



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 6 Márta 2019

Wednesday, 6 March 2019

Chuaigh an Cathaoirleach Gníomhach (Deputy Declan Breathnach) i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Acting Chairman (Deputy Declan Breathnach): It is proposed that we reverse the order of Questions Nos. 1 and 3. Is that agreed? Agreed.

Autism Support Services

3. **Deputy John Lahart** asked the Minister for Education and Skills the position regarding to the provision of autism spectrum disorder, ASD, services in education in the Dublin 6, 6W and 12 areas; and if he will make a statement on the matter. [11265/19]

Deputy John Lahart: As we begin the season of Lent, a period that we associate with sacrifice, I want to bring to the Minister's attention the sacrifice of parents in the Dublin 6, 6W and 12 areas in respect of the provision of places in autism spectrum disorder, ASD, units for their children. The Minister is a caring, compassionate and kind man. I call on all of those qualities to assist those parents this morning. He is on the record, as are previous Ministers, in saying the policy of the Department is to ensure that all children with special educational needs can be provided with an education appropriate to those needs. That is the context for my question this morning.

Minister for Education and Skills (Deputy Joe McHugh): Gabhaim buíochas leis an Teachta fá choinne na ceiste. Beidh an t-ábhar seo iontach tábhachtach. Aontaím leis an Teachta maidir leis na príomhspríocanna atá i gceist. The National Council for Special Education, NCSE, an independent agency of my Department, is responsible for planning, co-ordinating and advising on education provision for children with special educational needs. That includes taking account of the flow of students from primary into post-primary education. The council

ensures that schools in an area can, between them, cater for all children who have been identified as needing special class placements.

Individual school boards of management are responsible for the establishment of special classes. It is open to any school to make an application to the NCSE to establish a class. In deciding where to establish a special class in an area, the NCSE takes account of the current and projected demand and the available school accommodation, both current and planned. In that regard, the special educational needs organiser, SENO, may approach individual schools to discuss the matter with a view to finding the optimal location in terms of convenience and sustainability.

When the NCSE sanctions a special class in a school, the school can apply to my Department for capital funding to reconfigure existing spaces within the school building to accommodate the class or to construct additional accommodation. SENOs, who are locally based, are available to assist and advise parents whose children have special needs. Where parents have been unsuccessful in enrolling their child in a school, they should update their local SENO to inform the planning process. SENOs are also available to assist and advise schools on special education supports and planning.

The number of ASD special classes in County Dublin has increased from 66 in the 2011-12 school year to 197 in the 2018-19 year, which is a threefold increase. There are 15 ASD classes in the areas referred to by the Deputy: two early intervention classes, eight primary classes and five post-primary ASD classes. I am conscious that the level of demand in many areas throughout the country is increasing.

Deputy John Lahart: There is so little time to discuss this matter. The parents who have come to me and my colleague, Deputy Thomas Byrne, have given us a list, based on the Department's figures, for enrolment in ASD classes in 2018. In the Dublin 6 area there are no ASD places in scoil náisiúnta Stratford, Rathgar national school, St. Joseph's boys national school, Terenure, Zion Parish primary school, Sandford Parish national school, Gaelscoil Lios na nÓg, Kildare Place national school, Clochar Lughaidh Cailín, and Ranelagh multidenominational school.

In Dublin 6W. there are no ASD places or unit in Scoil Mológa, Harold's Cross national school, St. Pius X boys' national school, St. Pius X girls' national school, Bishop Shanahan national school and Bishop Galvin national school. In Dublin 12, there are no ASD places or units in Drimnagh Castle, Our Lady of Good Counsel boys' senior national school and Scoil Mhuire. The list of schools that have neither an ASD class nor an ASD place goes on. There are six places in Muire na Dea Coirle girls senior national school. This is nothing short of a scandal. Despite what the Minister said in the response, could he intervene with the relevant authorities and talk to the boards of management about the provision of classes? The situation is at a critical stage. Parents are at their wits' end. One parent has applied to 26 schools looking for a place for a child with special needs.

Deputy Joe McHugh: It is important to point out the progress that has been made, although I know that is no consolation for a parent who is trying to facilitate a child. There is a process and a clear mechanism based on the NCSE, which is an independent group that works through SENOs in conjunction with a board of management. It is the prerogative of the board of management to make the initial application. Following that, a decision is made on whether a special class is sanctioned. One must look at the trajectory in this regard. In 2011 we had a

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total of 548 special classes in this country and now we have upwards of 1,500 special classes. This year, we are spending nearly €1.8 billion of the budget of the Department of Education and Skills on special educational needs. There has been a change in the admission to schools policy. Deputy Lahart asked me if I could intervene in the process. Since 3 December 2018 a change was introduced. There is a provision in the Education (Admission to Schools) Act, following the completion of the process, that is, the consultation, the engagement with the SENO and with the school and if a board of management makes an application, for the Minister to compel a school to provide an extra class. However, this is after all areas have been exhausted in the meantime. The ultimate process, the first step, is that the school must make the application. Once that process has kick-started, I will be very vigilant to see where it goes afterwards.

Deputy John Lahart: Fianna Fáil secured that under the supply-and-confidence agreement, but I have listed 37 schools in which this just is not happening, including schools in which there were new developments recently and no ASD unit was included. A parent wrote to me:

Thank you [that is, Deputy Thomas Byrne and me] for meeting with us ... My son Dylan is currently at home without an education since December. ...

I applied to 26 schools for 2018/2019 (3 special schools, 22 mainstream schools with ASD classes and one other mainstream school [These are all outside of this area.] He has had 3 tutors start and leave since September A tutor agreed to teach him in early February but changed her mind on the fourth day. We are currently paying a childminder 5 mornings a week to mind him while a tutor who has agreed to teach him is sanctioned. ...

I have had many meetings with our local school principal to discuss the possibility of enrolment there. I have chosen to keep Dylan out of mainstream education until September as sufficient resources would not be available for him to spend the full school day in school until that time.

This requires an intervention from the Minister for Education and Skills. He has considerable power. Something is breaking down here that I can list 37 schools in three postal districts in which there is neither an ASD unit nor provision for the educational needs of children on the spectrum.

Deputy Joe McHugh: The Deputy and I are on the same page on the importance of this issue. Stepping outside the political arena for one second, we are serious in this country and as a society about having inclusion at the heart of our model. Whether this be people coming from different countries or people with special educational challenges, behavioural or otherwise, or autistic children. This is relevant not just to the geographical issues the Deputy listed, but also to Cork, Galway and Donegal. We are meeting the challenges head-on in terms of weighing up resources and weighing up what can be done within a fixed period. If the Deputy looks at the increase in funding from 2011 and the increase in the number of classes, he will see that the commitment is there to build on this.

To answer his question as to what role I can play, my officials work very closely with the NCSE. The SENOs are tasked with the responsibility of engaging with the board of management. If the board of management makes the application, a process is entered into.

Deputy John Lahart: What if it does not?

Deputy Joe McHugh: If it makes the application in the first place-----

Deputy John Lahart: What if it does not?

Acting Chairman (Deputy Declan Breathnach): The Minister without interruption.

Deputy Joe McHugh: There is a provision within the Education (Admission to Schools) Act from 3 December last year that compels the Minister if there is a demand, if there is an issue and all areas have been exhausted. However, we must also spread the good news that in the schools that have requested special classes and really looked at this inclusion model, it is working. I was at a small school on Monday in my home county. There are 35 students, including five autistic children, in the school and a new unit is being built there. It is an incredible story.

Acting Chairman (Deputy Declan Breathnach): Go raibh maith agat, a Aire. Caithfidh dul ar aghaidh anois.

Deputy Joe McHugh: We must spread the good news, just as we did with DEIS in the past.

Acting Chairman (Deputy Declan Breathnach): Táimid beagnach trí nóiméad thar am. Ós rud é gur Seachtain na Gaeilge atá ann, iarraim ar na Teachtaí beagáinín Gaeilge a labhairt más féidir leo. Bainigí triail as.

Autism Support Services

2. **Deputy Kathleen Funchion** asked the Minister for Education and Skills his plans to address the acute shortage of ASD classes for post-primary school students in County Kilkenny; the measures he will take to address the shortage in order to prepare for the high number of children with autism in primary schools in County Kilkenny who will finish primary level in the coming years and who will need a place in an ASD class at post-primary level; and if he will make a statement on the matter. [11159/19]

Deputy Kathleen Funchion: My question is to ask the Minister what his plans are to address the acute shortage of ASD classes for post-primary school students in Kilkenny and what measures the Department will take to address the shortage in order to prepare for the high number of children with autism who are currently in primary school in Kilkenny, who will obviously finish primary school in the coming years and who are in need of a place in an ASD class at post-primary level. I ask the Minister to comment on the matter.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta fá choinne na ceiste seo. Is léir go bhfuil an cheist iontach práinneach, agus ba mhaith liom m'aitheantas a ghabháil leis an Teachta fá choinne an cheist a tharraingt anuas.

The National Council for Special Education, which is an independent agency of my Department, is responsible for planning, co-ordinating and advising on education provision for children with special educational needs. This includes taking account of the flow of students from primary into post-primary education. The council ensures that schools in an area can, between them, cater for all children who have been identified as needing special class placements.

The NCSE has informed my Department that it is satisfied that there are sufficient post-primary autism special class placements in Kilkenny to meet identified need for the forthcoming school year. The conversations I have had with the Deputy in recent months tell a different story.

Deputy Kathleen Funchion: Yes, very different.

Deputy Joe McHugh: The Deputy is picking up different messages on the ground, so we must look at meeting areas where there are weaknesses according to the anecdotal evidence and the feedback from my officials.

For the 2018-19 school year, 160 new special classes have been opened, which means that there are now 1,459 special classes in place, compared with 548 in 2011.

The number of special classes in County Kilkenny has increased from five in 2011-12 to 26 in 2018-19. Of these, 22 are autism special classes: two autism early intervention classes, 13 primary autism classes and seven post-primary autism classes.

Individual school boards of management are responsible for the establishment of special classes. It is open to any school to apply to the NCSE to establish a class. In deciding where to establish a special class in an area, the NCSE takes account of the current and projected demand and the available school accommodation, both current and planned.

Deputy Kathleen Funchion: The Minister referred to the fact that I have raised this issue on a number of occasions. As a result, I have met even more parents. Every time I speak about this, more people contact us. These parents do not want to have to come into my office of an evening to tell their stories and they should not have to do so. Obviously, however, there is a very serious issue here. There is definitely some major breakdown with the NCSE because time and time again, it tells us there are enough places. There clearly are not enough places. I think the Minister may have said there were seven post-primary places, if I heard him correctly. There are not. There are not seven schools at secondary level offering ASD classes to students. If they are, they are obviously hiding somewhere. What happens if a secondary school tells a parent and his or her child that there is no space in a school for the child? People who progress very well in an ASD class at primary level are then forced into a mainstream secondary school, often not even having the assistance of a special needs assistant or resource hours, and then they completely fall through the cracks of the education system. It is absolutely not good enough, and I ask the Minister to meet the parents in Kilkenny about this because I do not accept what the NCSE is saying. It is not the first time I have raised this issue, and we consistently get the same response. It does not reflect the reality on the ground.

