met head on and in a unified way. I look forward to working with my Government colleagues and everybody in the House to ensure that happens.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): In my role as Minister of State with responsibility for the diaspora and international development, I have been committed to maintaining strong relationships between Ireland and the communities of Irish emigrants and people of Irish heritage abroad. We cannot talk about our diaspora without recognising our extraordinary history of emigration, including in particular those who moved to the UK seeking to build a new life for themselves across the Irish Sea. Throughout history, Irish women and men have travelled in their hundreds of thousands to Britain to work, to learn, to teach and, in particular, to lead. From the Irish navvies who built the industrial infrastructure of London, Manchester and Glasgow to the many Irish nurses, doctors, teachers and business professionals who make their home in Britain every year, Irish emigrants have made, and will continue to make, a singular contribution to British society.

We estimate that today more than 430,000 people who were born in this State are resident in Great Britain while very many more British people possess some measure of Irish heritage. As a result of this great movement of people between our islands, thankfully our two societies remain closely linked through robust connections of kinship, culture and commerce. It is particularly interesting to note that the number of Irish directors in UK boardrooms has increased to a record number of more than 60,000 which is the largest grouping of non-British nationals on UK company boards. That is the level and extent of the business relationship between our two communities.

Modern communications, technology and social media have transformed the ways in which we interact with our relations and friends in Britain on a daily basis, dramatically reducing the distance that we feel between us.

One way in which the Government fosters those extraordinarily strong links with the Irish community in Great Britain is through our emigrant support programme, ESP. The ESP was established in 2004 to provide funding support to Irish organisations overseas and many of these organisations provide invaluable welfare support to the most vulnerable within those Irish emigrant communities, particularly the elderly. The ESP also supports cultural and sporting organisations which serve to maintain and strengthen those Irish community connections to Ireland and to promote Irish culture abroad.

Britain has represented one of the most important destinations of funds from the ESP since its inception. In 2018, more than €5.9 million in funding was awarded to 108 different Irish community organisations in Britain, 88% of which, or almost €5 million, was devoted exclusively to welfare support. As many established Irish communities in Britain are ageing, the welfare assistance provided under the ESP is becoming increasingly important. The organisations which receive that funding represent a vital lifeline to disadvantaged Irish emigrants by facilitating their access to local services and combatting social isolation and alienation.

Over the past number of years, other major investment from Ireland into Irish communities in Britain has included £200,000 towards the redevelopment of the Ruislip GAA clubhouse. My colleague, the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, and I recently announced the award of £1 million towards the redevelopment of the London Irish Centre which has been an extraordinary focal point for the Irish community in London for decades. We look forward to seeing the outcome of that investment in the near future. This funding represents a significant increase on previous years' funding. A total of €5.3 million was awarded to institutions in Britain in 2017 with €5.5 million awarded in 2016. Brexit is not going to alter the Government's commitment to our emigrant communities in Britain. Irish organisations in Britain will continue to be eligible for funding under the emigrant support programme. As the resources to this programme are increasing with an extra €1 million in funding secured for the coming year, I expect an even greater number of these organisations will benefit from this funding and support.

The common travel area between Ireland and Britain will remain in place regardless of the outcome of the Brexit process. The rights of Irish citizens to reside in Britain, to access British welfare services, to vote in British elections and to move freely and seamlessly between our two islands will be completely unaffected by Brexit. British nationals residing in Ireland will also, thankfully, retain their current rights. In recent years, we have seen increasing numbers of British people reconnecting formally with their Irish heritage through application for Irish passports and foreign birth registrations. We hope that for many of these individuals this represents the beginning of a new and deeper connection with Ireland. We fondly welcome our new fellow citizens.

Brexit will not attenuate the deep and meaningful bonds which have been developed between the peoples of our two islands over the centuries. We will remain as closely entwined together, as closely reliant on each other, in family and in friendship as we have in the past.

Deputy Declan Breathnach: As this particular debacle continues, it is a pity that we do not have the date 30 February in which to park this legislation. Many of us hope the whole issue of Brexit will evaporate in the interests of all on these islands.

I congratulate the Oireachtas Library and Research Service on its work in presenting the facts relating to this omnibus Bill, as well as the officials in the Department who brought us,

hurriedly but necessarily, to where we are today. I am conscious that Brexit will involve not just this legislation but bilateral agreements and memorandums of understanding to help the process.

The Bill deals with issues such as cross-Border health services and the Co-Operation and Working Together, CAWT, Partnership. The 1,500 people who travel to Britain for their third-level education, along with the 200 who travel from Britain to here, are catered for. However, I have to remind people that when they talk about the common travel area, they need to have lived near the Border. When the UK Prime Minister, Theresa May, decided on her walking holiday in Wales to hold a general election, my response was that she should walk the Border because she might have realised the issues which might be resurrected. I was born in 1958 and lived through the early part of the Troubles. I lived in pre-European Union Ireland. There was much talk last week about motorists having to get green cards. I well remember the triptyque where one had to bond one's vehicle to ensure one brought it back. Deputy Ó Snodaigh referred to myriad Border roads. There were 38 such roads in my county alone. There was always a clear sign at the top of a blue and white pole half mile before the Border crossing indicating that one was on an unapproved road. Young people in my constituency do not even remember the concession roads. On the N53 from Dundalk to Castleblaney, one was not supposed to stop when one went through Culloville.

I fear we will go back to this. These issues are not being debated with this Bill. Thank God that if there were no backstop, there would be no deal. However, if there were no deal, there would be no backstop. That is where the difficulty will arise. The head of the PSNI stated last year any attempt to return to a hard border would result in division and violence. I thought that was scaremongering at the time but I can tell the House that the natives are restless. It is inevitable that if Britain crashes out, there will be some forms of checks on the Border regarding goods entering and leaving our country.

On matched funding, the British Government has said it will guarantee certain funds up until 2020 and that it would deliver this through a UK shared prosperity fund. A report from the Joseph Rowntree Foundation on this fund contains no mention of the Border counties that have suffered dereliction. The only mention of Ireland and supports relates to the Glens of Antrim, Strabane and Omagh. Will the Government make a clear commitment that it gets it in writing that the British Government will match funding for PEACE and INTERREG programmes?

Fishing seems to have gone down the river a wee bit and that we have the gunboat returning to Carlingford Lough. How will the fishermen in Clogherhead, Annagassan and along the Irish coast be affected? I did not mean to scaremonger when I asked the Minister for Agriculture,

5 o'clock Food and the Marine at the first all-island civic dialogue – I compliment the officials for organising this forum and its break-out sessions - what happens when a kilogram of Argentinian beef, bought in Newry, arrives in Dundalk? What will that do to our reputation as a green country? Some people need to be reminded of the outbreaks of BSE and foot and mouth disease that affected my constituency.

Dundalk has an all-weather horse track. How will we ensure that equine disease and related matters will be resolved for the horse racing industry in the event of a hard Brexit? What will happen to the environment? There is talk about Monsanto and Roundwood weed killer being banned. What happens if the EU decides to ban it and the British do not? Are we wasting our time? We say only our rivers run free. What is happening to water quality and waste management? In my constituency, one sees tyres discarded on the roadside. There is also the move-

ment of domestic waste without licences. Where are the answers relating to these issues? What happens to river basin management plans for rivers which cross both sides of the divide?

The Irish Road Haulage Association has stated that, for every hour a truck will be left delayed at a Border crossing, it will cost €15 a tonne. I well remember what Dundalk was like in the days of customs clearance.

I know that will be an inevitable delay which will ultimately be placed on the consumer.

Continuing on the subject of transport, what about the taxi driver or heavy goods vehicle driver? Where is the clarity on non-Irish drivers, for example, taking a fare to Newry or driving a lorry across the Border?

On strategic transport planning, we were promised a high-speed train from Dublin to Belfast. Let us get a commitment that that will be delivered to the people of this island. Greenways have been developed North and South in joint co-operation and in memorandums of understanding. Will these programmes continue? I refer to the Narrow Water Bridge. If the British are so committed to leaving, why do they not provide funding matching that which was committed to by this Government and by my party?

What arrangement has been made to the free travel scheme for senior citizens? I ask these questions as there is no point in asking when all the memorandums, bilaterals and this legislation has passed.

What about trans-territorial co-operation and business development? The M1 corridor between Dublin and Belfast was launched recently. It is of great importance for the industries located along it. How do we ensure that the legislation allows for an all-Ireland economy?

One issue relating to health has been well covered. What is the position on organ transplants and the free movement of blood supplies?

Stride upon stride has been made in tourism. What will happen to people who arrive into either City or Aldergrove airport in Belfast, or Dublin Airport, who wish to travel in either direction and who do not have the necessary EU qualifications? Will they be prohibited from entering one or other jurisdiction?

On several occasions in this House I have raised the difficulties people in the Border region face with mobile roaming charges. This is not about the EU. It is about regularly losing calls when one goes over and back across the Border. There ought to be a clear arrangement before anything happens about mobile roaming and broadband infrastructure being shared North and South, which is something I have flagged. I might add the question whether someone can pull the plug on cables coming from America through the North of Ireland.

I refer in particular to justice. The Minister of State, Deputy Canney referred to all the nationals in England. There are 5,000 people here with British citizenship. What will happen to them in the context of the EU? There are issues around family law, such as the recognition of UK divorces or child abduction cases which are currently covered under EU legislation. Where is that being catered for? If someone living in Dundalk wishes to take a case against someone living in the North, that is not covered. That person will have to be sued, particularly if it relates to a civil matter, or the case must be taken in the jurisdiction of the individual.

The most important thing for me and the people I represent is the peace process. I referred

to the head of the PSNI's comments. I do not want anything to upset the valuable peace we have. We refer to the UK as our nearest neighbour and our great trading partner, but we must protect the mechanisms for those collaborations, whether through business enterprise or politics, and whether at national parliament or local authority level. This House has the British-Irish Parliamentary Assembly which operates very effectively in terms of relationships. Many of these need to be put on a stronger footing to ensure that whatever Brexit happens, we continue to build those relationships with our nearest neighbour.

Deputy Dara Calleary: The first thing which struck me when we saw this Bill last weekend was the very practical day-to-day nature of many of the measures which are impacted in the event of a no-deal Brexit. These are simple things that we take for granted such as bus and rail journeys, or simply driving over and back across the Border. On many levels, this Bill impacts on every aspect of daily life in the event of a no-deal Brexit. It is unfortunate that it has been left so late as there are so many things that will inconvenience people in the event of a no-deal Brexit. Yesterday the Motor Insurance Bureau of Ireland referred to the necessity of a special green card to travel over and back across the Border. People will not know about it. We can only hope, and the signs are stronger this week, that there will be some sort of a deal or extension so that this Bill will stay on the shelf, it is to be hoped never to be used.

That said, Brexit is proceeding. The relationship this State has with the UK in terms of the EU relationship is changing forever. That will have huge implications. Amid all the ongoing negotiations, we must remember that this is only the first stage. We will have to engage in the nature of the relationship after the UK leaves the EU. That new relationship will have so many consequences for the country, including my own county of Mayo which has especially strong links to England, Scotland and Wales so far long, and for the island.

If Brexit is a failure of politics, and in part it is, the strength of the relationships on our island over the past 20 years illustrate the success of the Good Friday Agreement which owes much to politics and politicians getting on with work, knocking heads together and sticking with the thing until it was seen through. The positive changes of the Good Friday Agreement and the peace process in our island relationships have been transformative. I do not think that anyone would have stood here 30 years ago at the height of the so-called Troubles and some of the worst days of political intransigence and imagined how we would live our lives now on such a collective basis.

The context of the new relationship with the UK is essential. We must stay focused on the east-west relationship and its importance. Farmers and beef farmers in particular are in the vanguard of this. They will face some of the biggest challenges. They face great challenges anyway, as the world economy changes and world tastes change, but while our biggest market moves into a different economic sphere with different economic and trading rules, it puts huge pressure on them. Attention and focus must be given to the future of the beef and suckler sectors, not only in the context of Brexit but also of these changes. The Government must decide whether it wants these sectors, and if so, it must support them rather than offering them nice words and pats on the head. A proper programme to maintain a suckler sector is essential. It is part of rural regeneration and sustaining rural communities.

Similarly in tourism, to which Deputy Casey will refer later, and I defer to his expertise, we still have a great dependence on the UK market, with cultural links which go back decades and generations. We must reimagine those links and continue to improve our offering and continue the investment in greenways and walkways and projects such as the fantastic Center Parcs in

Ballymahon which will bring people for an experience rather than a habit. This will bring people to experience our island and its welcome, while they spend money, but we must give them reasons to travel and we must continue to make capital investment in our tourism sector.

All our industries are dependent on the landbridge across England especially. It is essential to get access to the European markets. In the context of the negotiations on the new relationship, particular focus will have to be put on keeping the landbridge as effective and as efficient as possible. Every block we put in and every check we put on adds to our cost base and our industries, including our multinationals, do not need that.

The Minister will be very familiar with the flight connections between Ireland West Airport Knock and England and the importance of those connections, economically and socially. They have to continue and the signals are that they will. They cannot be allowed to become a pawn in any negotiation about the future relationship and what the future relationship will be. There are so many things we take for granted that are now about to be up-ended as a consequence of a no-deal Brexit, and indeed with any type of Brexit. People hope a no-deal Brexit or an extension will move the problem on but it will not - it will just move the deadline. The problem still has to be tackled.

Many aspects of this legislation may come back into focus as we negotiate and implement the future relationship. We have to ensure that in negotiating and implementing that new relationship, the least possible disruption is caused to economic life, agricultural life, tourism and people's movements across the Border to connect to families and other people. I had a conversation at the weekend with somebody whose brother lives five minutes away from her. She goes back to visit her nieces, nephews and cousins and this is the normal pattern of family life in rural Ireland but the Border is between the woman and her brother. They are young and they have never had to worry about it but a Border would transform their family life and their daily activity. For that reason alone, people should understand why the backstop is so important. It is not a political thing. It is about maintaining our island and the relationships on our island. It is about maintaining freedom of movement and our day-to-day life, to which everybody across the world is entitled.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I welcome the opportunity to take part in this important debate. Brexit has rightly been described as one of the greatest challenges facing Ireland in recent decades. As we face into an uncertain future, I would like to start by reflecting on a number of things: on the very real achievements of the European Union over more than 60 years, on the benefits that membership has brought for Ireland since we joined more than 40 years ago and on why it is important that all of that continues. Like an increasing number of people in this House and the majority throughout the country, Ireland joined what was then the Common Market before I was born. For people of my generation it has shaped the world we live in.

What has membership of the European Union, previously the European Economic Community, meant for us? It has given us unfettered access to a market of more than 500 million people and has seen a dramatic increase in trade and foreign direct investment. It has supported job creation, with more than 700,000 jobs created in Ireland during the years of our EU membership. It has given Irish citizens the right to move, to work and to live freely throughout the Union. During that period, Ireland has been a major recipient of financial support from the European Union, through the Common Agricultural Policy, through structural funds and through many other sources of EU funding. More than that, Irish views and interests are now reflected

in the policies of the European Union towards the rest of the world. We are no longer a small island on the fringe of Europe, but an active participant in the world's biggest union - in the words of the Taoiseach, a small island in the centre of the world. So let us not forget the very real achievements of the European Union as it has grown from a union of just six member states to a union of 28.

The history of the European Union, initially founded with the Treaty of Rome and the European Coal and Steel Community, has been one of unparalleled peace in Europe and the European Union, including the United Kingdom, has played no small part in that. For many member states whose post-war histories have not been as benign as Ireland's, membership of the European Union has been part of their road to freedom. That statement can also be underlined with respect to the recent expansion of the European Union into the Balkans. The European Union is rightly described as one of the great post-war peace projects. So it was fitting that, in 2012, the European Union itself was awarded the Nobel prize for peace. Why did it receive the award? In the words of the Nobel committee, it was because the Union and its forerunners had, for over six decades, contributed to the advancement of peace and reconciliation, democracy and human rights in Europe.

Like most people in Ireland I was disappointed that the UK, our closest neighbour, made the decision to leave. I respect the decision but it is difficult to accept in some regards, given some of the arguments that were presented during the referendum campaign. Like most people in Ireland, I believe the UK has been stronger because of its membership of the EU, and I believe that the EU has been stronger and better because of UK membership. Like most people in Ireland, I believe that the EU has been stronger because of UK membership, but we accept that the UK has voted to leave the European Union.

We are under no illusion about the nature and scale of the challenges posed by Brexit. While securing a deal is still the Government's priority, we are continuing our preparation for all Brexit outcomes. As the House will be aware, the Government decided last December to give greater immediate priority to preparations for a no-deal Brexit. This work is being co-ordinated at the highest level by the Department of the Taoiseach, in collaboration with the Department of Foreign Affairs and Trade, and involves all Government Departments. The Government's contingency action plan, published in December, sets out comprehensive, cross-Government preparations that have been under way since even before the Brexit referendum in 2016. The plan covers over 30 issues, involving all Departments and many agencies. An update was published at the end of January outlining progress that has been made since the original plan was published. Given the proximity of the date of Brexit, contingency planning has moved to taking actions to mitigate the risks of a no-deal Brexit, without prejudice to the Government's priority of finalising the ratification of the withdrawal agreement.

This Bill is a key element in preparing Ireland for some of the impacts of a no-deal situation. Its focus is on protecting our citizens and on supporting the economy and jobs, particularly in the sectors most exposed to Brexit. It reflects the Government's focus on protecting the Good Friday Agreement and supporting North-South co-operation and the all-island economy. It enables the maintenance of the common travel area, which predates our entry into the European Economic Community in 1973. Ireland is working on preparedness and contingency planning as part of the wider EU27, with the full support of the European Commission and other member states, and with all the stability and solidarity that brings. Many of the actions aimed at mitigating the effects of a no-deal outcome will be taken at an EU level, as they involve sectors regulated by EU law.

The Commission published its contingency action plan in November and a further communication on contingency was published in December 2018. These set out guidance on planning for Brexit and outline the Commission's approach in key areas. The Commission's contingency action plan emphasises that it stands ready to engage with the member states that will be most affected by a no-deal withdrawal, which is something Ireland can take comfort in. It expressly states that it will support Ireland in finding solutions addressing the specific challenges of Irish businesses. Ireland is also in ongoing close bilateral contact with the Brexit preparedness group in the European Commission and with other seriously affected member states like France, the Netherlands and Belgium, who will face many similar challenges to us after Brexit, albeit that ours is a unique situation.

Turning again to our own preparations, dedicated measures to prepare for Brexit were announced in budgets 2017, 2018 and 2019, to ensure that Ireland is in the best possible position to respond to the challenges that Brexit will bring. Budget 2019 continues the overall approach of prudent financial management to strengthen the resilience of Ireland's economy against the backdrop of heightened uncertainty, including from Brexit. It builds on other Government initiatives, namely investing in the future of the country through Project Ireland 2040, opening new markets for businesses through the Global Ireland 2025 strategy and developing policies to adapt to changes in the world of work through the future jobs programme. Budget 2019 ensures that the economy is prepared for the challenges of Brexit through continued prudent management of the public finances by balancing the books, reducing the debt burden, building up the rainy day fund, improving the competitiveness of our personal taxation system and continuing to invest in infrastructure. Budget 2019 also contains a number of specific measures aimed at making Ireland Brexit-ready, including increased resources across a range of Departments and offices, the introduction of the €300 million future growth loan scheme and a €71 million package to further strengthen the agriculture sector's ability to become more resilient in addressing the challenges of Brexit. As a Deputy from County Limerick, I can tell the House that this is an area of particular interest for the people I represent.

The measures introduced in budget 2019 continue the process of ensuring that Ireland's economy continues to remain competitive and resilient against the backdrop of heightened uncertainty, including from Brexit. The Government will continue to work for a withdrawal agreement but prepare for a no-deal scenario. A no-deal Brexit is the worst possible outcome and would not be in the interests of the UK, Ireland or the EU. As the Tánaiste said, it is a lose-lose-lose scenario. Managing a no-deal Brexit would be an exercise in damage limitation. It would simply not be possible in a no-deal scenario to maintain the current seamless arrangements between the European Union and the United Kingdom across a range of sectors currently facilitated by our common European Union membership. This would have a major adverse impact on Ireland. As a Government, we will continue to prepare for all scenarios. I am sure all Members agree that the Bill is a key element of the preparation. I hope it will secure cross-party support.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Táim buíoch as an deis seo labhairt maidir leis an mBreatimeacht agus maidir leis an mbagairt atá ann don tír seo. Tá an Rialtas dóchasach nach mbeidh an Bille seo curtha i bhfeidhm ar chor ar bith agus go mbeidh sé fágtha ar an tseilf, mar a dúirt an Tánaiste. Caithfidh mid a bheith réidh do Bhreatimeacht gan socrú, áfach. Leis an mBille seo, beimid chomh réidh agus is féidir.

D'ardaigh an Teachta Connolly an pointe an tseachtain seo caite ag ócáid chruinniú cinn

bhliana Chonradh na Gaeilge i mbaile Mhuineacháin nach raibh Údarás na Gaeltachta luaite sa Bhille. Tá an t-údarás ag comhoibriú i rith an ama le gníomhaireachtaí Stáit eile mar a bhaineann sé le cur chuige comhordaithe maidir leis an mBreatimeacht. Lena chois sin, tá an t-údarás ag obair as lámh a chéile le Fiontraíocht Éireann chun cinntiú go bhfuil na tacaíochtaí atá ar fáil do chomhlachtaí a thagann faoi scáth na heagraíochta sin ar fáil do chliaintchomhlachtaí de chuid an údaráis freisin.

Sa chomhthéacs sin, is fiú liom a lua go bhfuil meamram comhthuisceana i bhfeidhm le tamall de bhlianta anuas idir Údarás na Gaeltachta agus Fiontraíocht Éireann. Cinntíonn an meamram seo go bhfuil fáil ag comhlachtaí Gaeltachta ar scéimeanna éagsúla tacaíochta a chuireann Fiontraíocht Éireann ar fáil ar fud na tíre. De thoradh seo agus de thoradh an chomhoibrithe leanúnach idir an dá eagraíocht, beidh fáil ag cliaintchomhlachtaí Údarás na Gaeltachta ar na deiseanna agus na hacmhainní céanna a bheidh ar fáil do chomhlachtaí atá faoi scáth Fiontraíocht Éireann mar thoradh ar achtú an Bhille omnibus. Ní cáil dom a rá go bhfuil teagmháil rialta idir feidhmeannaigh an Roinn Cultúir, Oidhreacht agus Gaeltachta agus feidhmeannaigh an Roinn Gnó, Fiontar agus Nuálaíochta faoin ábhar seo agus go n-aithníonn an dá Roinn an gá go mbíonn Údarás na Gaeltachta agus Fiontraíocht Éireann in ann na tacaíochtaí céanna a thairiscint dá gcuid cliaintchomhlachtaí faoi seach. Táim sásta nach gá an t-údarás a lua sa Bhille seo.

The team, including officials in the Office of the Attorney General and the Office of the Parliamentary Counsel and the drafters who worked late nights and weekends over a period, that produced this Brexit omnibus Bill is to be commended. It must be difficult to prepare legislation that one hopes will not be enacted but we are here to do that in order to ensure that we are ready for the unthinkable. I acknowledge the Brexit team within the Government, including the Taoiseach, the Tánaiste and the Minister of State with responsibility for European Affairs, Deputy McEntee, which has served the country well at a difficult time. I acknowledge the cross-party support demonstrated over a long number of years on matters relating to Brexit.

I acknowledge and thank all our EU colleagues who value the principle of collegiality. It was stated at a committee at Westminster recently that the treatment of Ireland as a small member state is clearly of much interest. The recognition of Ireland wanting to be a continued and strong member of the European Union is something all member states have shown an affinity for, which must be noted as well.

Protecting the concept of a strong Europe, a haven of peace and prosperity, is something that is very important. It is regrettable that in the United Kingdom in advance of the referendum for a long number of years and perhaps decades, certain aspects of the print media only told a negative story about the European Union and the European Economic Community before that. It is regrettable that it was all one-sided in being negative rather than showing the positives that the European Union has brought to the United Kingdom and across Europe.

I was previously a member and, for a period, Vice Chairman of the European affairs committee - I worked with Deputy Durkan on it - at a time when it considered whether a referendum would take place. We were not sure of the position prior to the 2015 UK election. The potential for a referendum depended on the outcome of that election. We thought about what would happen if the UK voted to leave but Scotland, Northern Ireland or Wales voted to stay. All these matters came to a head with the decision of the UK to exit the European Union. We regret that, although, as others have stated, we also respect the democratic decision that has been made.

We must remember that Brexit is not our policy, although it is having a major impact on this country in terms of uncertainty, consumer confidence and time spent preparing for it. We will have to deal with the extensive fallout from a no-deal Brexit. Even if a deal is secured, Brexit will mean that our position will never be as good as it is now. There is a possible impact on every sector of business and society, as reflected in the Bill, including security, healthcare, education and business. There is a serious implication for trading relationships that have delivered prosperity, security and an improved quality of life for millions of Europeans. The mechanics of trade have been threatened and the transport sector has been left scratching its head regarding the possible impact on and the implications for the landbridge to Europe through Britain. There will be extra costs and delays and there will be knock-on effects in respect of raw materials for the manufacturing sector being delayed, with a resulting impact on our competitiveness and increased costs.

The possible impact of Brexit on agriculture is worrying and there has been a very serious drop in confidence in the beef sector in particular. The sector has always been difficult from a profit returns perspective but a no-deal Brexit would be an enormously serious blow to a vital sector, particularly in the west and some of its marginal land, but also nationwide. The prospects of tariffs damaging the competitiveness of Irish beef in our dominant market is almost unthinkable. Beef and suckler farmers are leaving the sector on a daily basis and a bad Brexit would only hasten that process. Beef and suckler farmers are concentrated on the west coast and the consequence of a collapse in the sector would leave a permanent scar on the communities in those areas. The experience is that once farmers leave the sector, it is difficult to get them back.

There would be considerable impacts down the line on jobs in the meat industry and services sector and there would be a disproportionate negative effect. These jobs are located in rural areas and it would be very difficult to replace them. If we lose the suckler herd on which the quality beef sector is based, it will be very difficult to replace it. I do not wish to labour the point but rural Ireland is very vulnerable to trade difficulties in all sectors, North and South, and in Britain. Local engineering and manufacturing companies would as a first natural step export to Northern Ireland and Britain so they are vulnerable to sudden change. Even currency fluctuations during the Brexit process have brought hardship to many of those. These are often family-owned small and medium enterprises whose existence is crucial to their localities and any difficulty that arises will have a disproportionate effect on them.

I pay tribute to the Department of Business, Enterprise and Innovation on the work done and resources provided to guard against the possible worst effects of Brexit. The work and preparation done on this Bill demonstrates the broad depth of issues at stake and the responses that the Government have provided to mitigate against the impact of a hard Brexit, which I hope we will not see. I acknowledge the cross-party support that has been indicated for the Bill, which I hope to see pass Committee and Report Stages next week.

Deputy Pat Casey: I welcome this debate on the worsening Brexit crisis and the Bill to address key areas should a no-deal scenario come to pass. Following the general election in 2016, little did any of us think that, within months, all the norms of our political system would be thrown into chaos by the decision of the British people to leave the EU. The triggering of Article 50 and the two years of negotiation have constituted a dark shadow over all our attempts to build a better Ireland for all our people and to ensure that our recovering economy benefits all parts of our nation. For over two years, Members of this House have been responsible and have allowed negotiations between the EU and the UK to proceed without interruption. However,

we all have looked with growing horror at the unfolding mess in the UK's political response as the prospect of a no-deal Brexit has become a plausible conclusion.