Deputy Joe McHugh: I thank the Deputy once again. With every new school build and even for major additional capital expansion of a school, the general trend is that there is an in-built provision for autism classes, special classes, within those new schools. I am aware that with a cohort of 4,000 primary and secondary schools in the country, there are many old buildings and buildings that are challenging from the point of view of provision of this service on site. There is an opportunity for schools and boards of management to decide to make provision for special classes. They can look at reconfiguring existing spaces. This is a difficulty because many of our schools are already at capacity, they are maxed out, but there is a provision to construct additional accommodation as well. I re-emphasise and reiterate that if the board of management comes forward with the idea and suggestion of looking at providing for a special class, the NCSE and the SENOs will meet the board. I meet the NCSE regularly, and this might be helpful in this instance. At this stage what I would like to do is meet the NCSE on this specific issue regarding Kilkenny, and I would be happy to organise a meeting and have the Deputy included in it.

Deputy Kathleen Funchion: I would appreciate that. I met the NCSE last year and it said there are enough spaces when clearly there are not. I would appreciate it if the Minister would arrange a meeting but I again appeal to him to meet with the parents in Kilkenny so he can see at first hand what they are dealing with.

What I hear is that it is completely up to a board of management to decide it needs an ASD class. What happens in a situation where there is a clear demand and a board of management perhaps does not want to deal with the issue? That is another reality we have to accept, although many people do not want to say that. There are some excellent schools and excellent teachers but some do not want to know about it and do not want to have an ASD class. What happens in that situation? What do we say to the parents coming in to us, desperate because they do not know if their child is going to secondary school in September?

At this time of year, children who do not have an additional need are taking their entrance exams for secondary school but that is not an option for children who need an ASD class because they do not even know if they are going to have a school, let alone an entrance exam. It is not acceptable that we continuously say they can have a different education system. We have created a two-tier education system. I am calling on the Minister to change that, given he is relatively new in the brief and I feel he has a genuine interest in this. Again, I ask that he would meet the parents in Kilkenny and perhaps arrange that parent representatives would speak directly to the NCSE.

Deputy Joe McHugh: The Deputy has been very constructive and we will certainly organise that and see how it pans out. We have a duty in this House, as legislators, to get the good message out. The Deputy is no different to me in that she visits primary schools and secondary schools. The schools that have special classes and that are embracing the social model of inclusion by ensuring the inclusion of people with special and challenging conditions, whether dyspraxia, dyslexia or autism, are the schools and learning environments that are the richer for it. We can feel the harmony and the learning that is going on, and the schools that embrace the special classes are the ones I feel energised by when I go to visit.

The message has to go out to other boards of management that there is an opportunity to ensure we are providing for children with all forms of disability and challenges, from complex medical needs to different and challenging behaviours. Those are the students who are going to enrich the school environment and they become the leaders within that school, along with the people around them, such as SNAs and others working within that inclusive atmosphere to provide the learning environment we all aspire to.

Deputy Ruth Coppinger: Why do they even have a choice and an option about this?

Acting Chairman (Deputy Declan Breathnach): No interruptions, please. The time has elapsed for Question No. 2.

Deputy Joe McHugh: I did not hear the question.

Deputy Ruth Coppinger: Why do the boards even have a choice about this and why is it not compulsory?

Acting Chairman (Deputy Declan Breathnach): Order, please. The time has elapsed.

Deputy Joe McHugh: The Deputy is a big advocate for choice.

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Deputy Ruth Coppinger: No, I am not. I am in favour of provision of education, not choice for boards of management.

Acting Chairman (Deputy Declan Breathnach): There is no provision for supplementaries. I call Deputy Thomas Byrne on Question No. 1.

School Accommodation Provision

1. **Deputy Thomas Byrne** asked the Minister for Education and Skills the reason fewer additional school places in both primary and secondary schools are predicted to be provided in 2019 despite increased funding; and if he will make a statement on the matter. [11266/19]

Deputy Thomas Byrne: Although the capital budget for schools has increased by €83 million for 2019, which we welcome, the information provided by the Department of Education and Skills in the Revised Estimates for expenditure shows that, last year, with €83 million less, 18,900 school places were replaced or provided, whereas the Department is forecasting that 18,850 places will be replaced or provided this year. What this means in practice is that, for €83 million more, it gets less bang for its buck. The question seeks to find out the explanation for that.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta fá choinne na ceiste. Caithfear a rá go mbeidh an infheistíocht chaipitil níos tábhachtaí. My Department's capital allocation for the school sector in 2019 amounts to €622 million while the allocation last year amounted to €539.6 million. Overall targets for the delivery of school places set out in the Revised Book of Estimates 2019 are on a par with 2018. The breakdown between additional places and replacement places can vary from year to year, depending on the nature of projects and the particular priorities relating to demographics and refurbishment.

Construction activity in 2018 and 2019 will involve over 130 large-scale projects and approximately 280 smaller-scale projects under the additional accommodation scheme. These projects enable significant progress in delivering some 40,000 school places, including additional and replacement places, and the replacement of over 600 prefabs, which is a key element of our prefab replacement programme. There will be enhanced sports facilities through the construction and modernisation of 48 PE halls at post-primary level and 82 general purpose rooms at primary level. In addition, the enhancement and modernisation of PE facilities in schools also will facilitate community usage of these facilities. There will be delivery of over 200 modern science laboratories, which will support the delivery of the reformed science curricula and the roll-out of computer science as a leaving certificate subject.

In addition, under the summer works scheme my Department is funding a total of 307 school projects, with projected expenditure of €40 million in 2019. This will benefit schools as they upgrade windows, meet curricular requirements and make fabric improvement to buildings. A total of €117 million has been allocated to date under the current summer works scheme in respect of categories 1 to 9, which has resulted in the approval of 942 school projects.

Deputy Thomas Byrne: This issue comes about when we consider outputs for the money spent. We accept the Department of Education and Skills has got more money than in previous years but it has got less for its money. It is a complex area and there seem to be a number of drivers for such changes. Famously, there is the issue of land costs, for example, the €28 mil-

lion paid for Harold's Cross dog track, the scale of schools being built, the areas in which they are being built - all of which relates to the value of land - the change in the nature of schools, the way in which schools are being built and construction inflation. There are also the costs that have been run up due to the Western Building Systems, WBS, scandal, on which I presume the Department has had to pay something, even though it has not yet achieved anything in court against WBS.

I raise this because it is up to us to ensure the Department is getting best value for money and that the money it is spending and the taxpayer is providing is achieving results. I am worried it is actually getting fewer school places this year. The Minister talked about 48 PE halls and 200 science labs but how many of them are not part of large-scale building works? When the Minister calls out the figures, the impression is given that this is 48 new PE halls or 200 science labs that people could somehow apply for. How many of them are stand-alone PE halls or are they all part of large-scale building projects, which would mean the Minister is double counting?

Deputy Joe McHugh: The Deputy has answered the question with regard to why we are in a different position. To clarify, the cost of Harold's Cross is €23 million. I understand the point the Deputy is making, however, which is that this is indicative of the increasing cost of land, which puts pressures on the budget. We are also looking at the 2014 regulation which changed the specification and at the 2017 change with regard to NZEB - the nearly zero energy building standard - which is working towards more environmentally efficient buildings. I am very conscious that we have to get value for money from the taxpayers' point of view and, while there is construction inflation, that we do not just accept there will be increased costs and allow that to carry on. We build in a detailed design element to the schools and, by having a detailed element complete prior to tender, we get fixed-price contracts, which ensure the price and ensure that whoever wins these contracts sticks within that. It is a question of efficiency and value for money. We are still going to be delivering over 40,000 places from 2018 to 2019 and there are still many buildings under construction. However, I appreciate the Deputy's point in terms of being vigilant to ensure we get value for money.

Deputy Thomas Byrne: I do not tend to criticise the Department's building unit that much, other than the fact it does not have enough money. Would it be worthwhile for the Minister to commission a short, focused review of school projects to ensure the State is getting best value for money? I do not know if any external person has looked at this issue such as, for example, the Comptroller and Auditor General. I presume, although I am not certain, that it would be within his remit. In my constituency, I think of schools like Lismullen national school, Dunboyne senior and junior national schools, St. Peter's, Dunboyne, and the new school proposed for Dunshaughlin.

A large number of projects need funding in order to be built. My worry is that there is not enough in the capital budget and the Minister has acknowledged that there is construction and land cost inflation, with more regulations also adding to the cost. As I am worried that these projects will be left on the back burner, I take the opportunity to remind the Minister of the crucial importance of such projects. There are similar projects throughout the country.

Deputy Joe McHugh: If there are external ways of ensuring we do things efficiently and get value for money, I am open to considering them. The National Development Finance Agency is doing great work and is at the heart of these projects. Now that we have a ten-year capital budget and trajectory, we will work within that fixed budget. There are constraints and it keeps

on the pressure to ensure we try as best as we possibly can to keep costs down. For example, we are looking at methods such as the Accelerated Delivery and Architectural Planning and Tendering programme, about which I will speak later. A project manager is brought in to do the job at a very early stage in order that we can be as efficient as possible. The most important factor is the quality of the product and the safety of the building when finished. A strong message coming from young people, within both the primary and secondary school sectors, is that there should be nothing less than environmentally friendly construction. They raise concerns about such matters as solar panels and achieving efficiencies. I am conscious that they have these concerns. The nearly zero energy building standard will ensure new and additional buildings will meet those concerns.

Special Educational Needs Service Provision

4. **Deputy Ruth Coppinger** asked the Minister for Education and Skills if he has received a report (details supplied) on the provision of autism-specific education in the west Dublin area; if he will meet parents in the area to discuss the need for an autism-specific school; and if he will make a statement on the matter. [10963/19]

Deputy Ruth Coppinger: It is interesting that four of the five Priority Questions today relate to autism and autism spectrum disorder services provision. At all times it is the parents who have to push to get the services right for their children. My question specifically relates to the position in Dublin 15 and Dublin 7 in the Dublin West constituency. A survey of primary and secondary school principals by a group of parents and professionals demonstrated that 68% of principals surveyed believed students were in an inappropriate educational setting. The group that has carried out the research is the ASD15 committee and its members are seeking an autism-specific school in Dublin West.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta as an cheist. Aontaím leis an Teachta. Is ceist iontach tábhachtach í a tháinig suas anuraidh agus ag tús na bliana. I am aware of the demand for additional special class and special school placements in the Dublin area, including Dublin 15. I have asked the National Council for Special Education, NCSE, to provide my Department with a report on current and future identified need in the area in question in order that evidence-based decisions may be made on the development of the necessary placements in the area in the short, medium and longer term. In preparing the report the council will meet parents and other groups. It is also engaging with officials in my Department on the work they are undertaking. As this process is ongoing, I have no plans to meet groups at this stage. The NCSE is an independent agency of my Department with responsibility for planning, co-ordinating and advising on education provision for children with special educational needs. The council ensures schools in an area can between them cater for all children who have been identified as needing special class placements. A working group chaired by the NCSE has been established to put in place a new working protocol to ensure there is effective proactive planning and timely delivery of specialist educational places for students.