What does no deal mean for my constituency of Wicklow? Why has all this energy and focus been brought to bear on ensuring a managed Brexit, if indeed there is to be a Brexit? First, as a hotelier in Glendalough, I know what a hard border and a troubled relationship with the UK mean for our tourism sector. I remember my father working in the hotel in Glendalough when the bombs and chaos of Northern Ireland were at their peak in the late 1970s. Up to the time of the Troubles, Glendalough was a favourite destination for international tourists, including those from Britain, due to the iconic nature of the site and the beauty of the landscape. When the bombs and bullets began to fly, this business practically disappeared. For most people in the UK and across the world, Ireland was a no-go area. In fact, they believed Ireland was at war. The effects of the Border and the Troubles on our business were dramatic and prolonged and slowed the growth of our brand, our destination and, indeed, our entire tourism sector for decades. The past two decades of peace have allowed the Irish tourism sector to show its true potential. We cannot underestimate the value of tourism to rural Ireland. Anything that changes this will have a detrimental effect on the tourism industry. Regrettably, my father never got to see the end of the Troubles and the rebuilding of relationships between the people of these islands but I know he would have been delighted by and proud of the role of Fianna Fáil in delivering peace and prosperity in a new relationship forged in the Good Friday Agreement.

In business terms, visitors from the UK make up a third of all those who visit Glendalough and other areas of Wicklow, the garden county. When the referendum result was announced and sterling experienced a dramatic fall, the tourism sector was immediately affected. Overnight, a visit to Ireland became more expensive and the counter to that was that the UK became more attractive. The impact of no deal on sterling and the euro will be extremely negative. For hotels engaged in the coach tour business, it is very difficult to predict the extent of the damage but there will be damage. As yet, I have not heard what are the Minister for Transport, Tourism and Sport's plans for this most important area. Rosslare Europort and Dublin Port are key entry points for coach tours and tourists that visit Wicklow. Where are the plans to ensure that Wicklow's tourism industry, which is vital to our economy and society, is protected?

The other essential element of the economic profile of Wicklow is agribusiness. Our agribusiness exports to the UK market are well known, as is the use of the landbridge to get our high-quality agrifood to our EU partners on mainland Europe. Farm families, agrifood industries and artisan food and drinks producers in Wicklow would all be endangered in a no-deal Brexit scenario. The very viability of their business models is being threatened by the damage to trade from a chaotic Brexit. As a businessman, I know how long it takes to plan the growth and investment future of an enterprise. All business models and all investment decisions taken require a degree of certainty in various areas such as securing finance, tax policies, logistics and supply lines and currency differentials. No business can make significant investment decisions that involve the UK while the Brexit process remains a complete shambles. Business owners come my office reporting this and asking for predictions. Neither I nor anyone else in this House can give a prediction that can be banked on because across the water, the political leadership of the UK is totally failing in its primary task of ensuring stable governance in difficult times. We can take some pride as we celebrate the 100th anniversary of our Parliament. As parliamentarians, we know what is our primary duty to the people of Ireland. That is why despite many of our problems in housing and health, we have provided stability to meet the grave danger that is Brexit. At this stage, I plead with our colleagues in the House of Commons,

as fellow parliamentarians, to recognise the shared relationships between our peoples and the bonds of friendship that were so hard won and to ensure that a deal is achieved or that the British people are consulted again.

Deputy Eugene Murphy: I wish to air a few issues. Taking up where Deputy Casey left off, I must state that this is not about clapping ourselves on the back. There is unity of purpose across the House, which is good. We all recognise that a no-deal Brexit could happen at the end of March. Hopefully, it will not. If it does and if the UK crashes out of the EU, it will pose a significant challenge. I have no doubt the Irish people will rise to meet that challenge.

For quite a long time, I have watched the debate in the British Parliament among the various parties. Some of the debate has been extraordinary and appalling. Some of the debate about Northern Ireland has been frightening, to say the least. Whatever our differences in this House, it is good that we are all focused on what could happen to us on 29 March.

There is no doubt that this is a colossal crisis. Other Deputies referred to the fact that, regardless of what happens on 29 March and even if the UK does not crash out, this matter will not go away for a long time. Brexit is not over. We see the damage it has done, particularly in the agribusiness sector. We see the depressed state of markets, the reduction in prices for live-stock and the fear in the farming community. When we speak about that crisis in agriculture, sometimes we do not think about the number of jobs that are tied up in agriculture and agrifood and the strength of the agrifood sector. In fairness, the Government is giving grants to agrifood businesses as well. These businesses have become so important in creating employment in many parts of our country.

When we look at exports to the UK, we can see that agrifood exports were valued at €5.2 billion in 2017. This figure increased in 2018. In particular, the beef industry is hugely reliant on the UK market with almost 50% of beef exports going to the UK in 2017. In the event of a no-deal Brexit and the UK opening its doors to South American beef, which is a real threat, the situation for agribusiness in this country and the many thousands of people employed in it would be catastrophic. These people are employed in many parts of the country. We are less than 30 days away from the date when the UK is scheduled to leave the UK and at this juncture, the risk of a no-deal Brexit is a very real possibility. When, as Deputy Casey noted, new Members came into the House three years ago in February 2016, could any have guessed that we would be here on an evening like this facing such uncertainty in the context of what will happen in a few weeks? If what we are discussing comes to pass and if Irish beef is forced to compete in the UK market against cheaper imports from other countries, there is no doubt thousands of jobs will be lost. It is not that I want to be negative but it is a stark reality we may have to face. Every effort must be made to safeguard the industry and the thousands of people employed in it, directly and indirectly. I urge the Government to ensure that sufficient contingency plans are in place, including a financial aid package. Such a package was announced two budgets ago for the farming community but it still has not materialised, even though it was promised.

Deputy Casey referred to tourism. In counties such as mine, where not many industrial jobs were created over the years, tourism has become a product on which we are more and more reliant. While agribusiness is the backbone of our local economy, there are many visitors to, for example, Lough Key forest park in Boyle, County Roscommon, known to many in this House, which attracts 80,000 to 90,000 people each year, and Strokestown House, which attracts 70,000 people each year. The figures have been growing significantly in recent years and many of those visitors come from England. It would be a severe blow if we were to suffer

due to a no-deal Brexit.

On driving licences, we had a presentation yesterday on the green card. There is still confusion as to Irish people living here who spent many years in Britain and got their driving licence in Britain. Where do they stand? Some say they can flip over their licence and that they need to do it before 29 March but I am not so sure. The Tánaiste might be able to clarify that later or ask the Minister for Transport, Tourism and Sport, Deputy Ross, to do so.

I want to conclude with reference to the importance of the peace process. The Acting Chairman lived in an area on the Border and saw what happened over the years. It is such an important issue in all of this. I happened to be at a party function in Cavan recently and I saw the fear among people in the Border counties regarding a hard frontier and what might result from that. I grew up in a time when there was no local radio but every single morning we woke up to the headlines on national radio to the effect that, for example, five people had been killed somewhere in Northern Ireland, six people had been killed somewhere else, a garda had been shot, soldiers had been shot or maybe children were not allowed pass an area in order to get to school. There is a generation that does not realise what happened and what the Troubles in Northern Ireland did to us, as a nation. While the economy is important, if our peace process was to be shattered in any way, it would put us back a long way.

I hope that, at the end of next month, we will not have to come back and discuss this too much and that there will not be a crash-out. If there is, we will have a lot of difficulties with which to deal.

Deputy Barry Cowen: I welcome the opportunity to speak following the publication of this legislation, which, as has been rightly stated by many, none of us wants to see implemented. Nonetheless, it is legislation that is entirely necessary in order for the Government and the Dáil to be assured that, in so far as is possible, every eventuality which may affect the viability of many aspects of economic and social life is dealt with appropriately. There is some disappointment that this legislation was not brought forward earlier, particularly as other states have already introduced such legislation and in view of the fact that Brexit has the ability to affect our economy in a far more detrimental way than many other events. That said, there is still a short window of opportunity available and open to Members of the House to further scrutinise and analyse what is contained within the Bill. Those with specific responsibilities on behalf of their parties - and, by extension, the electorate - in the different departmental areas will do so in a way in which, I hope, will challenge the legislation to ensure that it is copper-fastened and ideally placed to meet the demands Brexit places upon us.

As other speakers indicated, it is unfortunate that, after two years, we are still not in a position to understand the implications or to respond to those implications with a safety net of a withdrawal deal or, indeed, the prospect of future relations being agreed by the parties, that is, the EU 27 and the UK. An unfortunate by-product has been the implications for and the affect on Anglo-Irish relations, Anglo-Irish agreements and Anglo-Irish processes. That is something of which we have to be conscious. I am sure the Government is wholly conscious of it in terms of always seeking to provide for improvements in that regard, especially considering the difficulties that have been posed by the lack of a deal having been forthcoming from the parties. We are also conscious of the effect it has had on the ability of the Good Friday Agreement to provide the type of mechanisms that were envisaged, whereby there would be a sharing of interests, of focus and of unity of purpose by North and South. There is also the unfortunate collapse of the Assembly and the unfortunate failure on the part of those parties elected to it, in the main,

to reach an agreement by which that could be up and running, and could also be contributing to a resolution and to the preparedness and readiness of this island to meet the demands that will be placed upon it. That is unfortunate but, again, it heightens the expectations on the part of others for the Dáil to be unified and to have that unity of purpose that is lacking elsewhere.

A by-product of arriving at that conclusion, and arriving at a juncture where the Dáil can be unified in such a way, is to have those like ourselves set aside what difficulties and failings there have been. There have been many, with some patently obvious in regard to the way in which the Government has implemented the programme for Government, for example, in regard to health and housing, among other areas. A decision was taken by Fianna Fáil, primarily, which is a very mature decision which puts at its root the interests of the island, of the economy and of our security. That has to be commended and acknowledged. I know many members of the parties opposite respect and appreciate that. Our patience has been tested by some comments by Members opposite. I am conscious of what the Taoiseach said last week, when he asked whether the bona fides of Fianna Fáil would be as we professed them to be if we were riding high in the polls. I am sure, on reflection, he would agree that was not an appropriate comment to make. Our intentions and bona fides are wholly appropriate. We have proven in the past that we put the national interest before party interest, to our detriment, some might say, in regard to the political return derived from that commitment to the nation and to the nation's finances through ensuring there was a pathway in place to deal with the gap between income and expenditure. We recognise and appreciate that those in government are there as a result of a decision of the Dáil and not necessarily that of the people. It was a convoluted election result and the responsibility passed to us. The Government has a great privilege. I know all of the members of the Government treat that privilege as they should but I do not take kindly to comments made by a member of Fine Gael in this House last week during a Sinn Féin motion. He sought to bring up our association with Anglo Irish Bank and the banking crisis. That is despite an independent assessment finding that Fianna Fáil was not the cause of the crash. That crash occurred not only in this country but in many other countries in Europe and the world. Those comments were noticed. As somebody else said, however, when they go low, we go high.

Deputy Peter Fitzpatrick: I give my support to this legislation and commend the work done by the Tánaiste, Deputy Coveney, and the Minister of State with responsibility for European affairs, Deputy McEntee. I think they have done a great job. Coming from Dundalk, which is a Border town, it is important that the common travel area remains. It is a long-standing arrangement between Ireland and the UK that enables Irish and UK citizens to travel and reside in either jurisdiction, without restriction, as well as providing for associated rights and entitlements in both jurisdictions. These rights and entitlements include access to employment, healthcare, education and welfare benefits. All parties have made commitments to the continuation of the common travel area and associated rights. It is very important those commitments be upheld. That would mean that across many sectors, including health, there would be no change in the rights of Irish citizens. They will be able to move freely between North, South, east and west and work, study and access health and social benefits in the UK on the same basis as UK citizens. Reciprocal arrangements will also apply to UK citizens in Ireland.

Brexit is the main topic of conversation in every household in this country. When I get home tonight, the first thing my wife will ask is what happened with Brexit. Many people in my constituency realised there was going to be a debate on this topic in the Dáil this week. In fairness, there are also many people who do not understand what this debate is about. I am, therefore, going to go through the different parts of the Bill and try to explain it to myself and

my constituents. Part 1 provides for the Title of the Bill, while Part 2 deals with healthcare arrangements between the UK and Ireland and the common travel area. Part 3 deals with proposals to amend the Industrial Development Act 1986 and the Industrial Development (Enterprise Ireland) Act 1998. This will enable Enterprise Ireland to further support businesses through investments, loans and grants and to limit the negative impact Brexit has on vulnerable enterprises. Enterprise Ireland does a great job in my own county of Louth and in Ireland generally.

Part 4 of the Bill deals with the transitional power to modify licence conditions concerning the Commission for the Regulation of Utilities, Brexit and the single electricity market. Part 5 deals with student supports in higher education. At present, eligible students from Ireland who take up approved third level courses in the UK, and eligible UK nationals who take up approved courses in Ireland, qualify for student universal support Ireland, SUSI, grants due to the UK's membership of the European Union. The purpose of this part of the general scheme is to ensure continuity of commitment to maintaining the rights and privileges bestowed by the common travel area, and eligibility for SUSI grants, even in the event of a no-deal Brexit. Part 6 of the Bill deals with taxation and amendments to legislation governing income tax, capital gains tax, capital acquisitions tax and stamp duty. A provision on VAT has also been included.

Part 7 deals with financial services. This includes introducing legislative amendments to support the implementation of the European Commission equivalence decisions under the central securities depository regulation, CSDR, and extending the protection contained in the settlement finality directive to Irish participants in relevant third-country domicile settlement schemes. Part 8 deals also with financial services and makes amendments to the European Union (Insurance and Reinsurance) Regulations 2015 and the European Union (Insurance Distribution) Regulations 2018. This will provide for a temporary run-off regime, which, subject to a number of conditions, will enable insurance companies and undertaking intermediaries to continue to fulfil contractual obligations to their Irish customers for three years after the withdrawal of the UK from the EU. These insurers and intermediaries, however, will no longer be able to write new insurance contracts or continue insurance distributions in respect of new insurance contracts in Ireland until they obtain relevant authorisation under the EU insurance supervisory regime.