Deputy Ruth Coppinger: There are two matters arising for parents of children with autism. The first is securing a place for them in special units that have been set up in some schools and about which we heard in dealing with previous questions. That is a problem. Moreover, many children cannot cope or function in these special units because their needs are much more complex. They are specifically the children with whom the group is concerned. This is a

unique case as a major public meeting was held about this issue and parents and professionals are united on the need for a special school. All of the Deputies, councillors and other public representatives in the area are also united on it. As a result of the demographics and specific age profile, Dublin West is the place where it must happen first. Parents have found a potential patron and the education and training board has indicated that it would be willing to be the patron of such a school. They also have two potential sites, one of which could possibly be provided by the education and training board. All they need is the provision of funds to allow the project to happen.

Deputy Joe McHugh: As there is a job of work ongoing, it is important to consult all stakeholders, including parents. I am confident that this work will be done in a comprehensive way and completed in a timely fashion. We will then be in a position to make decisions on the back of it. The Deputy has her own anecdotal advice and feedback from public meetings. She has felt the pressure on the ground. There are no better people for having antennae than Teachtaí Dála, but I need to be methodical in how I go about dealing with this issue. The NCSE must be allowed space to deliberate and consult, while listening to the people who matter most, specifically the parents. I ask the Deputy to allow the people who are in the process of coming to a conclusion the time to complete that work. We will then be in a position to make decisions.

Deputy Ruth Coppinger: The parents and professionals who teach these children have conducted much research. They have found that at least 54 children are either on reduced hours - they are not receiving an education - or have applied for home tuition grants. In many cases parents receive a phone call after an hour asking them to collect their child because the school cannot cater for his or her needs. That is only a drop in the ocean and I am sure there are many such cases. We have the potential to provide a unique school with all of the specialist training needed. Jonix, which has provided much research and advice in the past, is on board and the education and training board has expressed a willingness to support the project. We really need the Government to recognise that this is a need in Dublin West and potentially many other areas. Children have a right to an education. This could happen in September 2019 if temporary accommodation was to be used on the site at the back of Riversdale or another. I ask the Minister to move as quickly as possible.

Deputy Joe McHugh: It is a priority. The Deputy's constituency colleague in the Chamber today, as well as my colleague and the Deputy's other constituency colleague, the Taoiseach, are anxious that it is given the prioritisation it requires. I can guarantee that it will continue to be given such prioritisation.

Schools Administration

5. **Deputy Thomas P. Broughan** asked the Minister for Education and Skills if he will meet an organisation (details supplied) about the administrative workload of teaching principals, the need for administrative release for teaching principals, the restoration of primary teacher supply panels and other matters of concern; and if he will make a statement on the matter. [10964/19]

Deputy Thomas P. Broughan: Principals are the leaders of the national primary school system. With other Deputies, I have heard many complaints about the increasing and massive workload principals must undertake, particularly since the economic crash. Chonaic mé fógra 0019/2019, dealing with release time for principal teachers in primary schools, issued last week. There was one additional release date per week for some teaching principals, but the

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Irish National Teachers Organisation does not consider it enough to address the additional work teaching principals, in particular, must undertake.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta fá choinne na ceiste. Aontaím leis an Teachta maidir leis an bhrú atá ar na múinteoirí agus príomhoidí uilig sna bunscoileanna. Tá dualgais agus freagrachtaí orthu agus bíonn an ról ag athrú i gcónaí. Tuigim an fhadhb agus na deacrachtaí.

I have engaged with the relevant stakeholders and I am fully aware of the concerns of school principals. I do not intend to meet the group in question as the issues of concern to the group are being addressed in my ongoing engagement with the primary education forum. The primary education forum was established in September 2018 and aims to support the planning and sequencing of change in the primary school sector and to exchange information on the intent and impacts of the actions in the Action Plan for Education in order to look for synergies and opportunities to streamline implementation and address workload issues. Through adopting this approach, my Department and partners already have agreed to make several changes to the pace and sequence of planned reforms.

In budget 2019, school leadership was again supported, with an additional release day for teaching principals in primary schools and a further four additional release days for teaching principals in schools with special classes. Building on the number of release days provided in recent budgets is one of my priorities as Minister.

Having listened to the Irish Primary Principals Network, IPPN, which brought to my attention the issue of having a second adult present in one-teacher schools during the school day, my Department is making available additional resources where gaps are identified to ensure that there are two adults present for all of the school day. There is currently no temporary replacement panel to recruit short-term replacement teachers. However, following from the action plan for teacher supply, my Department is currently undertaking an analysis of the potential for a supply panel scheme for primary schools.

I understand the pressure faced by principals, especially teaching principals, and I was delighted to meet principals to discuss this issue when I recently spoke at the IPPN conference. Working towards making progress and addressing this issue is a priority. Some principals could not attend the conference because they could not get substitute cover. I am very aware of the acute problem and that of teacher supply.

Deputy Thomas P. Broughan: It is it is disappointing that the Minister cannot meet representatives of the National Principals Forum. It produced a major survey entitled “This is How Bad Things Are”. Approximately 1,200 principals were surveyed. Approximately 60% of them were teaching principals. The striking point is that a shocking 95% or 96% said they were stressed by the workload. Two thirds felt that work was unsustainable. Something like 96% felt there was inadequate release time and that this presented the major challenge. Two thirds had considered stepping down as principal as a result of the intense pressure from all the additional requirements. If one is in a principal’s office, one will see the reports, notices and departmental fógraí coming in week after week outlining additional tasks that must be undertaken. The announcement in the Minister’s recent notice is welcome but the INTO was looking for a day per week for teaching principals in order for them to address the administrative work. I am aware that the Minister attended the workload forum but some teaching principals, in particular, believe he did not take on board the severity of their workload.

Deputy Joe McHugh: The message, which I am getting individually from members of the group the Deputy mentioned, is quite consistent in terms of initiative overload and the extra pressures. We introduced middle-management leadership at both primary and secondary levels to provide the mid-range leadership posts. The reality is that people in public leadership positions are finding it increasingly difficult. There is a feeling of being judged and of being in a constant 24-7 cycle of work. The old regimes of 9 a.m. to 5 p.m. or 9 a.m. to 3 p.m., or 9 a.m. to 4 p.m. in the secondary school system, and of working from Monday to Friday do not exist any more. Principals are taking calls on a Sunday and in July and August. It is about trying to make it easier. Let me give an example of how. Principals have to become construction experts if they have summer works programmes. In a few weeks, I will be opening the summer works programme for summer 2020 to give the principals time, rather than having them rush under pressure in the course of a few months. I have paused the mathematics curriculum change. I have also considered introducing sequencing into the admissions to schools legislation. There are ways in which we can remove the pressure from the principals. I am in that space and hear the concerns of those individuals. I have great confidence and faith in the primary forum, however. It is a great example whereby we do the sounding, checking and testing of various initiatives or other developments coming down the track. The primary forum is excellent for this.

Deputy Thomas P. Broughan: I ask the Minister to reconsider and meet the members of the National Principals Forum and examine the up-to-date research they have on the workload, especially that of teaching principals, who comprise 75% of principals. The Minister mentioned in the circular that there can be a cluster of ten schools in order to share a teacher to allow more administrative release. That is welcome. The Minister's predecessor, Deputy Bruton, talked a lot about restoring the supply panels but he did not take action. That, again, is a major issue for both teaching principals and administrative principals. The number of retired teachers covering substitute needs last year was noticeable. The number is growing year by year. Was this not an important aspect before the crash era? Could the Minister not just go ahead and restore the supply panels? I would like the Minister to meet the principals.

Deputy Joe McHugh: I am happy to read the research. Principals have a great way of getting in contact with politicians directly. A number of principals have been in contact with me directly and I value their input. I would certainly be happy to read the research but, to be honest, I feel the primary forum is the place to do the collaborative work. I have great confidence in that mechanism.

I am committed to addressing the issue of supply panels for substitute teachers. I have already raised it publicly and I certainly will ensure that the officials continue to prioritise it to try to have some mechanism in place in the not-too-distant future.

Ceisteanna Eile - Other Questions

Education and Training Boards

6. **Deputy Thomas Pringle** asked the Minister for Education and Skills if the number of hours made available for English courses will be considered by the education and training board in view of the fact only two hours per week are being provided; if his attention has been drawn to the benefits an increase in hours will have in order to help new communities, including

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refugees and asylum seekers, to integrate locally; and if he will make a statement on the matter. [10859/19]

Deputy Thomas Pringle: This question relates to English language classes for the new Irish and others who come to live here. Their ability to speak the language greatly affects their ability to integrate into Irish society. It is really important to be able to do so. We need to look to expanding the service and the number of hours available.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank Deputy Pringle for his important question. My Department and SOLAS fund English for speakers of other languages training for migrants through the 16 education and training boards, ETBs.

Adult programme refugees have access to an initial eight-week language training and orientation programme in a number of ETBs under the resettlement strand of the Irish refugee protection programme. Following resettlement in the community, a full language and training programme is put in place by the ETBs for up to 20 hours per week, for a period of one year.

Outside the arrangements for programme refugees, contact hours for English language learners are determined at local level by ETBs. These decisions are based on local demand and learner skill requirements and ETBs discuss these demands and service requirements with SOLAS as part of the annual funding process.

An analysis of the data on reported beneficiaries and expenditure for English for speakers of other languages and refugee resettlement, up to and including October 2018, indicates that 14,749 beneficiaries availed of English for speakers of other languages training, while 1,341 beneficiaries availed of the refugee resettlement programme.

Combined expenditure for English for speakers of other languages training and refugee resettlement was reported as €5.4 million, with a combined beneficiary total of 16,090.

In March 2018, SOLAS and Education and Training Boards Ireland published a report entitled “English language provision and language assessment for low-skilled and unemployed migrants. Recommendations for good practice at NFQ levels 1-3 in ETBs”. The report acknowledges that progress can be slow with some learners due to less intensive provision and insufficient opportunity for them to use their English outside the classroom. The report recommends that provision be for a minimum of 200 hours per year. The report’s recommendations, including the movement towards more intensive provision, are being progressed by SOLAS and the ETBs.

Deputy Thomas Pringle: I am sure the Minister of State will agree that the ability to speak the language is a factor which significantly affects a person’s ability to integrate into Irish society. He has said there is a course of up to 20 hours a week for one year. From talking to members of the affected community, I know that they are unaware that this time is available to them. Most have a two or three hour session once a week which is not adequate for them to learn English at a level that will enable them to live and work in Irish society. I would like the Minister of State to elaborate on the 20 hours of provision. Is it at the discretion of the different ETBs whether it is available? Everything we spend to improve levels of English among refugees and asylum seekers will help to improve their integration and pay dividends to the State in the long run. The cost will not be a factor.

Deputy John Halligan: I can state categorically that refugee resettlement programme participants are entitled to 20 hours of provision weekly in the first year of resettlement. ETBs can subsequently offer more than 20 hours per week, but we have found that 20 hours a week is too much for many refugees as they are settling into their homes, have children who are in school and their environment and community are all new to them. Therefore, it is not always the case that they can attend for up to 20 hours, but there is that provision under the refugee resettlement programme. Some ETBs are allowed to use what is called a banking system under which those who are capable of attending for 20 hours a week are offered those hours, but for those whose language skills are particularly weak or where there are problems with literacy, a slower approach may be taken. It is at the discretion of ETBs to offer more hours and having spoken to SOLAS and some of the ETBs, I know that they do this.

Deputy Thomas Pringle: If the refugee or asylum seeker believes he or she can do more hours, is it open to him or her to approach the ETB to secure them? The ETB may offer them, but there is a question about whether the person has the ability to seek them. The Minister of State has said some refugees or asylum seekers may have difficulties in managing the extra time, depending on their level of education or standard of English. Is it open to refugees and asylum seekers to ask for more? It is vitally important that they can.

Deputy John Halligan: Additional one-to-one tuition is offered and available for learners with very weak language skills and literacy difficulties in their own language who may find it beneficial. I do not have the facts and figures for the take-up, but I can obtain them for the Deputy. The onus is on the ETBs which can offer 20 hours a week, although as I have explained, we find that many refugees and asylum seekers are unable to avail of them. The ETBs may offer more than 20 hours and most offer one-on-one tuition. I will revert to the Deputy with the facts and figures.

Schools Building Projects Status

7. **Deputy Joan Burton** asked the Minister for Education and Skills the steps he will take in relation to schools (details supplied); when work on the schools will be completed; when the schools will have full possession of all their facilities and school buildings again; the negotiations between the builders responsible and his Department; if there have been developments such as legal action in terms of the flaws and failures identified in the cases of these particular school buildings; and if he will make a statement on the matter. [10872/19]

Deputy Joan Burton: What is the proposed timeline for completion of the works at the Tyrrelstown schools affected by the discovery of defects? The schools are surrounded by building works and remain wrapped in scaffolding which makes it really difficult for the teachers, pupils and parents. Notwithstanding the welcome visit of the Taoiseach and the Minister for Education and Skills which was filmed and broadcast widely on RTÉ and so on, there is no indication as to when they will get the schools back up and running fully in order that they may resume the full range of teaching activities.

(Deputy Joe McHugh): Gabhaim buíochas leis an Teachta fá choinne na ceiste. Tá dul chun cinn déanta. B'fhéidir go mbeidh an freagra níos soiléire leis na sonraí atá de dhíth agus atá i mo fhreagra.

The schools in Tyrrelstown to which the Deputy refers, namely, St. Luke's national school

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and Tyrrelstown Educate Together, are in full possession of their buildings, albeit with precautionary measures in place to ensure safe occupancy. The safety of pupils and staff has been and remains our first priority. The Deputy will be aware that, following initial investigations at the schools last October and November, both internal and external precautionary measures were required in them. With the completion of the external precautionary measures, the schools were occupied initially at ground floor only. Works on the precautionary measures required on the upper floors were completed by 12 December 2018. One of the schools fully reoccupied its building at the time. The other opted to take up full occupancy again after the Christmas holidays.

More recently, detailed investigations were carried out at both schools. The purpose of the investigations is to determine the type and extent of issues in each of them and design permanent remediation solutions. The intention is that remediation works necessary in the schools, with 20 other schools that have precautionary measures in place, will be carried out in 2019. My Department has advised the schools accordingly. Work is advancing with the Office of the Chief State Solicitor and the Office of the Attorney General to devise a legal strategy to pursue the contractor in question for the costs of the precautionary measures and the permanent remediation works. Some proceedings have been issued against the contractor in relation to fire safety matters. To date, proceedings have issued in respect of Ardgillan community school which is partially closed as a result of concerns arising from investigations. The case will be back before the Commercial Court in early May.

I acknowledge the principals, teachers, staff, parents and pupils not just of the schools mentioned by the Deputy but of all of the schools affected, not just before Christmas when the issue emerged but also in the weeks and months since. I have met a number of the principals and staff and management of the schools, both at the time and since, and take the opportunity to express my thanks to them for the work they have been doing to make sure the impact on the pupils of the investigations to date is kept to a minimum.

Deputy Joan Burton: I thank the Minister for his appreciation of the staff and communities in the school; however, I notice that he did not give a date for when the schools would return to full operation.

Deputy Joe McHugh: In 2019.

Deputy Joan Burton: It will be some time this year. St. Luke's national school has 650 pupils and about 50 staff. It is a very big school, as is Tyrrelstown Educate Together. The school is forced to take three small breaks and three large breaks for the entire school population because it no longer has a school yard. The Minister has visited the school and knows that everything remains closed off. There was a promise that the county council would make a strip of land available along the side of the school that would allow it some space for a yard. I believe the Taoiseach actually told the Minister to have this done and I do not know why it has been held up. I know that staff in Fingal County Council are working on the issue.

Acting Chairman (Deputy Declan Breathnach): The Deputy is eating into the time allocation for her final supplementary question.

Deputy Joan Burton: Will the Minister tell us what is happening to facilitate the school?

Deputy Joe McHugh: I am interested in the new process in politics where the Taoiseach tells me to do something and I then tell Fingal County Council to do something. The Deputy

knows that is not the way it works.

Deputy Joan Burton: No; I just said the Taoiseach did tell the Minister to do it.

Deputy Joe McHugh: If there is a weakness in my Department, we are committed to acting. We are very committed to the two schools mentioned, as well as other schools. I have been to them and I am conscious that there is an issue with space. Any solution will involve all of the stakeholders. If Fingal County Council owns the land, I am sure it will be in a position to advise on the matter. The works will be finished in 2019. The most appropriate time to undertake them is during the summer. That will happen. The remediation work needed, the design and work completed to date will inform us as to what other work is needed. I am conscious of the disruption and that other schools were also part of the solution. I met a staff member from one of the neighbouring schools where students were decanted. She spoke in positive terms of being in a position to help. I am from a rural part of the country where we are strong advocates of the meitheal and the community. I saw the urban meitheal in full drive in that area and I do not take it for granted.

Deputy Joan Burton: All of that is excellent and that community spirit has always been a feature of life in Tyrrelstown. I am glad the Minister has had an opportunity to experience it. Does the Minister understand, however, what it means for a school with 650 children to have to organise six breaks a day? That has to be done because the Department of Education and Skills and the local county council have not been able to sort out the identified strip of land that everybody agrees would allow both schools, and St. Luke's in particular, to have a play area.

The Minister may need to send out an official to take photographs or I will take photographs and send them to the Minister. I am referring to something eminently fixable. I know the Minister wants to be hands-on and he can help fix this problem. What the school is enduring is intolerable. Many of the rooms inside are heavily fenced off. The Minister knows that. It is a difficult scenario for teachers and pupils.

Deputy Joe McHugh: In fairness, the Deputy is being constructive. Sometimes issues like this do not require a meeting or a major formal process, but an individual talking to another individual. I am sure Deputy Burton knows the director of services for the appropriate division within Fingal County Council. I do like to be hand-on. If she will provide that contact number to me, I will be happy to pass that on to my officials.

Schools Building Projects Status

8. **Deputy Pat The Cope Gallagher** asked the Minister for Education and Skills the progress being made on three school projects (details supplied) in County Donegal; the timeline for the delivery of the school buildings; and if he will make a statement on the matter. [10651/19]

Deputy Pat The Cope Gallagher: Tá áthas orm deis a fháil inniu chun ceist parlaiminte a chur ar an Aire Oideachais agus Scileanna maidir le scoileanna éagsúla i mo Dháilcheantar, agus Scoil Mhuire i Srath an Urláir, Gaelscoil na gCeithre Máistrí i mbaile Dhún na nGall, agus Scoil na nAingéal i Leitir Ceanainn ach go háirithe. Tá súil agam go mbeidh dea-scéal ag an Aire.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta fá choinne na ceiste. Aontaím

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leis maidir leis an ábhar seo. Tá sé iontach práinneach. Tá níos mó scoileanna i nDún na nGall ar an bhealach céanna leis na trí scoil atá i gceist. Ba mhaith liom na sonraí seo a leanas a chur ar an taifead. Ar dtús, gabhaim aitheantas do na daoine agus na foirne uilig sna scoileanna éagsúla - Gaelscoil na gCeithre Máistrí, Scoil na nAingeal agus Scoil Mhuire i Srath an Urláir. Mar atá a fhios ag an Teachta, tá Gaelscoil na gCeithre Máistrí ag stage 1 den architectural planning process. Nuair a bheidh na rudaí sin déanta, táim sásta go mbeidh sé ag dul ar aghaidh go dtí an chéad chéim eile de na forbairtí. Nuair a bheidh na nithe sin socraithe, beidh an togra ag dul ar aghaidh le pleanáil costais. Beidh ullmhúchán de dhíth fá choinne na socrúithe ina dhiaidh sin. Bhí mé i Scoil na nAingeal i Leitir Ceanainn mí ó shin agus chas mé leis an fhoireann uilig. Tá siad iontach sásta leis an dul chun cinn atá déanta. Tá an togra sin ag stage 2b. Tá an t-iarratas istigh agus tá athbhreithniú ag dul ar aghaidh i mo Roinn. Tá comhrá ag dul ar aghaidh idir mo Roinn agus an fhoireann design. Tá an fhoireann design ag obair ar an iarratas atá le mo Roinn agus ag labhairt fadúda an chéad chéim eile atá de dhíth. Tá sí ag obair ar na riachtanais úra maidir le near zero energy buildings a tháinig isteach in 2017. Is coinníoll úr a tháinig isteach é sin. Mar shampla, beidh coinníollacha maidir le conservation of fuel and energy faoi na rialacháin fhoirgneamh. Beidh coinníollacha le baint amach maidir leis sin. Tá Scoil Mhuire i Srath an Urláir----

Acting Chairman (Deputy Declan Breathnach): Beidh an tAire ábalta teacht ar ais.

Deputy Joe McHugh: ----ag staid 2b, detailed design, fosta. Táim sásta leis an dul chun cinn. B'fhéidir go mbeidh sonraí breise ag teacht amach as an gcéad cheist eile.

Acting Chairman (Deputy Declan Breathnach): Tá súil agam go bhfanfaidh Teachta Gallagher laistigh den am.