Part 9 of the Bill relates to ensuring appropriate features and safety systems are in place where a foreign rail operator runs a service in Ireland. In the event of a no-deal Brexit, this part of the Bill also ensures Enterprise railway services will continue to operate without disruption. Railway services are not included in this Bill. Part 9 of the Bill also covers pilot exemption certificates issued by harbour companies. Part 10 deals with bus and coach services. This makes the National Transport Authority, NTA, the competent authority to regulate bus services between Ireland and third countries, with enforcement by the Road Safety Authority and An Garda Síochána. The intention is that these heads could provide the backdrop to any future bilateral discussions to be held between the Irish and UK Governments regarding arrangements to facilitate bus services.

Part 11 deals with amendments to the Social Welfare Consolidation Act 2005. The aim of the suggested amendment reflects the Government's commitment to maintain the common travel area between Ireland and the UK and to provide for the continuation of the relevant social welfare payments. Due to the unique nature of the common travel area between the UK and Ireland, and the associated rights conferred on Irish and British citizens in each country, the convention seeks to formalise the pre-existing common travel area and social protection arrangements in a documented agreement. Part 12 deals with the amendment of the Protection

of Employees (Employers' Insolvency) Act 1984. The draft withdrawal agreement between the EU and UK provides for the continuation of arrangements to deal with cross-Border insolvencies including the protection of employees. In the event of a no-deal Brexit, the UK will enact draft regulations to provide for pan-European insolvencies.

The situation of employees will depend on the particular context in each member state. Part 13 of the Bill deals with the amendment of the Interpretation Act 2005. This will seek to address the potential vacuum in the event of a no-deal Brexit scenario by making amendments to the Extradition Act 1965 to allow extradition between Ireland and the UK at the request of the Minister for Justice and Equality. Part 14 deals with amending the Immigration Act 2004 to give an immigration officer the power to take fingerprints from a person applying for an Irish or a transit visa, where that officer thinks it necessary for ensuring the integrity of the common travel area. Part 15 of the Bill is entitled "Miscellaneous" but is materially the same as Part 13 and deals with changes to the Interpretation Act 2005. Part 16 amendments to the Data Protection Act 2018 proposed in the general scheme of the Bill are not included in the Bill itself and the proposed Part 17, which deals with exchanges of immigration data with the UK, is also not included in the Bill.

A big concern among my constituents in Louth is the introduction of the international motor insurance card, the green card. As the Acting Chairman, Deputy Breathnach, will know, as he comes from Louth as well, many people in the county, and their families, work in and travel to Northern Ireland. The volume of traffic to and fro is immense. The Good

6 o'clock

Friday Agreement was probably one of the best things to happen to this country.

I grew up in the 1960s and 1970s and I know what the Troubles were like. The signing of the Good Friday Agreement helped everybody on both sides of the Border. The last thing we want to see is the Border reintroduced. Nobody wants to see the return of customs depots, with members of the Garda on one side and army personnel on the other.

The last 20 years have been very peaceful for everybody in Ireland and that is particularly the case for those who live along the Border. As a former soldier myself, I know what it is like to patrol between Omeath and Cullaville. There are 38 Border crossings and I am familiar with all of them. I believe there are now many more than 38 Border crossings since the Good Friday Agreement. The people of Ireland did not seek Brexit. It is the UK that wants to leave the EU. In fairness to the Tánaiste, Deputy Coveney, he has often said he wishes things could go back to the way they were and we could have the relationship we used to have.

We still have an awful lot to lose. I commend the Tánaiste, who has just come into the Chamber, and the Minister of State, Deputy McEntee, on the fantastic work they have done so far. Many people have a lot of faith in the Tánaiste and, in fairness, he never once refused to talk to the media or tell the people what is going on. It is very important that we continue that here.

Many people in constituencies are worried and are scared. The 29 March deadline is fast approaching. Nobody knows what will happen. One week we hear that a deal will be done while the next week we hear a deal will not be done. We then hear that people are calling for another referendum. That is creating uncertainty. The main topic in every household in this country is Brexit. In fairness to this Government, it has not shied away from that. It has been upfront.

We have to respect Deputy Micheál Martin as well because he and the Fianna Fáil Party

have stood up on this issue. In fairness, they could have taken the handy approach before Christmas and perhaps pushed for a general election. We would then have the same scenario as they have in the UK. I refer to Sinn Féin and all the other parties in that regard also.

I have been a Deputy for the past eight years and this is one issue that has brought the entire country together. It is a fantastic day. I hope that in the coming weeks and months we all stick together because the goal is to look after our citizens.

Deputy Bernard J. Durkan: Like other speakers, I am glad to have an opportunity to speak on this legislation. It is not of our choice that we in this House are speaking on this issue. We did not initiate the events that led us to this particular situation but we have to acknowledge that we must deal with what is presented.

I acknowledge the tremendous work done by the Taoiseach, the Tánaiste and the Minister of State with responsibility for European affairs, Deputy McEntee, and congratulate them on the way in which they have conducted the business of negotiating through the European Union and with the European Union. I acknowledge also the huge amount of support from the European Union and its negotiators. Never in the history of this nation has such solid support come from countries in the rest of Europe, all of which are members of the European Union and intend to remain that way, as we do.

We also have to acknowledge the support of all other parties in this House. It is a difficult thing to do, particularly when in opposition.

Deputy Paul Murphy: It is very difficult to do it.

Deputy Bernard J. Durkan: I can see that some things are contagious across this House. However, some people may support this legislation with some difficulty but the fact is there is no other option; there is no alternative. It is in the interests of this country and its people that the political establishment here, and those who claim not to be part of the establishment, stand together in the national interest and wear the green jersey for this country. I believe they have done that to a great extent, and that must be acknowledged.

Some of us are long enough around this House to remember the early days of what is now known as the European Union. My first vote was on that particular referendum. One had to be a little older at that time - 21 years of age - to vote for the first time. I recall the people who advised us that we were voting on a crucial issue, and they advised us well. The decision taken by the Irish people then was a clear decision. To a certain extent, it may well have been a step into the unknown but the people who voted in that referendum knew what they were voting for, and they voted in their own interest and in the national interest. That is something for which we have to be grateful.

We are also long enough around to remember people like Pierre Pflimlin and other Members and Presidents of the European Parliament who set about putting in place their particular views on what Europe should be, and they did it well. They spoke with us at the time and explained to us where they were coming from, which was from a Europe when it lay in ashes and everybody was standing around after the most appalling war that cost 70,000 lives. It was a good time to concentrate everybody's minds, and everybody's minds were concentrated at that time, and to good effect. The decisions were taken to ensure that, hopefully, we would never again see ourselves in that position. It is with a certain sadness that we find ourselves where we are now.

Another issue is the extent to which this country, as an island nation, is affected by the decision of our next door neighbour to decide to leave the European Union. If the information that is available now throughout the UK had been made available at the time of the referendum, we would not be speaking in the manner we are speaking tonight. There is a lesson to be learned from that. It is always good to get the information that is most pertinent and to make it available to the people when they are making a decision. Nigel Farage, for instance, spent many years in the European Parliament undermining the European concept, undermining the European Parliament and promising to dismember it in one shape or another. That is what he did, and he can take credit for it. He might not be so happy to take credit for what happens afterwards, and a major problem will eventually emerge if Europe goes in this particular direction. If Europe were to fragment, as is the objective of some people - not in this Parliament, I might add - disaster will follow. It is no good saying that we have developed ourselves to such an extent that that will never happen again. That is not true. That is not the way things have worked in the past. That is not the way things have worked in other jurisdictions. That is not the way things have worked across the globe. It is in our interests to ensure we use our influence in a positive, constructive way to dissuade people who wish to break up the concept of the European Union.

Adenauer, Schuman, Monnet and the other people who were the founding fathers of what is now modern Europe set about their task all those years ago, recognising what had happened in the past and, from an informed position, deciding that these things should never happen again because of what happened.

As far as those of us in this Parliament are concerned, we have done all the things that had to be done, not only in Ireland's interest but also in the interest of Europe. It must be remembered that 500 million people is a huge market. A decision to leave that market should be taken into account very seriously. I do not wish to advise our colleagues across the water but it is no harm to remind everybody that moving outside what we have become accustomed to and worked with for several years is not moving back to the good old days, as some would see it; it is moving into the unknown. The world has moved on. Trade has changed. Telecommunications have changed. Transport has changed. Everything has changed since the 1970s, and in a positive way, as it has in this island as well.

We need to recognise where we came from and where we can go from here. In every way possible if we can influence the course of Europe in the future, we should so do because we have benefited greatly from Europe. Our colleagues across the water may well say to us that it has not been that way for everybody. I am not so sure about that. Europe has progressed considerably and each country within the European Union has benefited greatly from the availability of that 500 million plus market.

In terms of the negative outcome of the referendum in the UK, it was supposed to be a non-binding referendum, which is sad when one thinks about it. It has suddenly become more binding than ever before, affecting a greater number of people than ever before, and also affecting the future construction and geopolitical mass of Europe. That is something we have to take into consideration and absorb. On this island, we also have the Good Friday Agreement. We have come to know the all-island economy, North and South, working together and benefiting from European Union membership, from each other's existence and from the new trading arrangements that have progressed over the past 20 years. We thought this could never happen but it came in the wake of a war that went on for 30 years. Most wars in Europe go on for a much shorter time and have disastrous results, but the running sore that was effectively an internal or civil war on this island went on for 30 years. It took a great deal of negotiation by many people,

parties and personalities to bring it to an end. Some of us thought for a long time that it would never happen and it would not be possible to achieve an agreement along the lines of the Good Friday Agreement. Unfortunately, the people of the adjoining island, albeit not all of them, have taken a decision to leave the EU. Sadly, the people of Scotland and Northern Ireland, who opted to remain, are now being told their preferences have been noted but they must go along with the majority which has decided to leave.

Incidentally, I am somewhat concerned about another matter regarding the non-binding referendum that took place in the UK. There are obvious signs that there will be another referendum. That would be the correct decision because there is much more information available now to people in the UK and across Europe than was available at the time of the referendum. Apart from promises made by people who were pursuing a particular political agenda, those issues have emerged now in a less positive way than they were presented at the time. To those who say the referendum is sacrosanct and we cannot negotiate around it, I say with all humility that if one applies that principle in general, one must conclude that, after a country holds an election, no further elections should be held because the people have made their decision. That is not a logical argument and I cannot understand why it is being used.

We stand on the verge in respect of the Good Friday Agreement and the all-island economy, for which we strove and which we achieved and have nurtured at great political cost. We should not allow it to be frittered away by anybody. In fairness to all sides of this House, due regard has been had for the achievements and benefits, North and South. It is now obvious that we have a common cause to ensure that our colleagues in Northern Ireland of both traditions have an even chance of prospering in the future Europe, whatever that may hold. We are all saddened that it has not been shown so far that we will see in the future the progress that we have had in the past.

To be fair to the British Prime Minister, Mrs. Theresa May, she has endeavoured to achieve an orderly exit, not that Brexit will be of any benefit to anybody but at least it is orderly. Mrs. May has tried time and again to bring a plan through her Parliament and so far it has not happened. I hope it will happen because she has tried and we should recognise that. However, there are some with influence in the UK Parliament who obviously do not think that way. That is fine, but if every country in the European Union decided to pursue a similar course, Europe would cease to be and the Single Market and customs union would go. We must recognise that with that would go stability.

In the world in which we live now there is a certain amount of instability. Right across the globe, there is the emergence of individualism and a harking back to the so-called “good old days”. I and others have stated in this House in the recent past that one has to look carefully to see what the good old days were. Presumably, people are referring to the early part of the 20th century. If one looks closely at those good old days, one will find that almost 70 million people died in two world wars. They were hardly the good old days from the point of view of those who participated and fought in those wars. They did not know at the time what they were fighting for and to a great extent, we still do not know. However, they made sacrifices and, sadly, in many cases it was the ultimate sacrifice. All Europeans should remember that now and put aside their petty political ambitions and recognise for the good of all that we have a common cause and we need to stand together. We need to fight for, uphold and speak for that common cause. We must also act in accordance with the way we speak and *vice versa*.

The Leas-Cheann Comhairle spent many years on the European circuit and knows it better

than most. The participation of our representatives at European level is the reason Irish people are so readily prepared to accept the Europe that has emerged and of which we are part. I hope that will continue but if it does not, we need to recognise that our future lies with the Single Market, the customs union and access to a broadening market. In fairness, Irish people have shown repeatedly that they strongly support that, and rightly so.

Without the European Union, Ireland would have been less able to face the issues it faced over the past 40 years. In the past, we did not have the support we have received in the course of our membership of the European Union. Similarly, the European Union did not have the cohesiveness, single-mindedness, objectivity and vision that we as a small country provided for our European colleagues. We may well be only a small country, but those who have been involved, such as the Members of the European Parliament and various Governments, realise that we had a contribution to make. Maybe in the beginning it was not well recognised across the board, but we have done that. It is now generally recognised that we have made a positive contribution at European level, even though we were a small country. We have also made an economic contribution, more so in recent times when we were called upon during the recession to dig deep both in our pockets and in terms of our commitment. We must once again stipulate our need to stay in the European circuit and to improve and enhance it.

Europe has also stood the test of time. From time to time, we all have raised issues that we felt would be better handled in a different fashion. That has always been the case. That is democracy and democracy is open and free. That is its strength and weakness, as has been shown in the past. The Europe we inherited from the original founding fathers was divided, impoverished and full of bitterness in the wake of two world wars. However, by virtue of commitment, conviction and dedication, Europe evolved into what it is today. I am saddened, as is everybody else in the House, that people such as Nigel Farage saw otherwise. The Battle of Agincourt is a long way away and it has been a long time since it happened. There is no use living in that era and there is no use living in the past. We have to look to the future; we can influence the future but we cannot influence the past. In looking to the future we can learn from the mistakes of the past and we can vow never to allow them to be repeated.