Deputy Pat The Cope Gallagher: Cinnte go bhfanfaidh. I thank the Minister for his reply. We need to progress work on St. Mary's national school in Stranorlar. That school was in the capital programme in 2011. For some unknown reason it was removed but it is back in the capital programme now, thankfully. We also know that the process of short-listing, the pre-qualification process, has gone on for too long. It needs to come to a conclusion quickly. Regarding pre-qualification for any school in Donegal, we have some very fine contractors in Donegal. I know we have the same interests in this area. Those contractors should be given an opportunity to submit tenders. I hope that will be the situation because all contractors in Donegal should be given a chance.

I flag that for the Minister and ask him to use his influence as the Minister for Education and Skills. He also perhaps wears the Donegal vest. I ask him to consider this issue from that perspective as well. We have also both been to Gaelscoil na gCeithre Máistrí and that project needs to be moved on as quickly as possible, as well as the work at the Little Angels school in Letterkenny. Perhaps the Minister might give us a more detailed update than he has already.

Deputy Joe McHugh: To be clear, St. Mary's national school is in the capital programme. The project will go to tender when pre-qualification is complete, the design team's near zero energy building, NZEB, submission has been considered, any other issues have been raised and consequential amendments to the stage 2b design and tender document have been implemented. That will progress in quarter two. The tender stage normally takes between seven and eight months to complete. I will be ensuring - not through my intervention - that the process is transparent and open and that work will begin in quarter four of this year.

There was also a major focus on this project in March 2018. There were expectations at that time that it would come in at an earlier stage. I am committed to this project and to ensuring it will be completed within 18 months. I cannot, unfortunately, influence the pre-qualification tender process mentioned by Deputy Gallagher. It is not in my gift. It is under the Office of Government Procurement. I do take the Deputy's point, however, on local companies being in a position to tender. It is not in my gift, however, to decide which company is successful. As I said as Gaeilge, I visited the Little Angels school recently. Work there is moving ahead as well. I know the Deputy shares my motivation in ensuring the 13 major capital projects in Donegal advance as quickly as possible.

Deputy Pat The Cope Gallagher: I appreciate that the Minister cannot influence the tender process. I am not asking him to do that. I ask him to use his good offices to ensure there is a level playing pitch and that contractors in Donegal have an opportunity to tender. The project at Gaelscoil na gCeithre Máistrí needs to progress urgently. We have both been there and seen the prefabs in which the children are being taught. The high standard there is a credit to the teachers, the board of management and the children. I understood the project in Letterkenny was ready to go to tender more than a year ago. It seems to have taken a retrograde step. The Minister also stated there are also other schools besides those mentioned. That is, of course, the case. We will get an opportunity in the coming weeks to raise those schools by way of parliamentary questions as well. I ask the Minister to use his good offices to ensure these projects progress as quickly as possible.

Deputy Joe McHugh: Taking off my ministerial hat, as a Deputy from Donegal I know which side my bread is buttered on to ensure we get a level playing pitch and are treated in a fair manner. I commend the groups, from boards of management to communities, that have been driving these projects. Ultimately, they are the arbiters who decide when a project is needed and aontáim leis an Teachta maidir leis na fadhbanna sa Gaelscoil na gCeithre Maistrí. Those prefabs are not a suitable environment but the commitment to the Irish language and cultural aspect of learning in that school remains. They are on the right road, an bealach ceart.

We are focused on the Little Angels school and will ensure it continues to get priority, as will any of the other major capital projects in the county that need it. It is important to make the point that my motivation to ensure the detailed design is done correctly is that the fixed-price contract, whoever gets these jobs and whenever they get them, contains a price that we stick with and work within. That is the reason why advance detailed design is done before they go to tender.

Schools Building Projects

9. **Deputy Thomas Byrne** asked the Minister for Education and Skills the status of the schools built by a company (details supplied) in which issues were identified; when the review into the design and build programme will commence; and if he will make a statement on the matter. [10880/19]

Deputy Thomas Byrne: This question seeks an update from the Minister on the Western Building System debacle. Deputy Burton also raised this matter and some of the issues she raised apply to schools in my constituency, such as Educate Together in Ashbourne, Gaelscoil na Mí and St. Paul's national school in Ratoath.

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At the end of October or the beginning of November last year, on the back of the Western Building Systems controversy, the Minister committed to carrying out a review of the Department's design and build programme. I submitted a written parliamentary question about that and was told that the review had not started yet. Has the position changed? Can the Minister give an update as to what is happening? Can the Minister give an update on the four High Court actions that were lodged on 21 December and to what they relate?

Deputy Joe McHugh: The Deputy will be aware that last October and November my Department carried out initial investigations into 42 schools that were built by the company to which he refers. He will also be aware that of those schools, 22 required precautionary measures to ensure that they could be safely occupied. The safety of pupils and staff has been and remains our first priority.

Following on from this, my Department initiated a second phase of detailed investigations for the schools on 18 January last. This is focusing initially on the 22 schools that have precautionary measures in place and at Ardgillan Community College, Balbriggan, part of which remains closed. Eight investigations have been completed to date. The remainder are expected to be completed by early May. Detailed investigations in the schools that do not have precautionary measures in place will be carried out during the summer months.

The purpose of the investigations is to determine the type and extent of structural issues in each individual school and to design permanent remediation solutions where these are needed. The intention is that any remediation works necessary in the 22 schools with precautionary measures will be carried out in 2019. It is envisaged that remediation work in the schools without precautionary measures will take place in 2020.

Preparatory work to initiate a review of the Department's design and build programme is currently under way. This includes consultation with the Office of the Attorney General given the existing legal process. It must be ensured that the review does not compromise this. I will make an announcement on the review when the necessary preparatory work has been completed.

Deputy Thomas Byrne: The Minister has made a quite shocking admission that some of these schools will not be fully remediated or investigated until 2020. That is extremely worrying and concerning. We are already behind the schedule that was indicated to me when I met informally with officials. A much quicker timetable was envisaged for the remediation. I certainly do not blame the Department for the damage that this company has caused, or has potentially caused, but the Department does have a responsibility that this is done, fixed and put right.

It is concerning that the design and build review is being held up. I am not sure what it has to do with the Western Building Systems litigation. The bottom line is the Department is designing and building schools under the system that allowed this to happen. A review was promised with the aim of preventing this in the future and months later, that review has not started yet. That must be of concern, particularly when we were discussing the pressures on the capital budget earlier. All the schools are looking to get jobs done and we want to make sure that when those jobs are done, they are done properly.

Deputy Joe McHugh: We were faced with a major issue last October and November. In the middle of the debate and the prioritisation of making sure students, teachers and the workers within the schools were safe, questions were also raised in the House about the ongoing capital

programme and how other schools would be impacted. My officials and I were faced with the challenge of how to prioritise both remediation and the ongoing building programme. We had to figure that out. We are looking at completing the schools that need external and internal remediation work in 2019. They will get first priority. The other schools, which do not require advanced invasive work compared with the other schools, will be dealt with in 2020. It is a question of resources, manpower and womanpower, within our offices. We have now set up a team within the building unit in Tullamore wholly dedicated to Western Buildings Systems issues.

We also want to ensure the independent review continues apace. I am committed to ensuring that an independent person or group is appointed by the end of this month.

Acting Chairman (Deputy Declan Breathnach): I remind Members that there are other Deputies in the Chamber who would like to ask questions and, if people are succinct, we will get to those questions.

Deputy Thomas Byrne: I am glad that I submitted a written parliamentary question because the Minister's answer has changed since then. He is now saying the review will start at the end of the month. That is what we are here for. It is not acceptable that the Minister thought the issue would go away and that he continues to build schools under that programme. The issues identified in the schools are extremely serious. The ongoing delays in rectifying this issue are causing significant stress. Deputy Burton outlined what is happening in west Dublin and, in my own constituency, parents are telling me about the position in the schools. It causes distress because of the look of the schools, as well as the practical issues that are being felt.

I accept this was one of the first issues the Minister had to deal with but a commitment was given on an independent review. It is absolutely necessary in the context of the hundreds of millions that are spent on school buildings. I will certainly be following up to ensure this review is started at the end of this month as promised here today.

Deputy Joe McHugh: This is about being vigilant and processes that are fit for purpose to ensure that lessons are learned where they are needed. We will learn if there are better ways of doing things.

We have a dedicated team in Tullamore with a rich history and tradition of ensuring that schools are being built in a proper way. I indicated and committed in October and November that the review will be done this year. We will be in a position to carry out that review and, where lessons need to be learned, they will be learned.

Deputy Joan Burton: Will the Minister be taking submissions about that?

Acting Chairman (Deputy Declan Breathnach): I am not allowing additional supplementary questions.

Multidenominational Schools

10. **Deputy Ruth Coppinger** asked the Minister for Education and Skills if access to a co-educational multidenominational second-level school option will be provided in the Ashtown, Cabra, Phibsborough and Dublin 7 areas. [10863/19]

Deputy Ruth Coppinger: This question relates to the need for a co-educational and multid denominational school in Ashtown and Dublin 7 generally. A campaign group, Dublin 7 and Ashtown Secondary Options, has been set up by parents in that area who cannot get access to a non-religious secondary school or one that is not single gender. This trend is emerging throughout the country, not just in Dublin but it affects many parts of Dublin. It is based on both current and future need because there is a lot of development in the area.

Deputy Joe McHugh: The Government recently announced plans for the establishment of 42 new schools over the next four years, 2019 to 2022. This announcement follows nationwide demographic exercises carried out by my Department into the future need for primary and post-primary schools across the country and the four-year horizon will enable increased lead-in times for planning and delivery of the necessary infrastructure.

The Cabra and Phibsborough Dublin 7 school planning area is currently served by eight post-primary schools. This includes Cabra community college, which is under the patronage of the City of Dublin Education and Training Board. While categorised as interdenominational, Cabra community college is multid denominational in nature and provides for the local community and it could potentially bring additional capacity of this nature at post-primary level to this area.

The new schools announcement did not include a new post-primary school for the Cabra-Phibsboro-Dublin 7 school planning area. However, the requirement for new schools is being kept under ongoing review and in particular would have regard for the increased roll-out of housing provision as outlined in Project Ireland 2040. It will also take into account that, in the last number of years, three new multid denominational primary schools have been established in the area to cater for the increased enrolment numbers at primary level. The projected increased flow of pupils from the primary schools in this area when the current junior cohort from these schools reaches sixth class, as well as the output from more established primary schools in the area, will need to be taken into account in future demographic exercises when deciding on the need for additional post-primary school provision in the area.

Deputy Ruth Coppinger: Parents are acting now because two secondary schools in Dublin West have, for some mystifying reason, been appointed to religious patrons. It has happened with Le Chéile Secondary School in Tyrrellstown, the most multi-ethnic part of the country, and with the Edmund Rice Schools Trust, a religious group that has not even paid its full reparations to this State. Even if the Edmund Rice Schools Trust is co-educational, it is still religious-based. The catchment area does not extend to where this particular demand is and parents are asking for it to be done.

Can the Minister comment further on Cabra community college? Many people agree that it is a serious option for the Government to develop. It is a co-educational school and non-religious based but it is very small currently and it only began to do the leaving certificate quite recently. It would need a huge upgrade and investment but parents are asking about it. The principal is very open to it as well so will the Minister investigate the option?

Deputy Joan Burton: At Pelletstown and Ashtown, 3,000 units of housing have been built in the past ten to 15 years, most of them apartments. There is one primary school on the site and there are other adjacent schools so at the moment they can cope but there is no secondary school for the families who make up a large proportion of the 3,000 households to which I referred. There is a massive need for an accessible secondary school for local families.

Deputy Joe McHugh: The recent round of the patronage process showed that every school that was chosen by parents was multid denominational, whether they were ETBs or under An Foras Pátrúnachta or Educate Together. I am aware that there is demand and the choice of patron is also an option. On the question of capacity at Cabra community college and its plans for expansion, the geographic information system, GIS, looks at long-term demographics and where the next housing developments are going to be. We are always open to looking at new opportunities in the context of satisfying demand and I would be happy to look at that.

Deputy Ruth Coppinger: There are massive areas of development and apartments are springing up in Rathborne, Pelletstown and Broombridge. This is not rocket science. When one builds houses, people with children will live in them and will need schools. There is also an existing demand on the part of parents who have children of that age. The only schools that exist are St. Dominic's and a single-sex boys school so there is demand right now. I ask the Minister to examine urgently the option of Cabra community college. It is an existing site, I assume it has land available that could be developed and parents are very open to the idea. We have experience in Dublin West, as they do in other areas, of having to persuade the Department of Education and Skills that demand exists when it is very obvious to everyone else that it does. We then have to play catch-up in providing schools. Let us not do that in this area. We should move on this now.

Deputy Joe McHugh: I am happy to do that. My officials are always looking at ongoing needs and ongoing review. On a personal level I would say that sometimes when we have this debate we talk about the things that are not there, or the options that are not there for parents, but other parents look at other options. I am a Loreto boy myself and religion was not rammed down my throat at Loreto secondary school. A lot of value systems were presented to me as a young person in the area of compassion, respect and dignity. It is important when talking about choice that it is not just one-dimensional.

Deputy Ruth Coppinger: Is the Minister suggesting that would not have happened in a non-Catholic school? That is what he seems to be implying.

Deputy Joe McHugh: I take the Deputy's point. The majority of schools in the conurbation are of one religion and it is important to give parents choice, but it is also important to value the contribution of schools from other patronages.

School Accommodation Provision

11. **Deputy James Browne** asked the Minister for Education and Skills when a schedule of accommodation will be provided to a school (details supplied) further to officials from his Department meeting with the school in October 2018; and if he will make a statement on the matter. [10781/19]

Deputy James Browne: My question asks the Minister for Education and Skills when a schedule of accommodation will be provided to Bunclody VC. I appreciate that the schedule has now been provided but perhaps the Minister will give an update.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta fá choinne na ceiste. Mar atá a fhios ag an Teachta, tá dul chun cinn déanta. I am pleased to inform the Deputy that the project to which he refers has now been devolved for delivery to Waterford and Wexford Education

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and Training Board, WWETB. A schedule of accommodation has been provided to WWETB in that respect and I understand that WWETB has provided a copy to the school principal.

The next step in the process of engagement with WWETB is the execution of a service level agreement, SLA, between it and my Department. This is currently being arranged. Once this SLA is in place, WWETB can then begin the process of procuring a design team for the project to design the buildings, obtain the necessary statutory planning permissions and move the project onward to tender and construction in due course.

I acknowledge the efforts, both political and civic, that have been made on this project. I have had a lot of contact on the matter and a lot of communications. Colleagues of Deputy Browne, such as Deputies D'Arcy and Kehoe, have been anxious to see this project realised and I thank everybody for the pressure they put on to ensure it happened.

Deputy James Browne: I raise the issue because of the need for the major extension works at Bunclody VC. It is a school of 168 students with significant growth potential and it has a hard-working school principal, namely, James Murphy. It has a wonderful teaching staff, an excellent board of management and an active parents' council. The school has a very strong student-centred approach and a very strong and progressive approach to mental health, something I appreciate as my party's mental health spokesperson. The school principal has a number of ideas in this area and has approached the Department of Education and Skills with them.

I was in the school a few weeks ago and saw a dozen portakabins there. For years, children have had to walk long distances in the rain to go from class to class so I very much welcome the fact that a schedule of works is now being provided. Can the Minister give a timeline for building the extension? There is a scar in the Enniscorthy district from St. Patrick's special school - there was an announcement in December 2016 that the school was about to be built but a shovel was not put in the ground for two and a half years. I hope that is not the case in Bunclody.

Deputy Joe McHugh: I cannot give a timeframe because of the planning permission process. I hope the proposals get through that process and I know the Deputy will be speaking to his colleagues on the ground about it. I was speaking to the CEO of Wexford County Council yesterday. There is a good team at local authority level and I am sure their vigilance will be second to none so that it gets through the process. Until we get to the other end of the planning process, I am not in a position to give a start date for construction.

Deputy James Browne: I thank the Minister; I appreciate that. I am the chair of a board of management myself, that of the Educate Together national school in Wexford town. Our own school is going to the planning and design phase. I know the Minister was in Gorey *11 o'clock* a week and a half ago where he met school principals and some representatives.

Will he set out briefly the position in respect of a secondary school in Gorey? There are sufficient places at present but a bubble is coming in approximately two years and parents in Riverchapel and Gorey town are very concerned.

Deputy Joe McHugh: The Deputy is right. There is an anxiety with regard to the situation a few years down the line. The problem will not necessarily arise this year or next but in three or four years. Gorey community school is at maximum capacity at the moment. I had an opportunity to visit Creagh College, which has a fine new building. We were talking about autism earlier. There are four special classes in Creagh College. It will possibly have 800 pupils in the not too distant future. It has capacity for 1,000, which can be extended to 1,200. We will be

very vigilant. I have asked my officials to look at the future population projections. I hear that a large number of applications for planning permission are being made for the development of housing estates. The principals I met were very anxious that we look at some form of engagement in this regard. I am happy to do that. I do not know what the preferred solution will be. It may be to build extra capacity or an additional school. I will, however, continue to engage on that issue. Gorey is now only an hour from this city and people from this city are considering purchasing houses there. We are looking at an increased population.

Autism Support Services

12. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the process for parents should they wish to request that their child's primary or post-primary school apply on their behalf to his Department to open an ASD class in that school; the way in which the decision on whether or not to make an application for additional resources to open an ASD class is arrived at between parents and a school; the way in which the request is then processed by his Department and the NCSE; the requirements that determine if a school is successful in its application; the follow-up carried out by his Department and the NCSE with a school that is in receipt of funding for an ASD class for their school; the way in which the progress of that class is assessed in view of the funding received; and if he will make a statement on the matter. [10933/19]

Deputy Kathleen Funchion: I appreciate the Acting Chairman trying to squeeze this question in. I will be very brief. It is the only comment I will be able to make on the question. It is very similar to the first question I asked in respect of ASD classes. Last year the then Minister, Deputy Bruton, announced that the Department would have powers to compel a school to open an ASD class. If a group of parents sees that there is a need and a demand in their area, what is the process, from the first step to the last, they should go through to request such a class? If the Minister does not have time to answer that question, perhaps he could provide a written answer or we could follow up on it when we are talking about the National Council for Special Education, NCSE.

Deputy Joe McHugh: I am happy to do that. The answer I have is a stock answer similar to the answer to the Deputy's earlier question. It is very similar so I will not read it. We will pass on the answer. We have work to do in this area. The approach the Deputies in this House have taken since Christmas has been to table a range of parliamentary questions in this area. Even though we are spending nearly €1.8 billion and even though the number of classes has increased from nearly 500 to 1,500, we are looking at enormous challenges in this area. I see it as a massive opportunity for our country. I know that is why the Deputy is raising the issue today. The whole area of inclusion and of ensuring that everybody gets an opportunity to get into the workforce and to avail of lifelong learning opportunities presents a massive opportunity. I will stay in touch on this issue. The Deputy is correct that classes can be requested if parents come together to demand one, but ultimately it is the board of management that makes the decision.

Deputy Kathleen Funchion: That is where the difficulty lies.

Deputy Joe McHugh: I am not a person for the bata mór, the big stick. Telling schools what to do is not my approach but, if we continue to highlight the great work going on in the schools that have special classes, people will see the benefits not just for the young people with special needs, but for the children around them. When that is in operation it is an enriching

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environment in which to be. We are spending €1.8 billion and providing 1,500 special classes. We also need to remain committed to the special schools. That is something of which I am conscious. Some parents should still be afforded the choice of their child attending a special school. While some parents would prefer a mainstream school, we have to protect that option.

Written Answers are published on the Oireachtas website.

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

SECTION 72

Debate resumed on amendment No. 43:

In page 48, line 25, to delete “may” and substitute “shall”.

-(Deputy Aengus Ó Snodaigh)

An Leas-Cheann Comhairle: I understand that when the House adjourned last night the transport aspect of the Bill was being dealt with. The Tánaiste was in possession. There are now 41 minutes remaining for this Part of the Bill. We are dealing with amendment No. 43, which is a Sinn Féin amendment. It has been moved. Is anybody offering? I remind the House that amendments Nos. 42 to 45, inclusive, are related and are being discussed together.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I do not propose to accept amendments Nos. 43 to 45, inclusive. I believe it is very clear why I cannot do so. The proposers of the motion fully understood that yesterday. I thank the Sinn Féin Members for what was a very reasonable debate, particularly when they were representing the communities in the Border area and describing the difficulties they face in respect of the green cards which will have to be carried if this happens. The proposed section 5A of the Road Transport Act 1978 is an enabling provision which gives the Minister power to make an order should it be required. These provisions were developed as a precautionary measure and may not be needed in the event of an orderly withdrawal or if alternative measures are agreed at EU level or in another international context. Having regard to international bus services, there are a number of scenarios under which it will not be necessary to make an order under the new section 5A. On this basis, it would not be appropriate to require the making of such an order by amending “may” to “shall”. The amendment also proposes that an order under section 5A would need the assent of the Dáil. Secondary legislation involves the delegation of power from the Oireachtas, in this case to the Minister. Requiring Dáil assent would be unusual and is not necessary. On a more practical note, such an assent procedure would unnecessarily delay the making of such an order, which could lead to difficulties in the scenario which may need to be addressed by using these provisions, namely, that of a no-deal exit.

Amendment, by leave, withdrawn.

Amendments Nos. 44 and 45 not moved.

Section 72 agreed to.

Sections 73 and 74 agreed to.

Dáil Éireann
SECTION 75

Deputy Shane Ross: I move amendment No. 46:

In page 50, line 34, after “passenger” to insert “transport”.

On behalf of the Government I propose a technical amendment, No. 46. Under the definition of “international road passenger operator’s licence” within the new section 28A of the Public Transport Regulation Act 2009 the word “transport” has been inadvertently omitted in paragraph (b). This was an oversight and it is important that it be corrected as otherwise it would be an omission in a key term used in the new Part 2A regarding third country bus services.