I speak on this important legislation in the hope it will never be enacted or needed. I do not agree with those who suggest the Irish Government should have set out what it proposed to do on all of these issues far in advance. In fact, I strongly disagree. In a negotiating situation if we start setting out where we intend to go beforehand then there is only one place we can go. Anybody who has ever played poker will always know there is a time to hold them, a time to fold them, a time to walk away and a time to run. The fact of the matter is we are not in the business of running; we are in the business of being constructive. We are staying on board and sticking with the project. If we continue to do what we have done so far and keep our cool, reason will prevail and I hope that it does.

Deputy Pat The Cope Gallagher: Tá áthas orm deis labhartha a fháil maidir leis an mBille tábhachtach seo, an Bille omnibus a bheidh ag dul tríd an Teach sa chúpla seachtain amach romhainn. Is mór an trua go bhfuil ar an Rialtas an Bille seo a chur os comhair na Dála agus a chur i gcrích roimh 29 Márta. I welcome the publication of this omnibus Bill, which deals with various Departments. It is important that it is in place and enacted by 29 March. It is unfortunate, as many speakers have said, that the Government must do this. It appears the House will unanimously accept Second Stage of the Bill because it is in the best interests of our country.

We are living through very uncertain times and, whether there is a deal or no deal, and

I hope there will be a deal, Ireland will suffer and there will be serious implications that are nearly too horrendous to contemplate. Think of the manner in which we have done business with the UK over the years and the close commercial and business relationship we have with it. Since 1973, we have been a member of the European Union. We have had the customs union and the Single European Act. I can remember only too well during my early days in the House and prior to it when we were exporting from Donegal, trying to be in Lifford on time to get across to Strabane, and having the CU6 form filled in and approved to try to get a boat out of Larne to Stranraer before the late sailing to get perishable goods or otherwise to various parts of the UK and onwards to Europe. It was a nightmare but the Single European Act removed the economic borders, which meant we could go from west Donegal to the southern ends of Europe without any hindrance. It is frightening to think we will have to relive this again, in the sense that people going from Lifford to Strabane, from Bridgend to Derry, from Monaghan to Armagh or from Dundalk to Newry will have these as their first crossings. After that they will go into the UK and, if they are going on to mainland Europe, they will go from Harwich to the Hook of Holland, leaving a third country to go into the European Union, and it would be the same going from Dover to Calais or the many other crossings through the UK landbridge.

When I think of my county and the necklace of counties on both sides of the Border, there are 300 crossings along the 500 km Border. I remember only too well farmers who were trying to get from Donegal to Tyrone or Derry had to travel miles along approved roads to get from one side of their farm to the other. All this has changed dramatically. It could happen again but I hope it will not. It is quite possible that it could.

The Good Friday Agreement played an important role, as did the Single European Act and the customs union as a result of our membership of the European Union, which we joined in 1973. Subsequently we had the free market for our goods, services and people. As it is today, we have a market of 500 million. If the UK decides to exit Europe it will leave us with direct access to 435 million people. If we import or export to the UK through the WTO there will be tariffs, and it does not matter how low they might be as they will be an extra burden not only on us but on the citizens of the UK.

The European Union has played an important role in the peace process in this country. There are enough of us here to remember those days in the 1970s and 1980s when the European Union was a major donor to the International Fund for Ireland, together with the other countries that contributed. This was to help both sides of the community on both sides of the Border and the necklace of six counties along the Border. Subsequent to this, after the peace process, I recalled very well Jacques Delors, who was President of the Commission at the time, stating Europe would respond in a positive and practical way. The only positive and practical way it could do so immediately was to increase its contribution to the International Fund for Ireland and this is what it did. Immediately, it set about establishing the peace and reconciliation fund and, subsequent to this, the PEACE I, II, III and IV programmes. All of these played an important role, as did the Good Friday Agreement. We must ensure none of this is unravelled in any way.

It is easy to say now that the referendum in the UK should never have happened. I knew Nigel Farage when we were both Members of the European Parliament. On the night of the count he conceded defeat but when we woke up in the morning a decision had been taken by the people in the UK. On such a major decision the majority was only a couple of percent and I believe the majority of British people did not want it, particularly the young people in the UK. Let us hope there may be a second referendum and that it might be overturned. Perhaps this is too much to hope for.

The referendum followed the referendum the then British Prime Minister, David Cameron, offered and held in Scotland on independence, which was rejected. He took a calculated risk in the best interests of the Conservative Party to give an opportunity to secure more seats. Of course, it backfired on him. There is an obligation on us, on the Government and on every Member of the House to support the Government and the Bill on Second Stage and to put the contingency plans in place. We hope, as many Members have said, that they do not have to be implemented. I hope they will gather dust on the shelves of the various Departments.

I will now refer to a number of specific areas, including fisheries and the marine. Fish do not recognise geographic or political boundaries. Over the years, we have had a good relationship with the UK, even before our membership of the European Union in 1973. The Common Fisheries Policy was introduced in 1983. We have always had the right to fish in UK waters but, as of 30 March, the UK could decide that all vessels that fish in its waters as a result of membership of the European Union will no longer have the right to do so. I hope this will not happen. I understand there is an informal arrangement with the UK whereby we will be able to fish for this year's total allowable catches and quotas. However, there is great uncertainty in the fishing industry because fishermen are fearful that that agreement may not be upheld. I wish to placate fishermen by saying that I am confident that the agreement will hold until the end of the year. What is the result of that uncertainty? It is that fishermen are front-loading and trying to catch all of their quotas before 29 March. That is not good for the industry. It means that extra fish are going on the market, which is reducing prices, rather than the quotas being managed over a longer period. Let us hope that the European Union will come to an arrangement with the UK in regard to fishing in those waters. Ireland cannot come to a bilateral arrangement with the UK.

I am somewhat disappointed at the preparatory work done by the Government, particularly the Minister for Agriculture, Food and the Marine, Deputy Creed. He has met representatives of the fishing industry on a number of occasions but there is an attitude that it will be okay on the day. Unfortunately, we must be much more serious about this issue than that. There is a lack of progress in the discussions between the European Union and the UK. When the EU's chief negotiator, Mr. Michel Barnier, came to the House, I discussed with him my fears for the fishing sector. I was very pleased when he indicated at that time that negotiations in regard to fish and trade would be inextricably linked because the UK exports its fish to mainland Europe and Ireland. It is to be hoped that there could be a *quid pro quo* regarding fishing in UK waters because UK fishermen must export to the European Union.

On 19 December, the Government published the Brexit contingency action plan, but it contained no reference to the marine sector. I received some clarification in that regard but I am not happy with it. It is little wonder that the marine and seafood sectors are getting edgy and nervous. They are worried about 29 March and whether all of the quotas should be caught by then. Some 60% of our mackerel and 40% of our nephrops - a valuable catch - are caught in UK waters. Some 30% of our overall fish catch is caught in UK waters. In that light, it is no wonder that the industry is very concerned. It must be protected. I called on the Minister at the time to establish a marine forum and I again call on the Minister and the Government to so do. The Minister met representatives of the industry in Clonakilty last week but no great progress was made. I want him to work with the eight coastal states in the EU which have similar problems to ours and which are working as one to try to secure the best possible deal.

The Tánaiste, as a former Minister for Agriculture, Food and the Marine, will be aware of the European Maritime and Fisheries Fund. We have been told it will be available to compen-

sate the marine sector. However, that is not good enough. That fund is already fully required. It must not be robbed to provide a Brexit fund for the fishery sector. Rather, additional funding must be made available. We have been told that funding will be made available for other sectors. I call on the Government to ensure that an additional contingency fund is made available for the marine sector in the event of a no-deal Brexit.

In the past 800 years of history between Ireland and the United Kingdom, a boundary never existed in the Irish Sea. Of course, there was a Border between North and South and Members are well aware of the difficulties it created in regard to importing and exporting. If I were to choose the two most significant moments in the almost 40 years since I was first elected in 1979, they would be the peace process and the removal of the economic border. I remember travelling to Dublin through the years, crossing the Border at Lifford or Clady and again into County Monaghan. Over those years, there were long queues heading back to County Donegal. Overnight, all of those queues were removed. The peace process brought about the removal of the military and economic borders. I am not scaremongering, but I do not see how we can have a seamless Border if there is no deal, or even if there is a deal. I wish the Government, the Tánaiste, Mr. Barnier and all those negotiating at this late stage well. Perhaps it is because Brexit is only a few weeks away that people's minds are now being focused and they realise the pitfalls that might lie before us. It is to be hoped that an agreement will be reached in the coming weeks.

Some 67% of our marine exports use the landbridge through the UK road network to access their markets. I have referred to the difficulties that will be experienced going into and out of a third country *en route* to mainland Europe. I am somewhat worried that the marine sector is not getting the same attention as other sectors. The fishing sector has provided sustainable full and part-time employment to coastal communities in the most rural areas of this country where there was no alternative source of employment. We must ensure that it can continue to provide such employment.

On health, I was a Minister of State at the Department of Health from 2006 to 2008, during which period we had our first meeting with the then Northern Ireland Minister of Health, Social Services and Public Safety, Michael McGimpsey. That meeting in Dundalk led to an agreement between the Governments to provide funding for a cancer unit at Altnagelvin Area Hospital. That was chosen as the location for the unit on the advice of specialists who told us that such a unit required a critical mass. Donegal and western Ulster provided that critical mass. Of course, many people from Donegal and other parts of the country now use the HSE treatment abroad scheme or the cross-border directive scheme which work well, provided that one can raise the cost of the procedure. One is then refunded by the very efficient HSE overseas office in Kilkenny which deals with those schemes. The Minister for Health, Deputy Harris, stated in his contribution on the Bill yesterday evening that there should not be any issue continuing those schemes. If a bilateral agreement is required to facilitate that, temporarily or otherwise, then so be it.

On transport, many residents in this country hold UK driving licences, which can be converted into Irish licences. My understanding, which was confirmed by the Minister for Transport, Tourism and Sport, Deputy Ross, when speaking on the Bill, is that those licences must be converted before 29 March. However, that requirement makes little sense. Will the Minister, Deputy Ross, provide further clarification in that regard? Many people in this country hold UK licences. If those licences have not been converted by 29 March, will they no longer be valid? If there is to be a bilateral agreement with the UK in regard to driving licences, as there is with

certain other countries, can that be made retrospective? It is to be hoped that that is possible. Every effort must be made to deal with that issue.

There are many other issues to which I do not have time to refer, such as cross-Border workers and the movement of livestock in Border counties. Those are issues that need to be clarified.

These are uncharted waters. In short, I wish the Tánaiste and the Government well in the negotiations in which they will be involved over the coming weeks. Let us hope that there will be a deal. From an Irish point of view, it would probably be preferable for the decision of the British people to be overturned and another referendum held. We can be criticised in this country for referendums but at least when we have one, there is a referendum commission. The Irish are well aware of what they are voting for. The pros and cons are laid out before them. This did not happen in the United Kingdom. It is easy to be wise after the event but I am quite sure that if there is to be another referendum, the people of the UK will be much more wise and will, I hope, overturn this decision.

Deputy Paul Murphy: Everyone in this House and society will agree we need to prepare for Brexit but doing so is not a neutral class-free, agenda-free, ideology-free task, with the exception of dealing with the many legal formalities and so on. Making these legal changes is fine but the approach of the Government and the majority of parties in this House in preparing for Brexit involves a continuation of their general policy, which serves the interests of the capitalist class and big business in this country. This is primarily through the mechanism of quite neo-liberal economic policies. This is what is new and what has substance in this Bill as opposed to necessary legal and technical changes. The basic thrust of the Bill is to give greater facilities to State agencies, without democratic oversight, to give subsidies to companies as a response to Brexit. That is the most essential new element of what is here. Crucially, it is from public money, without resulting in public ownership and a changed nature of the economy.

We agree absolutely on the need to prepare for Brexit but we look at this from a very different standpoint, namely, that of working-class, ordinary people in this country. It should happen at State level but my colleagues will have raised the point about having a conference of workers from across this island and Britain to prepare to resist any attempt to place the burden of Brexit on working class people. The objective would also be to protect jobs, conditions, etc. The same applies in terms of what we think a government on the left would do in preparing for Brexit. It would be different in that, instead of the thrust being increasing the capacity of the State to dole out public money to private companies, it would be to seek to say there should be no attack on workers' living standards, no unemployment and no redundancies as a result of Brexit. While public resources should be used, they should be used in a way that is linked to the idea of public ownership and a changed model of the economy, as opposed to the very unsustainable model we currently have. I propose a model fundamentally based on a socialist industrial policy and a planned economy. Some of the unsustainable aspects of the Irish economy are exposed in the current discussion.

I want to focus on a couple of specific areas. My colleagues have dealt with others. Mr. Jeremy Corbyn stated accurately that Ms Theresa May's Brexit is a "bargain basement Brexit". Unfortunately, it is a bargain basement Brexit that is supported by all the major parties in this Dáil and it represents a vision of low tax, low regulation and a race to the bottom in the interest of finance capital and a section of British capitalism. The basic approach of the Irish Government in response, definitely supported by Fianna Fáil but also by others, is to go deeper in terms of building a basement under the British Government's basement, which is extremely danger-

ous.

Let me draw attention to the impact of the influx of global finance companies into Ireland as a result of Brexit. According to a *Financial Times* special a couple of weeks ago, the Central Bank has received around 100 applications from financial firms to move here. As of January, 27 financial firms were definitely moving from London to Dublin, far ahead of Frankfurt, Luxembourg and Paris. Obviously, the Government sees it as a major success that we are managing to shift these companies to Ireland. What will be the consequence, however? The result will be a doubling down, as an economic model, of the idea of Panama on the Liffey, with the prospect of all the negative features of the so-called finance curse, like the oil curse, coming to be bear even more. According to Mr. Nicholas Shaxson, this is where an oversized financial sector comes to control the politics of a finance-dependent country and to dominate and hollow out its economy, displacing productive activities and giving great political and economic power to a small financial elite. It will also have the impact of exacerbating the housing crisis as thousands of highly paid executives move here looking for high-end rental accommodation close to the areas of the city where the jobs will be located.

We know from the banking inquiry, for example, that light-touch regulation applied to international banks in order to attract them to the IFSC was one of the major triggers for the deregulation of the domestic banks. In his evidence to the inquiry, banking expert Professor Gregory Connor testified as follows:

The IFSC ... specialises in regulatory arbitrage and tax-type situations that are perhaps pushing the limits. That ... is partly what offshore centres do, but it probably has been done to excesses in some cases in the IFSC. Furthermore, that tendency or philosophy washed back to the domestic economy. The regulation of financial markets in domestic Ireland was hobbled by the very light-touch approach that was one of the founding principles of the IFSC.

The former head of the banking supervision department of the Financial Regulator, Ms Mary Burke, confirmed this, explaining:

[T]he strategic decision that there should not be two different regulatory regimes - one for domestic firms and another for those in the IFSC - meant that a different approach was not taken to the domestic financial services sector. This decision was driven by a concern that the IFSC might otherwise be categorised as an off-shore centre with associated negative connotations.

Therefore, in terms of being Panama on the Liffey, there is a dynamic of pressure for renewed deregulation for the offshore sector. That pressure is likely to spread back into the domestic sector. Already in the United States, for example, most of the stronger financial regulation that was introduced in the aftermath of the financial crisis has been reversed, and there will be pressure for the same to happen here. It is likely that the same will happen here in competing for international financial investment. The IMF identified the relatively large size of the financial system, amounting to multiples of GDP, as an important reason Ireland and Iceland suffered worse financial crisis than elsewhere.

I am not saying the next crisis will be a carbon copy of the last one but it is certainly the case that Ireland's outsized financial sector, which will be even more outsized as a result of the Government's response to Brexit, makes the Irish economy more vulnerable to financial crises

than less financialised economies. This whole approach is mistaken. Instead of seeing this as an opportunity to make Ireland even more of a finance centre, we should take the finance and banking systems into real democratic public ownership under workers' control and utilise them as a public utility in the interests of the economy and society as a whole, channelling the resources that exist into productive, rather than speculative, investments. A publicly owned financial system could be the bedrock for planning in a democratic way the necessary transition of the Irish agrifood sector from the polluting, greenhouse-gas-heavy industry dominated by meat and dairy to a green horticultural economy, for example.

That brings me to my second point, which relates precisely to the agriculture sector, which is an example of an unsustainable model that is overly exposed. This applies to finance but it also applies to agriculture. The agrifood sector is most unsustainable in the context of the environmental crisis. The sector is the number one contributor to greenhouse gas emissions in the economy. It is simply unsustainable to continue on the basis of 10 million cows in Ireland. It has also had economic consequences and has left that sector and the jobs associated with it extremely exposed with the likely collapse of beef and dairy exports in the event of a no-deal Brexit.

How can a conversion take place in our model of agriculture? The roles of public ownership and the State are central. We should take the major agrifood companies, such as Kerry Group, Total Produce, Greencore, Glanbia etc. into public ownership and use them to restructure the agricultural sector and point it in a different direction. We should also change the model of grants currently given out in order to consistently incentivise a shift towards a different type of farming without any loss of income for small and medium farmers.

I want to make a couple of points about the political situation in Britain, which obviously has significance for how things play out and affect ordinary people in this country. Solidarity-People Before Profit has always said that the prospect of a Jeremy Corbyn-led Labour Government with a leftist and socialist programme had the potential to transform the discussion about Brexit and reopen negotiations on a different basis. Different proposals would result in no borders to trading relationships and discussions being conducted in a very different fashion. Such discussions would reach over the heads of the likes of Angela Merkel, Jean-Claude Juncker and Emmanuel Macron to ordinary people across Europe who oppose fiscal rules such as those in the Maastricht treaty and the austerity that has been imposed. Those people are also opposed to the militarism and the lack of democracy of the EU. They are in favour of agreeing a new deal across Europe and popularising ideas that are a part of a vision for a socialist Europe. That is the best possible outcome for ordinary people in this country as well.

The first thing that must happen to get to that point is for Theresa May's Government to fall and a general election to be called. That requires parliamentary manoeuvres and mobilisation from below by the trade union movement, Corbyn and others, to demand that Prime Minister May goes. The Labour Party needs to enter that election with a leftist programme without repeatedly conceding to the Blairites. In that context, the past week has been a bad week for British politics and therefore for politics here. It started with the Blairites walking away from the Labour Party, which was no problem. They were always out to damage Corbyn and chose the best moment to do so. Good riddance to them because they did not agree with the policies that Corbyn represented. The line taken started well and was that these people were elected on the Corbyn programme for the many, not the few, that they should stand down and there should be by-elections. Unfortunately, that narrative then shifted because of pressure applied by the Blairites who remain within the Labour Party and that was the beginning of significant conces-

sions.

Two significant mistakes have been made this week and should be reversed. The first mistake was the shift in the Labour Party position to say it is now in favour of a second referendum with the option of remaining within the EU. That is a disastrous position because it potentially allows the Tory Party to present itself as the only party that will respect the outcome of the previous referendum. If a second referendum was to take place, regardless of the result, it would lay the basis for a deep alienation in British society and an opening for the far right. Corbyn should be uniting the working class, those who voted to leave and remain, behind the idea that the original referendum result would be respected while questioning the type of Brexit they want and in whose interest it would be. I refer to the point about a left and socialist exit.

The second mistake was Corbyn's move to suspend Chris Williamson, MP, effectively for telling the truth about the role of the attacks on the Labour Party and the mistakes made by a section of the leadership of the Labour Party in apologising and retreating. The reaction to that confirmed everything Chris Williamson was saying and that is disastrous. It shows that the Blairites and the right wing in the media and elsewhere will continue an unrelenting attack on Corbyn and a left leadership of the Labour Party because they do not want a left Government to come to power in Britain. It is a mistake to retreat and to suspend Chris Williamson at a time when the Blairites are the ones who should be suspended.

The ordinary members of the Labour Party who joined in support of Corbyn's left programme should be listened to, not the various backbench Blairites. I send my solidarity to Chris Williamson. The left, socialist, labour movement needs to mobilise to prevent what has been a week of retreats by the Corbyn leadership becoming a rout and a negative turning point for the prospects and potential of the Corbyn leadership and the popularity of socialist policies in Britain.

Deputy David Cullinane: It did not take the Deputy long to turn against Jeremy Corbyn.

Deputy Simon Coveney: Let us get back to Brexit.

Deputy David Cullinane: Hear hear.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I thank Members of the House for their time and engagement over the past three days. Brexit poses an unprecedented challenge for Ireland and the ongoing uncertainty we are facing only serves to increase the scale of this challenge as we prepare ourselves for several possible outcomes. The unity and common purpose demonstrated by all the political parties in dealing with this challenge has been valuable to me, as someone who is trying to co-ordinate that response. I look forward to further detailed engagement by Ministers with Deputies on each line of the Bill in the course of next week's Committee Stage. Afterwards the Bill will go to the Seanad for Second Stage. Committee and Report Stages are scheduled for the week of 11 to 14 March, which will also be a week when much may happen in Westminster. This timeline allows for commencement orders and other secondary legislation arising to be enacted in time for 29 March should that be necessary.

The Government's focus remains on ratifying the withdrawal agreement that has been agreed between the EU and the UK. This remains the best way to ensure an orderly UK exit. Should the UK formally request an extension to Article 50, Ireland would be open to such a request. As part of the EU 27, we would need to carefully consider such a request, taking into account the

reasons for, and duration of, a possible extension, as well as the need to ensure the functioning of the EU institutions throughout that period. Contacts continue between the EU and the UK on finding a way to facilitate the ratification process in Westminster. Notwithstanding this week's developments, given the ongoing uncertainty in the UK, we are obliged to continue to move forward with our no-deal preparations.

At home, in addition to the important debate in this House, this week saw the launch of a new Government Brexit information website, www.gov.ie/Brexit, which is a one-stop-shop for citizens and businesses who have questions about what they can do now to prepare. The negative implications of Brexit across a range of economic sectors in Ireland have been repeatedly outlined. All our preparations are focused on minimising to the greatest extent possible the negative impacts that we would face should the UK choose to leave with no deal. We have to recognise, however, that it will not be possible to eliminate or mitigate all risk. A vast array of work across sectors is under way at EU level. Ireland's preparedness work very much fits into this wider EU picture. This reflects one of our principal underlying mitigation measures, which is the fact that we are remaining in the EU. Business will continue to benefit from all the stability, certainty, predictability and solidarity associated with our EU membership and remaining in the Single Market.

With regard to mitigation measures not encompassed in primary legislation, in response to some of the main themes which emerged during the debate, I want to focus on physical infrastructure and related staffing measures, business supports, agrifood and fishing. The majority of contingency planning work in these areas is not directly addressed in the Bill for the simple reason that legislation is not required to carry out this work.

On physical infrastructure and related staffing measures, to ensure east-west trade continues as smoothly as possible, we are developing the additional physical infrastructure needed at our ports and airports. Work on temporary facilities is under way at Dublin and Rosslare ports. The Revenue Commissioners will have 400 additional customs staff trained and in place by the end of March 2019. It can recruit an additional 200 by the end of 2019. The Department of Agriculture, Food and the Marine is implementing the necessary steps to facilitate potentially increased sanitary and phytosanitary controls while deploying approximately 230 people as part of its Brexit response. The Department of Health is recruiting an extra 61 environmental health staff. We remain in close contact with other EU member states, including France, the Netherlands and Belgium, which will also be strongly affected by the UK's departure. We have also engaged in depth with the European Commission and affected member states on the continued operation of the landbridge in all Brexit scenarios. Those contacts are continuing and are making good progress.

Several Deputies commented on the question of business supports and state aids in a no-deal Brexit context. While the Government has already introduced a wide range of supports for business, we know that a no-deal Brexit would have severe consequences for Irish businesses. In a no-deal scenario, the Government is committed to doing more to provide businesses and key sectors with the support needed to mitigate the impacts as far as is possible. There are signs of increased preparations by business for a no-deal scenario, with Enterprise Ireland and Bord Bia reporting significant uptake in the level of engagement from business with the supports they provide.

Revenue advises there has been a 330% increase in customs registration economic operator registration and identification, EORI, applications in February 2019 over the comparable

figure for January. EORI applications are currently at approximately 100 per day, a significant number.

On the question of state aids, the Department of Business, Enterprise and Innovation has been proactively engaging with the European Commission for some time to find solutions to assist Irish enterprises. A technical group was established and has achieved results which benefit our Irish businesses. Members should be in no doubt that the Government is continuing actively to pursue the question of further state aid flexibilities which would be needed in a no-deal scenario. Just last week, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, announced an amendment to the rescue and restructuring scheme budget from €20 million to €200 million. This scheme is an important safety net for Irish businesses and the increased budget is prudent as part of our overall contingency plan for Brexit. In a further welcome announcement last week, the European Commission gave state aid approval for national investment in an Irish cheese producing company, the Carbery Group, a company I know well.

As the Minister for Agriculture, Food and the Marine, Deputy Creed, set out in his contribution last night, Ireland is in close contact with the European Commission, including the European Commissioner for Agriculture and Rural Development, Phil Hogan, on the challenges for the agrifood and fisheries sectors. The Commissioner is keenly aware of the unique exposure of the Irish agrifood and fisheries sectors to the threat of a disorderly Brexit. Ireland has stressed the need to deploy market response measures, including exceptional aid, under the Common Agricultural Policy, CAP, to provide necessary supports to Ireland's agrifood sectors. When the Minister for Agriculture, Food and the Marine met the Commissioner last month, he reiterated the EU's readiness to respond and support Ireland. The Government will not abandon Irish agriculture in the context of Brexit, regardless of what happens.

Several Deputies raised concerns over driving licences. Holders of British and Irish driving licences can continue to use these licences to travel to visit one another's countries, both North and South on the island and east and west with Great Britain. However, there is a specific issue regarding holders of UK driving licences resident in Ireland. They should now move quickly to exchange their British driving licence for an Irish licence before the UK leaves the EU, as there would be an issue if the UK leaves without a deal.

With regard to motor insurance, the industry has taken several precautionary measures to print and prepare a large number of green cards which may be necessary in the case of no-deal Brexit. This is a prudent contingency plan in the absence of a broader agreement.

Several Deputies noted the text of the Bill, as published, differs from that of the heads of the Bill published in January. This reflects the intense engagement between Departments and the Attorney General's office in the interim. For example, all the proposed aims of the longer initial draft of Part 2 on healthcare are encompassed by the shorter version now proposed. Similarly, although there is no longer a Part dealing with rail transport on the island, work is continuing with the Department of Transport, Tourism and Sport to ensure the Enterprise train service continues to operate smoothly between Dublin and Belfast. Specific legislative provision at this stage, however, is not necessary. Deputies will have the opportunity to engage with the relevant Ministers on these issues on Committee Stage next week.

Deputies have noted the range of measures in the Bill to facilitate in an operational way the shift to the UK being a third country. Deputy Howlin made two points relating to Parts 2 and 6. I reassure the Deputy that the Bill and all its Parts has been prepared in consultation with the

Office of the Attorney General and on the basis of legal advice from that office. I am sure the Minister for Finance, Deputy Donohoe, and the Minister for Health, Deputy Harris, can address the Deputy's concerns in more detail, if necessary.

Deputies Boyd Barrett and Bríd Smith expressed concerns about the tax measures in the Bill. These measures are not intended to create or extend so-called loopholes for multinational companies. Deputies will note that a limited number of corporation tax measures are being introduced in the Bill. These are focused on maintaining the *status quo* in the immediate aftermath of a disorderly Brexit for bona fide transactions entered into by Irish businesses.

Several Deputies mentioned the important question of recognition of professional qualifications in the context of Brexit. This will largely be taken forward, in the first instance, via the relevant Irish and UK recognition bodies. In one or two areas, specific issues have arisen which require legislative amendment. In this context, the Minister for Communications, Climate Action and Energy will introduce a technical enabling provision on Committee Stage to ground regulations for the recertification of companies and individuals working on fluorinated gas equipment under the EU fluorinated gas regulation. This approach is intended to be similar to that already included in the Bill in respect of pilotage exemption certificates in Part 9. It will ensure those working in this area can continue to do so and get the certification in law.