Amendment agreed to.

Deputy Shane Ross: I move amendment No. 47:

In page 54, to delete lines 35 to 39 and substitute the following:

“(3) Where the third country body has provided notice to the Authority of an application from a carrier to provide services similar to those referred to in section 28G(6) under the law of that country, the carrier may provide such third country bus services under and in accordance with this Part on and from the date of receipt by the Authority of said notice.”.

I propose this technical amendment, No. 47.

In the Bill, as initiated, this section can be interpreted as placing a statutory obligation under Irish law on a third country body, for instance, a regulatory body in the North. Without amendment, the section would require a competent authority in a third country to provide notice for the NTA in Ireland. This constitutes a statutory obligation which could be challenged by a third country body since it is a body established outside the jurisdiction. Our intention is that bilateral arrangements between Ireland and the United Kingdom will make clear to both jurisdictions their respective responsibilities in relation to third country bus services and the provision of notices, etc. This technical Government amendment means that while the essence of the provision remains, the statutory obligation on the third country body to provide notice for the NTA is removed.

An Leas-Cheann Comhairle: It is a technical amendment. Is it agreed to?

Deputy Robert Troy: I accept that it is a technical amendment, but I seek clarification. I understand any bus operator in a third country will have to make an application to the NTA as the competent authority for the regulation of bus services from a third country. Is that what the amendment seeks to achieve?

Deputy Shane Ross: It can make the application to the competent authority, either here or in the third country.

Deputy Robert Troy: Will they work jointly?

Deputy Shane Ross: They will work together and exchange information, but the body that will make the decision is the one to which the application is made after consultation.

Deputy Eamon Scanlon: Will legislation be needed to allow those returning to Ireland

from England to exchange their English licence for an Irish one?

Deputy Shane Ross: Is the Deputy referring to driving licences?

Deputy Eamon Scanlon: Yes.

Deputy Shane Ross: The position is not quite as simple as that. Currently, under the 1949 road traffic convention, drivers from contracting states carrying a valid driver's licence that enables them to drive on each other's roads for up to one year. As Ireland and the United Kingdom are contracting states to the Geneva Convention, this provision applies and will not change following the date of withdrawal. Under Article 24.2 of the convention, a contracting state may require any driver admitted to its territory to carry an international driving permit. However, there is no requirement for drivers with a UK driving licence to produce an international driving permit while driving on Irish roads and that will not change. In addition, there is legislation in place that allows for the recognition of foreign driving licences for exchange purposes. If and when the United Kingdom becomes a third country and there is a no-deal Brexit, there will be the potential for arrangements to be made under section 23A of the Road Traffic Act 1961.

Deputy Brendan Smith: As the Minister will be aware, this is a big issue in my part of south Ulster and also neighbouring counties. There is a need for a clear message to be sent on what the exact situation will be should Britain leave the European Union without a deal. Thankfully, there are many people who have come back to live in Border counties, be it Donegal, Cavan, Monaghan, Sligo, Leitrim and Louth, and also in the midlands in Deputy Troy's constituency. We have all had callers to our clinics to inquire about the status of their driving licence post 29 March. The Department needs to send a clear message on what the exact situation will be. Thankfully, since the signing of the Good Friday Agreement, there has been considerable movement of people on a daily basis across the Border in both directions to access employment and education and health services. Thankfully, nowadays it is our *modus operandi* not to have borders but to have seamless transition. We all take entitlements such as driving licences for granted as we cross the Border on a daily basis.

I often mention to the Minister in the context of road infrastructure that I travel to and from County Fermanagh in my constituency on quite a number of occasions. If I travel from Cavan town to Clones which is less than a 25-minute drive I cross into County Fermanagh four times. When I travel to other parts of County Cavan, I also travel through County Fermanagh. Equally, in going about their daily business people living in the three counties of Cavan, Monaghan and Fermanagh cross the Border on a daily basis in each direction. Therefore, we need clarity on the issue. A clear message needs to be sent from the Department in that respect. It would also be useful if it could be sent through the local media.

Deputy Robert Troy: On a related point, as the Minister may be able to answer both of us at the one time, I reinforce what my colleague Deputy Brendan Smith is saying about UK driving licences being acceptable in Ireland. I understand the Department of Transport, Tourism and Sport is advising holders of a UK driving licence to swap it for an Irish one while the United Kingdom is still a member of the European Union and before it becomes a third country because it can be done seamlessly and there will be no issues. In that regard, if somebody swaps his or her driving licence now, the date of issue will have an impact on his or her annual insurance premium. I wonder if the Minister or his officials has or have had any engagement with the insurance bodies to ensure such drivers will not lose all of their years of driving experience that they have built up when they transfer their UK driving licence for an Irish one. I

understand - the Minister may correct me if I am wrong - the UK Government is providing reassurance for Irish driving licence holders that they will continue to be able to travel and drive in the United Kingdom on their Irish driving licence. There is an anomaly in what we are saying on this side of the Irish Sea compared to what is being said on the far side. Perhaps the Minister might clarify the matter.

Motorists travelling across the Border or to elsewhere in the United Kingdom will need to have a green card. The Motor Insurers Bureau of Ireland is advocating that there be a turnaround time of approximately four weeks and advising that those who make frequent crossings - no one is hoping for a no-deal scenario or a hard Brexit - will need to factor in a four-week turnaround time in obtaining a green card or they will not be covered by their insurance. I also understand that, in the event that there is a hard Brexit at the end of the month, if somebody who does not hold a green card is stopped in Northern Ireland, his or her car will be impounded automatically. It is a serious consequence for somebody who will not be carrying a green card. I want to know what the Minister and his officials have been doing to inform motorists of the need to hold a green card. I also want to know why Article 8.2 of the EU motor insurance directive was not invoked. My understanding is that if it was invoked, it would allow the Commission to enable the United Kingdom to remain in the green card free circulation area post Brexit. Has the Minister held discussions with the Commission on invoking Article 8.2 of the 2009 motor insurance directive?

An Leas-Cheann Comhairle: We are dealing with a technical amendment, but I am pragmatic enough to know that these are practical questions the Minister will want to clarify.

Deputy Imelda Munster: They are serious issues and there is confusion and chaos among the public because the Minister has not made any real effort to provide clarity or have them sorted. I am delighted that he could make an appearance this morning, despite the pressures of work. I hope he did not have to skip elevenses. We spoke about this issue last night and the Minister's problem is that it has not been resolved. Other Ministers have managed to resolve issues regarding their briefs, in particular on the common travel area. They have managed to do it because they put in the effort and time to doing so.

I will not say the Minister does not care but I do not believe he realises just how important these issues are for people living in Border areas and the nightmare it will be, in particular with regard to licences and green cards. Workers will be travelling to work on a daily basis, family members will be visiting each other and tourists will be travelling. If a farmer is driving a tractor across his fields and one field is in the North and the other is in the South will he need a green card? If he has an accident in his tractor will he need a green card? These are the basic day-to-day issues that are leaving people in total confusion as to what they need and what they must do and the Minister has done nothing to resolve it.

The Minister, Deputy Coveney, made it clear the option for addressing the issue is under Article 8 of the EU motor insurance directive and the EU can give a waiver to Britain and the North for the requirements of green cards, as it did with Serbia in 2011. However, the Minister, Deputy Ross, has made no attempt whatsoever. It is hard to credit, given the problems this will cause for people, that he has put in no real effort. Everybody knows he should have been pushing the EU to get the waiver but he did not do so. He has let everybody down by not doing it. When we think about the problems this will cause, it seems the Minister is completely blind to the sensitivities around this issue. I knew from the time I asked him at a meeting of the transport committee about the green card that even on the basic points regarding when it was due,

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whether people would have to pay for it and how many would be required the Minister had to be prompted with the information. He did not come in with all of the information. This tells us he did not have the inclination, the care or the concern to look into it so that he would be across it and would make representations to the EU on the common travel area. If other Ministers could resolve issues in their brief but the Minister did not, it sums it up.

An Leas-Cheann Comhairle: I remind the House that according to the order of the House yesterday we have one hour for transport issues and 23 minutes remain before I put the question. As we did yesterday, we may have it completed before then.

Deputy Shane Ross: I thank Deputy Munster for her contribution, which had echoes of every contribution she ever makes.

Deputy Imelda Munster: I wonder why. It is down to the Minister.

Deputy Shane Ross: I must respond, now that she is here, to some of what she has said. Last night, we had a very sensible discussion about green cards with two of Deputy Munster's colleagues, Deputies Pearse Doherty and Ó Snodaigh. They were mature, sensible and constructive. As I said, I thought what they were doing before the Deputy came in last night - and she was late again today - was something very constructive. We could not agree to what they were doing because it was not in our power but they were representing their communities extraordinarily well. They were like thoroughbreds in a horse race. Deputy Munster came in, as she normally does, like a donkey in the last race at the last fence.

An Leas-Cheann Comhairle: Minister-----

Deputy Shane Ross: She upset the whole apple cart.

An Leas-Cheann Comhairle: I ask the Minister to use parliamentary language.

Deputy Robert Troy: That is disgraceful.

Deputy Imelda Munster: On that, if the Minister wants to get personal-----

Deputy Regina Doherty: That is all the Deputy has done for the past ten minutes.

Deputy Imelda Munster: -----if it masks his overall incompetence-----

Deputy Shane Ross: Deputy Munster has been personal.

An Leas-Cheann Comhairle: Hold on-----

Deputy Imelda Munster: He is the Minister in charge and he has not done his job.

An Leas-Cheann Comhairle: Deputy Munster, please.

Deputy Imelda Munster: If he wants to get personal to mask his incompetence, that is fine. I can take it but the reality is-----

An Leas-Cheann Comhairle: Deputy Munster, please. I will deal with this.

Deputy Imelda Munster: -----the Minister has not done his job. He is a disgrace.

An Leas-Cheann Comhairle: I will deal with this. There is co-operation all around. I was

in the Chair for a long time yesterday. We have made progress and I ask the Minister not to invite interruptions and to use parliamentary language. We have 21 minutes so let us use them to answer the practical questions that were asked.

Deputy Shane Ross: I want to say this because it is important that we are constructive and I agree with the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Forget about the word “donkey”.

Deputy Shane Ross: It was just an analogy.

An Leas-Cheann Comhairle: It may well be but-----

Deputy Shane Ross: It was a destruction of a very good argument-----

An Leas-Cheann Comhairle: -----it does not sound good.

Deputy Shane Ross: -----made by her colleagues and, as is so typical, she came in and ruined the debate by-----

Deputy Imelda Munster: Asking questions.

Deputy Shane Ross: -----making accusations and statements which are simply inaccurate. First of all, and this is relevant, she said that for some reason I had been responsible for the green card amendment being ruled out of order and she had to be corrected by the Ceann Comhairle on it. She is long enough in the House to know the Minister does not make rulings on the green card or on amendments. She deliberately misrepresented-----

Deputy Imelda Munster: The Minister has not made any effort.