The Good Friday Agreement in all its parts and supporting North-South co-operation and the all-island economy have been key priorities in the Government's approach throughout the Article 50 process. North-South co-operation arrangements bring tangible benefits to the daily lives of people in the Border region on the island of Ireland as well as contributing to economic opportunity and development. These priorities are reflected in the withdrawal agreement in the protocol on Ireland and Northern Ireland. They also underpin several provisions in this Bill.

Some Deputies suggested this legislation should make reference to the Border. I can assure the House that the Government is not preparing for a hard border. There is no secret plan. Ireland and the European Union are at one on this issue. The European Union has been clear that it is determined to do all it can, regardless of circumstances, to avoid the need for a border and protect the peace process. If the United Kingdom chooses to leave the European Union without a deal, Ireland and the Union will have responsibilities in ensuring the protection of the Single Market and the customs union. The United Kingdom will have its own responsibilities, including meeting WTO requirements. We will all have our obligations under the Good Friday Agreement to ensure peace and stability in Northern Ireland. No matter what the outcome to Brexit is, Ireland will continue to be a full member of the European Union, with all of the benefits of the Single Market and the customs union. When the United Kingdom committed to the backstop in December 2017, it also committed to respecting the integrity of the Single Market and Ireland's place in it.

I again thank Members for their time and engagement in the Second Reading of the Bill. The legislation is an essential part of our preparedness work. It will provide for continuity in key arrangements with the United Kingdom, protect Irish citizens and support the economy, enterprise and jobs in key economic sectors. To end on a more positive note, the Bill, very importantly, will also put in place necessary measures for the application of a transition period under the withdrawal agreement which we hope to see ratified by the United Kingdom, I hope as early as in the next few weeks. Only then will we be able to start work on the agreement that will frame our future relationship which we want to ensure will be as close and as comprehensive as possible.

Question put and agreed to.

Acting Chairman (Deputy John Lahart): When is it proposed to take Committee Stage?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): On Tuesday, 5 March.

Acting Chairman (Deputy John Lahart): Is that agreed? Agreed.

Committee Stage ordered for Tuesday, 5 March 2019.

Saincheisteanna Tráthúla - Topical Issue Debate

Traveller Accommodation

Deputy Éamon Ó Cuív: I thank the Minister of State for coming into the House to listen to what I have to say. We get report after report, but the report prepared by the Traveller community analysing all sites and group housing schemes in County Galway and Galway city is absolutely devastating. It is so clear and the pictures paint a thousand words. Many Travellers in Galway are living in Third World conditions on sites provided publicly that are not maintained, at least one of which does not have planning permission and is totally overcrowded to the point where it contravenes the law. We know what happened in Dublin in similar circumstances. I despair at the inability of Galway City Council to deal with this issue. I support the Traveller community's call for a complete overhaul of the Traveller accommodation planning system. Looking for Part 8 developments and trying to work through the current system have failed to deliver year in, year out. There is, therefore, a need for a specialist agency independent of the local authority or that at the very least we would move away from councillors in voting through planning permission for Traveller-specific accommodation. All such planning applications should be put through An Bord Pleanála, at least in the short term. This has become a country of reports, thinking reports, laws or big statements will solve problems. The local Traveller accommodation consultative committees produce a lot of paper but very few results. Put bluntly, there is not the political will to deal with the issue.

The figures which indicate how Travellers live are absolutely devastating. In 2016 some 7,000 Travellers, or almost one in four, were either sharing houses or bays on unauthorised halting sites in 2016. In Galway a disproportionate number of the homeless are Travellers, through no fault of their own. They are the finest people who come to see me every week and they are homeless because we are not providing accommodation for them. There was a ridiculous situation in the summer of 2017 when Galway City Council threatened to evict Travellers from the Cooltra halting site because it was overcrowded, yet it had nowhere for them to go. It was either move to somewhere illegal or stay where they were; it was a choice that involved moving from the frying pan into the fire. There are many more specific examples. One I have often quoted is the halting site in Carrowbrowne. I fought and worked hard to have it seen as a temporary expedient measure because the Travellers were living on the side of the road. It was only meant to be a temporary halting site. Planning permission was given for a period of three years was given and then one year by An Bord Pleanála which scarified Galway City

Council. Notwithstanding this, to my knowledge, the Travellers have not been taken to court by the council in the jurisdiction of which the facility is in total breach of planning laws, nor have plans been made to provide suitable long-term accommodation for the Traveller families who deserve a lot better than being placed beside a redundant dump.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I thank the Deputy for raising this very important issue and bringing attention to it. I also thank him for his openness to bringing about change and putting the focus on the provision of Traveller-specific accommodation, something which is not happening in many places and Galway is probably the best example. The report summarises and highlights the position as well as can be done. The Deputy knows that I have visited several sites and that I am aware of the difficulties with overcrowding. He referred described them as Third World conditions, but they are certainly deplorable. It is not good enough and not acceptable. Somehow the issue must be addressed and the position changed. I have been provided with a copy of the report produced by the Galway Traveller Movement into which it put a great deal of work. I genuinely want to see progress. This problem has been ongoing for many years and we need to move things on. I was pleased to have the opportunity to open the Irish Traveller Movement's annual conference last November and speak to Travellers in Galway and other parts of the country to hear their accounts of their accommodation issues at first hand. I have also witnessed at first hand some family situations, having visited a number of Traveller sites since taking up my role in the Department. The Deputy is correct - conditions are not acceptable. It is as simple as that and there is no way to sugar coat it.

I am deeply aware of the challenges facing Travellers and local authorities in the provision of safe, culturally appropriate housing options for families, not just in Galway but also throughout the country. Some local authorities do take their responsibilities seriously and want to move on the issue, but others are lagging behind. The system is failing. There is no other way to put it. It should be noted that, in accordance with the Housing (Traveller Accommodation) Act 1998, housing authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller accommodation programmes, TAPs, in their areas. Local authorities are currently preparing their fifth multi-annual TAPs, which will run from 2019 to 2024. These will outline details of the programmes to be undertaken to meet the existing and projected accommodation needs of Travellers in their areas and the responsibilities of local authorities to deliver. The TAPs will be prepared by the local authorities in consultation with local Traveller organisations, the local Traveller accommodation consultative committees, LTACCs, other relevant community groups and the public in general.

The TAPs will come into effect from September this year. It was felt that it would make sense to introduce them in conjunction with the new councils so that there would be ownership of the programmes, instead of finalising them before the local elections only for nothing to happen thereafter. Notwithstanding this, identifying solutions to challenges in the provision of Traveller accommodation generally is a responsibility shared by all stakeholders. It has to be taken seriously. In line with the commitment in Rebuilding Ireland, and reflecting the disappointing level of overall funding drawdown in recent years, and having regard to relevant findings in relation to the European Social Charter which was referred to, the Housing Agency commissioned a review of funding for Traveller-specific accommodation in 2017. This review had regard to the targets contained in local authority TAPs and actual delivery. Less than 80% has been delivered over the past 20 years and in some years it has been less than 60%, while

last year it was less than 50%. It is not where it should be but the money has been provided - it is just not being spent. The budget has gone up to where it should be, having suffered cuts previously.

Following its consideration of the review, the national Traveller accommodation consultative committee recommended to me that an independent expert group be established to examine and make recommendations on issues regarding Traveller accommodation policy, strategy and implementation. I accept that the Deputy does not like reports and this is another report but the consultative committee wanted this and it is designed to move things on. It has taken much longer than it should have done but it was established in September and held its first meeting in October 2018. I have asked the group to report to me as quickly as it possibly can with its review and its recommendations. It has been asked to review the effectiveness, implementation and operation of the Housing (Traveller Accommodation) Act 1998, with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller community. It has also been asked to review other legislation that may impact on the provision and delivery of Traveller-specific accommodation, including transient accommodation, which will address a number of the issues raised by the European Committee on Social Rights and individuals in Galway, Cork and other places.

I expect that the group will provide my Department with a report in April this year. I have asked the group to make whatever recommendations it thinks are needed. It has been given no instructions to come back to me with small changes. I want it to recommend whatever it takes to fix this, once and for all. I ask for political co-operation to help us do this. The housing committee has met the expert panel and has bought into the process. I share the Deputy's frustration at what has happened in the system for the past number of years.

We have also set up a new task force for overall housing provision in Galway city and county, which includes Traveller accommodation. We are trying to drive activity because the targets are being missed by a long way. We are determined to address this as best we possibly can.

Deputy Éamon Ó Cuív: I know the Minister of State's heart is in the right place but it is all reports, words and more words. The system always creates another report, another examination, another consultation before we take action. In Galway city, it is game, set and match to the *status quo*, which is to do nothing. The Part VIII developments are not going through. We can have all the reports we want but nothing is happening. The Minister of State knows that time flies in the job he is in. He has only one short window of opportunity to get something done but he just gets another report and there is no action.

There are 15 families living on the Carrowbrowne temporary halting site on the Headford Road in Galway. The 30 adults and 36 children have been living on the site since 2009, when three-year planning, temporary, was given. The 15 families have stated a need for Traveller-specific, culturally appropriate accommodation but Galway City Council has not been able to meet this need and it applied for an extension of the planning permission on this site in 2012. In December 2013, An Bord Pleanála gave the council one year but it ran out in December 2014. The council did not even try. In the ten years in which these people have been living on the site, which was given as an expedient measure in a crisis, the council has not tried to get proper, long-term, suitable, high-quality accommodation.

The accommodation issues include rats, mice and fly infestation. This cannot be blamed on the Travellers but must be blamed on the fact that the site is a disused dump. Rats have been

found in belongings and in sinks, showers, food presses and other areas. Flies are constant for the same reason. It is beside a recycling facility and windows and doors cannot be opened, while there are also sewage and sanitation issues. Pipes for sinks, showers, toilets and washing machines are constantly blocked up and water and sewage comes up over the ground and through the bays. The electricity is erratic and it goes off at times, leaving families without power. There are structural hazards and the sheds that have been provided are a health hazard as they are falling apart, while there are holes and cracks in the ceilings and walls. Windows are broken, as are the locks on the doors, which are steel doors like in a prison. It is more a case for Ireland Aid than what should be available in a First World country and it is replicated in various places.

We need action now and one simple thing needs to be done. We need some way of getting the planning applications through to provide the alternative accommodation. People have a human right to live in decent conditions.

Deputy Damien English: It is clear that we have needed action for a great many years. I have been on some of these sites and they have been troubled spots for 20 or 30 years but I can only act within the law that is there.

Deputy Éamon Ó Cuív: The Minister of State can change it.

Deputy Damien English: The legislation was introduced in good faith in 1998. In conjunction with the various Traveller representative bodies, I was asked to set up this expert group to bring about recommendations to change the system, once and for all. Proposals have been put in place and I am determined that when we get the report, we will act on it but we have to wait until we get it. The report will bring many stakeholders on board and we have had cross-party support for it from the housing committee. I hope that I, or whoever is in my job in the future, will implement the changes it recommends because we need to address the issue. There is only one way to do it and that is by going through the channels we have chosen. We need to bring everybody with us. I am not holding one particular sector responsible for this but it has not happened for a long time.

We have set up a task force specifically for Galway, under the chairmanship of Geraldine Tallon who has brought about great change and had great success working with the two local authorities in Cork. I am hoping this will also drive success in Galway so that we can get more of the money spent to improve the conditions of people living there and provide new accommodation.

Industrial Disputes

Deputy Joan Collins: I am disappointed the Minister is not here, considering the importance of the issue. I apologise on behalf of Deputy Thomas Pringle, who had a commitment elsewhere at 7 p.m. and had expected the Topical Issue debate to be at around 11 p.m.

This is the third day of a strike by the National Ambulance Service Representative Association, NASRA, branch of the Psychiatric Nurses Association, PNA, which comprises ambulance drivers and paramedics. There will be a fourth day tomorrow. Since the mid-1990s, ambulance workers have campaigned for the freedom to join the union of their choice. They joined IMPACT in the 1990s but, because IMPACT did not historically represent health workers, IM-

PACT could not take them. They then set up NASRA and went into negotiations with the PNA, which does represent health workers. The PNA's 6,000 members voted and agreed to accept them in 2010. The NASRA union deductions had been facilitated by the HSE to a point when the executive decided not to facilitate the union deductions in January 2018 for new members and August 2018 for all members. Approximately 350 ambulance personnel were affected by the stopping of this deduction and another 180 had filled out forms to join but could not do so because of the decision taken in January 2018. There were also 80 students who wanted to join NASRA. This leaves a total of approximately 610 of 1,380 ambulance drivers in the HSE who wanted to join the union.

These workers have been denied the fundamental right to join a union. This is not a break-away union, as has been argued, and the PNA has negotiated for and represented members in the health service for 49 years. The NASRA branch of the PNA has represented members at the Workplace Relations Commission and the Labour Court but the HSE has refused to engage with the union on grievance procedures and investigations. For example, representatives have been told they can attend meetings as colleagues but they cannot speak. I have never met a group of workers who need union representation more in the workplace. Their conditions and pay are atrocious. After 11 years of increments they are on €36,000, and they start on approximately €24,000. I do not know if the Minister of State or the Minister has seen the HSE national staff survey from 2016, with another one produced during the week for 2018. It contains a question as to whether an employee has experienced bullying or harassment in an organisation in the past two years; 48% of workers in the National Ambulance Service, NAS, said they had but this increased in the two years to 68% in 2018. It is absolutely scandalous.

I could reel off another few points but maybe other Deputies will raise them. This must be negotiated and fixed. We had a meeting yesterday in the AV room and a cross-party delegation wants to meet the Minister for Health to discuss the matter.

Deputy Thomas P. Broughan: Members may remember that in the late 1990s on behalf of the Irish Congress of Trade Unions, I brought forward the first trade union recognition Bill to the House. That was in the early part of the struggle to win trade union recognition for SIPTU baggage handlers who worked for Ryanair. So it seems incongruous tonight, so many years later, that we should need to have this debate regarding the negotiation rights of a significant cohort of key public service workers, the National Ambulance Service Representative Association, NASRA, which is a branch of the Psychiatric Nurses Association, PNA.

As my colleague said, for the HSE to present this dispute as a breakaway union issue is not remotely tenable as the PNA has negotiated for and represented its members in the health service for almost 50 years. From 2010, the membership of NASRA has continued to grow and this union branch has represented its members on different issues at the Workplace Relations Commission and the Labour Court. The Oireachtas had an excellent briefing yesterday from NASRA, which was organised by my colleagues, Deputies Joan Collins and Pringle. The HSE simply refuses to negotiate with this union branch about members' very serious grievances and work conditions, as mentioned by my colleague. I note also that since 2010, NASRA union subscriptions were deducted by HSE from members' salaries but in January 2018 the HSE stopped these deductions at source for new members. Last August, the HSE ceased deducting union subscriptions from all NASRA members.

It is deplorable that the PNA and NASRA have had to resort to the current 12-hour stoppages today and tomorrow to secure their right to trade union recognition and negotiating rights.

We are in the third and fourth days of industrial action on this matter and all Deputies believe this could be swiftly and easily resolved by the HSE with the encouragement of the Minister of State. I urge the Minister and the HSE to abandon their approach and immediately negotiate with the PNA and NASRA and work closely with the branch and the PNA to advance all the very serious problems felt by ambulance staff that my colleague referred to.

Deputy Mick Barry: I will ask the Minister of State a question and I would like a “Yes” or “No” answer. Has she read the HSE national staff survey for 2018? If she has, is she aware of the shocking figures it produces for the National Ambulance Service? Is she aware that almost 69% of staff surveyed in the ambulance service said they had experienced bullying or harassment in the past two years and that 51% personally experienced discrimination at work? A mere 8% said they felt valued and recognised in their job, with 6% expressing satisfaction with their level of pay. What does that tell the Minister of State about our ambulance service?

It tells the tale of a service that is very understaffed and short on ambulances, with perhaps 600 staff and 300 ambulances. There has now been an attempt to fill the gap by organising a quasi-military command structure in the ambulance service, where managers apply the lash to paramedics or emergency medical technicians who are overworked, overstretched and underpaid. These workers provide a vital service and are being denied their rights but they are not going to go away. Has the Minister of State read that report? How can she stand over the denial of the rights of more than 500 workers in our National Ambulance Service to be represented by the trade union of their choice?

Deputy Caoimhghín Ó Caoláin: The right to trade union representation is fundamental and workers should be able to exercise choice as to which trade union they can join. Having made that choice, they should be able to confidently expect that their representatives in a trade union would be accorded proper recognition and respect by being engaged with by members’ employers. That this is not always the case is a shameful reflection on some employers. That it is the case where the State and its agencies are concerned is absolutely disgraceful.

I join Dáil colleagues in calling on this Government to immediately set in train the required steps to afford the PNA and its NASRA branch their due entitlement to full recognition as a properly accredited representative body for the very significant number of ambulance personnel who are members of the PNA NASRA branch. Today has seen the third day of strike action by ambulance personnel, who are highly trained and respected members of our health service’s emergency provision. Tomorrow will be yet another day of strike action and more will follow if this matter is not appropriately addressed. That the HSE meets other trade union organisations covering a range of service employees and in separate engagements but will not meet representatives of the PNA on issues except those relating to the psychiatric nursing sector indicates a double standard that is wholly unacceptable.

This dispute can be resolved. As stated very clearly yesterday by the PNA representatives, they remain available to take up the genuine invitation of the Workplace Relations Commission to work to a solution using the established disputes mechanism to avoid further and escalating strike action. Surely we can agree that this is the result we want to reach.

Minister of State at the Department of Health (Deputy Catherine Byrne): On behalf of the Minister, Deputy Harris, I apologise to all the Deputies for his not being here for this debate on such an important matter. Industrial action was taken today, Thursday, 28 February, between 7 a.m. and 5 p.m. by a branch of the Psychiatric Nurses Association called the National Ambu-

lance Service Representative Association, NASRA. The HSE has been advised that NASRA members will again engage in industrial action tomorrow, Friday, 1 March, between the hours of 7 a.m. and 5 p.m.

Members of NASRA represent approximately 350 front-line ambulance personnel from a total National Ambulance Service workforce of 1,800. I understand that most are based in Cork, the south east and Tullamore. The HSE and the National Ambulance Service have confirmed that, again, robust contingency planning will be in place to ensure that there is no risk to the health and safety of our health service users despite this escalation in action. Of course, this escalation by the union to two consecutive days of industrial dispute will be an increased challenge. The HSE has also confirmed that full emergency cover will be provided during the action. This means that all emergency calls will be responded to.

In addition, the National Ambulance Service has put robust contingency arrangements in place to provide additional emergency cover. The Defence Forces are also on stand-by, if required. The intention is to minimise any disruption and to ensure that patient safety is not compromised. Similar to the last day of industrial action, National Ambulance Service management will closely monitor service demand and delivery on the days of the industrial action. The National Ambulance Service has confirmed that there was no negative impact on the ability of the service to provide patient care and service delivery during the last date of industrial action. So far, during this current day of action, there have been no adverse incidents.

I think it is important to again state the factual position regarding this dispute. NASRA, which is affiliated to the PNA, is not recognised by the HSE and, therefore, does not have negotiating rights. Also, the PNA does not have negotiating rights in respect of ambulance personnel. The legal position is very clear. The HSE and the National Ambulance Service have no obligation to recognise NASRA or the PNA in the context of ambulance personnel. The PNA, which is a non-ICTU affiliated union, does have negotiating rights for nurses working in psychiatry and intellectual disability sectors.

The main union that is recognised by the HSE for ambulance front-line grades is SIPTU. Fórsa and Unite also represent ambulance grades. The HSE deducts subscriptions at source for those ambulance staff who are members of SIPTU, Fórsa and Unite. This is consistent with the fact that these are the unions that are recognised as representing ambulance grades. The HSE does not carry out deductions for subscriptions to NASRA as it is not recognised. It should be noted that facilitating deductions at source is not a legal right, rather it is a concession granted to recognised unions. Of course, individuals have a right to membership of any trade union. However, they do not have a right that such membership is facilitated or recognised by their employer. The Minister has asked the officials to engage with HSE management to explore ways forward and see if a resolution to this dispute can be progressed. These discussions are ongoing.

Any recognition of the PNA with regard to ambulance personnel could have a serious detrimental effect to the current state of industrial relations in the health sector. This is a complicated situation and it has to be managed very delicately. However, as of today, the fact remains that the PNA does not have negotiating rights for ambulance grades. I will respond to some of the questions raised by the Deputies.

Deputy Joan Collins: Has the Minister of State read the results of the health sector national staff survey? This question was already asked by one of the Deputies and I also asked

it. In 2016, in response to a question about whether respondents had experienced bullying or harassment in their organisation in the past two years, 48% of ambulance workers said “Yes”. In response to a question about whether they had witnessed bullying or harassment in the past two years, 68% said “Yes”. In response to a question about whether they had been subject to either verbal or physical assault in their organisation in the past two years, 51% said “Yes”. A so-called staff engagement forum was set up. What did we see after two years? In response to a question about whether respondents had experienced bullying or harassment in their organisation, up to 69% said “Yes”. Up to 70% said they had witnessed bullying and harassment and while 73% said they had been subject that they had been subject to verbal or physical assault. This is a dire situation for workers to be in and they need to be represented by a union. I asked the Minister of State whether she would ask the Minister to meet a cross-party grouping in respect of this issue in order to move it on as much as possible. These workers have a right to freedom of choice regarding which union they join. Complications and Chinese walls are being put up regarding these workers. They are professionals. There have been no major incidents because they are leaving the picket line, getting into ambulances and driving to critical incidents in order to ensure that people are not left on the road or in any danger. These are professional people who should be recognised and respected.

Deputy Thomas P. Broughan: The Minister of State mentioned a total of 1,800 highly trained staff. However, the issue here is that the 350 workers to which also she referred have an absolute right to have their trade union represent them. To date, the simple fact is that the HSE has refused to accept the invitation to the Workplace Relations Commission for talks aimed at resolving this matter. What role can the Minister and Minister of State play in encouraging the HSE to get directly involved in bringing about a resolution? Several of my colleagues referred to the health sector national staff survey for 2018. The survey results make disturbing reading detailing as they do the kind of pressures these staff members are under. We were informed at the briefing last week that staffing levels are dangerously low in areas such as the north east, where 22 people were rostered but just ten were available. A paramedic who worked as a psychiatric nurse for 20 years told us that the target is that an ambulance is dispatched within 90 seconds of dialling 999 but that the caller is not told where the ambulance will be dispatched from so many issues need to be addressed. The PNA has said that it is open to going to the Workplace Relations Commission with the HSE. Members just want to have their choice of trade union, improve their working lives and provide the best possible service to the public. The Minister of State can enable that and I urge her to do so.

Deputy Mick Barry: I asked the Minister of State whether she had read the survey. She came in here, read a script and did not answer the question so I invite her to answer it when she replies. Has she read the survey? She stated that the Government must manage the situation delicately. The Government has managed it so delicately that it has managed to become the first Government in the history of the State to preside over a national ambulance strike. Tomorrow, we face the fourth day of national strike action. In such circumstances, the Minister of State should not think that the Government’s delicacy has got us very far in that regard. She said that this union cannot be recognised because three unions are already represented. She mentioned SIPTU, Fórsa and Unite. Is she aware that the membership of the PNA in the ambulance service is greater than the membership of Fórsa and Unite combined? She mentioned a figure of 350. The real figure is more than 500 but even if we took the figure of 350, it is probably more than double the membership of those two unions put together. It would be very close to that in any case so that is an excuse and the Minister of State is not going to hide behind that.

Tomorrow is the fourth day of strike action. These workers and their issues are not going away. The workers will keep fighting and campaigning until such time as their union is recognised and people sit down and talk to them. Is the Minister of State prepared to give any commitment tonight that the Government is prepared to do that or will she force these workers out on strike again?

Deputy Caoimhghín Ó Caoláin: The Minister of State's prepared script, as it has already been described, is absolutely unacceptable. It contains an acknowledgement of the right to membership of a trade union yet the Minister of State indicated that this membership does not give rise to any right to recognition by the employer. It is difficult to believe that she is seeking to justify the failure of some to recognise the right to free collective bargaining, due recognition and membership of a trade union. This is the State, it is the Government. Surely what has been stated must give great comfort to those who wish to ride roughshod over the rights and interests of the many workers across this land. The sentence to the effect that any recognition of the PNA with regard to ambulance personnel could have a serious detrimental effect on industrial relations in the health sector needs to be expanded on and explained. What are we talking about? Is it the case that the Minister is not prepared to instruct the HSE, as he should do, to recognise the PNA and its NASRA branch as a representative body for the ambulance personnel who are members of that branch, and that there are perhaps other influences or pressures that would prevent that action happening? That is a very serious situation and that is what is implicit in this document the Minister of State has read into the record. It is incumbent on the other named entities to clarify their position. When I stood with the PNA NASRA branch workers on their strike on 15 February, I was very encouraged by the fact they had colleagues from SIPTU there with them, shoulder to shoulder, workers together.

Deputy Catherine Byrne: What I read was the script I was given. To answer Deputy Barry's questions, I have not read it, like I have not read a lot of the documents that are sitting on my table. I gradually go through them as best I can. I have not read it and I will not say here that I read something I did not read.

Deputy Mick Barry: The Minister of State should read it.

Deputy Joan Collins: I have two copies. I can leave them with her.

Deputy Catherine Byrne: I will read it. I will take it on advice from Deputies Barry and Collins and I will read it. I do not need to be lectured.

Deputy Collins asked that I would ask the Minister, Deputy Harris, to consider a cross-party meeting and I will do that tomorrow. I take on board the points raised around the HSE, understaffing and whether people have a right to join the trade union of their choice.

The Minister, Deputy Harris, has expressed his disappointment that the PNA has decided to take this industrial action. The Department of Health and the HSE are exploring options to sort out this strike.

Deputy Mick Barry: They would need to explore them fairly quick.

Deputy Catherine Byrne: I do not know if I can say much more than that. The Minister, Deputy Harris, is keen to see the end of this dispute. As I said, officials from the Department of Health met representatives of the HSE and the management of the national service to explore possible options for the strike to be called off. However, the Minister remains confident that a

solution can be found. It is incumbent on me to say that. There is always room for solutions and we should be able to negotiate and to sit with people and talk to them.

Deputy Mick Barry: That is the point. They should be able-----

Acting Chairman (Deputy Bernard J. Durkan): Order, please.

Deputy Catherine Byrne: I am not going to be brought in here to read a statement and then be abused by Deputy Barry or anybody else as to whether I read a document or not.

Deputy Mick Barry: It is the ambulance paramedics who are being abused.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has had his say.

Deputy Catherine Byrne: I want to make it clear to Deputy Barry that I have not read it and I am not going to lie and say I did. However, I will look at it and inform myself. Prior to taking this Topical Issue matter, I had not read it and I am making that clear to the Deputy. I could not answer the Deputy in the opening statement because it was not part of the opening statement. I answered him in my reply. I hope he takes that fact on board. He now knows I have not read it.

Message from Select Committee

Acting Chairman (Deputy Bernard J. Durkan): The Select Committee on Employment Affairs and Social Protection has completed its consideration of the Civil Registration Bill 2019 and has made no amendments thereto.

Estimates for Public Services 2019: Message from Select Committee

Acting Chairman (Deputy Bernard J. Durkan): The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the following Revised Estimates for public services for the service of the year ending 31 December 2019 - Votes 1 to 6, inclusive.

The Dáil adjourned at 7.55 p.m. until 2 p.m. on Tuesday, 5 March 2019.