An Leas-Cheann Comhairle: Deputy Munster, please. The Minister without interruption.

Deputy Imelda Munster: The Minister did not make any effort at all on the green card issue.

Deputy Shane Ross: She went on to say, and she said it again here today, without any justification and no evidence, that we had made no effort whatsoever on the green card issue. That is just simply untrue. What does she base it on? She bases it on nothing-----

Deputy Imelda Munster: No. Other Ministers have managed-----

An Leas-Cheann Comhairle: Deputy Munster, please.

Deputy Shane Ross: -----because representations have been made consistently about the green card issue by the Department, the Government and officials.

Deputy Imelda Munster: Not by the Minister.

Deputy Shane Ross: They have represented Ireland well on that issue and have represented the case that the green card is unwelcome and we do not want it. Of course we do not want it but it is an EU decision.

Deputy Imelda Munster: What did the Minister do to prevent it?

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Deputy Shane Ross: We take every opportunity we get to ask the EU to remove it. The Deputy comes in here and says nothing at all is being done. She is speaking from the basis of total ignorance-----

Deputy Imelda Munster: No, the Minister's record-----

Deputy Shane Ross: -----because she never asked the question. Now she has the question answered, she does not like it. It is typical.

Deputy Imelda Munster: The Minister did nothing.

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Shane Ross: It is most important in an issue of this sort that we have a mature debate and we do not throw wild accusations around and we ask questions and get answers, as the Deputy is entitled to do. She is democratically elected and entitled to answers. When she makes statements like this about the Minister ruling something out of order, it is just nonsense. When she makes statements about the Government and me having made no representations, it is rubbish.

Deputy Imelda Munster: The Minister put in no effort.

An Leas-Cheann Comhairle: Deputy Munster, please.

Deputy Shane Ross: They have been working tirelessly to do precisely that. The green card is something we have not yet achieved-----

Deputy Imelda Munster: Because of the Minister.

Deputy Shane Ross: -----but we will continue to work for its removal at the earliest possible opportunity.

Deputy Imelda Munster: It is three weeks away.

Deputy Shane Ross: Let that be put on the record. To say I did not answer the Deputy's questions at the last committee meeting is just nonsense, as is everything else.

Deputy Imelda Munster: The Minister was prompted.

Deputy Shane Ross: The Deputy asked one question that I did not answer because I did not know the answer. It was about whether people would be prosecuted in Northern Ireland if they did not have a green card. The answer to this is I do not know and nor does the Deputy or anybody else because it is a decision for the PSNI. I will not under any circumstances predict what course of action the PSNI will take in that situation. I say, quite rightly, I do not know. If the Deputy knows the answer she should get up and tell the House but she does not know.

Deputy Imelda Munster: The Minister was prompted with answers to every question asked.

An Leas-Cheann Comhairle: I remind the House there are 17 minutes left and I have observed there are many other practical questions. Let us use the 17 minutes because I will have no choice but to put the question then.

Deputy Shane Ross: As part of its contingency planning, the Government has raised this

matter directly with the European Commission, seeking agreement from it to set a date from which green cards would not be required. The setting of a date is possible under Article 8.2 of the motor insurance directive. The Commission has not given agreement to date and the Government continues to pursue the matter with it. The Commission advised the MIBI and the international Council of Bureaux that it is keeping the matter under close and constant review as part of its Brexit preparedness work. This is very important. Ireland has had discussions with the European Commission regarding Article 8 of the insurance directive but the final decision is with the Commission and Ireland is still pushing on that issue. We do not like it, and we have made it quite clear we do not like it, but it is there and we must live with it for the moment. We will push against it as hard as we can.

On Deputy Troy's issue, insurers and insurance brokers have advised they will begin issuing green cards to policyholders any day now. I believe they have begun to issue them or will do so in March 2019. As preparation, MIBI has printed green cards and distributed them to these organisations. It has indicated that approximately 1 million green cards have been sent to insurance companies and brokers. It is a matter for insurance brokers as private commercial organisations to determine whether there will be an administrative charge for the issuance of green cards. I answered this question already but I will answer it again. The Deputy said I did not answer it at the last committee meeting. I did. I answered questions on fees quite specifically. Neither the Government nor the Central Bank of Ireland has the power to regulate charges which may be made in this regard. It is an unwelcome development, but it is an example of prudent advance planning on the part of the Motor Insurers Bureau of Ireland and the wider insurance industry.

It is important to remember that the green card is used as proof of insurance. People have been making a mistake in this regard, though I am sure Deputy Munster has not. It is not an insurance policy in itself. The vast majority of Irish motor insurance policies already include cover for travel in the UK. In such cases, drivers will continue to be insured to drive in the UK even in the event of a no-deal Brexit. However, they will need to carry a green card as proof of insurance if no other agreement is reached within the European Commission in the meantime. Not all policies may include such cover in the event of a no-deal Brexit. In that eventuality, drivers who may be travelling to or through Northern Ireland or Great Britain should check their motor insurance policies. If in doubt, they should check with their insurers that such travel will be covered. Enforcement of the law on motor insurance is a matter for An Garda Síochána. If a person is driving a UK vehicle in this jurisdiction following a no-deal Brexit he or she may be required by An Garda Síochána to produce a green card as proof of insurance. Driving uninsured is an offence. If a person who should have a green card does not, this may cause difficulties in proving that they have insurance. That is carefully worded. It is for the authorities in Northern Ireland to determine what enforcement measures regarding green cards might be taken in Northern Ireland in the event of the UK exiting the EU without a deal.

A clear message has been fairly well publicised by the Road Safety Authority, the Department and the insurance bodies. The issuance of 1 million green cards reflects sudden and urgent demand. Adequate numbers of cards will be issued. I take the point that we need to use all outlets to make sure everybody knows they should get green cards.

In answer to Deputy Brendan Smith, I note that people resident in Ireland who use UK driving licences should seek to exchange their UK licence for an Irish licence before 29 March. This advice is going out from all quarters and I think it is fairly well-known at this stage. We will put alternative arrangements in place post Brexit when the UK is a third country. To cover

that particular point, visitors to Ireland with UK driving licences can drive on their UK licences in Ireland for up to 12 months. In the meantime we fully expect that perfectly adequate reciprocal arrangements will be made.

Deputy Robert Troy: The Minister's last point was that the Department and other bodies are advising people to swap their licence before the end of this month. Is the Minister satisfied that there will be sufficient personnel to deal with the upsurge in applications for new driving licences? Will these applications be processed in a timely manner?

Second, the Minister did not answer the question of what engagement he or his officials have had with insurance companies on the possible consequences for people's insurance premiums, given the fact that they will now be driving on new Irish licences that have only been issued this month. Will their previous records be recognised? We all have heard anecdotal evidence that people who have driven in Ireland previously come home after a year or two abroad and find all their past records are null and void and are not taken on board. They are effectively first-time applicants from an insurance perspective. What engagement has the Minister had with the motor insurance industry to ensure that the insurance premiums of people who transfer their licences will not be affected?

As the Minister knows, I have spoken on a number of occasions about the availability of driving licences to asylum seekers. They are not available to asylum seekers in Ireland. They are available in the UK, and there are a small number of asylum seekers here who have UK licences. I assume they will not be able to transfer them. Perhaps the Minister could clarify.

I refer to the huge efforts the Minister and his officials have made around the green card and in trying to invoke Article 8.2. Perhaps he might share with us some of the replies he has received to the efforts and the submissions he has made on this issue. It is strange that other countries have benefited from this. The House should know who is trying to block or prevent the invocation of Article 8.2 of the motor insurance directive.

The Minister says that he cannot be responsible for what the PSNI in Northern Ireland does. The bottom line is that, just as in the Republic of Ireland, the Legislature makes the laws. The Garda and the PSNI implement the laws. If the law of the land states that a driver must have a green card and the penalty for not carrying one is the impoundment of their car, we cannot criticise and say we do not know what the PSNI is going to do. We do know what it is going to do. It is a huge issue for people who go across the Border very frequently. I welcome the fact that the Minister has said he will continue his efforts to push for the UK to remain in the green card free circulation area. Does he have a timeline for when he hopes to have this matter resolved?

An Leas-Cheann Comhairle: I remind Members that there are only eight minutes left. I am sure the Minister wants a couple of minutes to respond.

Deputy Brendan Smith: I wish to make a very quick comment. I thank the Minister for his reply. Will he clarify the conversion of the British licences? I am not exactly clear on that. He also mentioned that reciprocal arrangements would be put in place. Will the British authorities do that by regulation or will legislation have to be put through Parliament, which is obviously a time consideration? We cannot have an interregnum during which people do not have their licences up to date or in order. That is the concern of our constituents and of people living in the Border area and much further afield.

Deputy Imelda Munster: Deputy Troy referred to copies of correspondence regarding the

interventions, meetings etc. that the Minister has personally undertaken on the green card issue. I asked for these at the Joint Committee on Transport, Tourism and Sport a couple of weeks ago when I inquired whether the Minister had personally made interventions concerning a dispensation for people in Ireland. I have not got anything back as of yet. Will the Minister furnish us with those documents? I have waited two weeks to get them and I have got nothing.

An Leas-Cheann Comhairle: Before we finish this section, I note there is another amendment which Deputies will have an opportunity to put. There will be no debate on it. I refer to amendment No. 45.

Deputy Shane Ross: To be absolutely clear, the laws upheld by the PSNI are not made in this House. I cannot influence the attitude the PSNI takes to the green card in any way.

Deputy Robert Troy: It is a requirement.

Deputy Shane Ross: It is a separate jurisdiction. It is up to it what it does with it. We have made no bones about our opinions on the green cards. We do not like it. We do not welcome what is happening in that regard, but it is a matter for the MIBI, and in commercial terms it is probably prudent. In political terms it is something which we deplore, but it is not something we can influence outside this jurisdiction.

Because the question has been repeated, I wish to say categorically once again that my officials and I will take every opportunity to press the European Commission so that the life of the green cards is ended as soon as possible. That is our ambition. That is what we wish to do. The suggestion that there is some sort of lack of will or energy on our part on the issue is an accusation made out of total and utter ignorance. It is unnecessary and unhelpful. The European Commission is well aware of our views on it. I am certain that these representations have been made frequently and will continue to be made until the green card is removed or some other solution is enacted. That is what is going to happen. We are united on this issue and it is a pity that there should be any division introduced. We are united in that we wish to see the green cards removed. We see them as politically difficult to accept altogether, but to suggest that somehow because they remain there, there is a lack of action, will or energy is not true. It is not going to happen. That process will continue.

There is ongoing engagement by my officials with the Commission on Article 8, including recently when a very high-level delegation came to Dublin. Intensive talks have been going on between my officials and the European Commission on this issue and other issues on an hourly, daily and weekly basis. This is not something which is being neglected. It is being pursued with as much vigour as is possible. It is fair to say that an enormous amount has been achieved, which we see in the Bill in terms of buses and in other areas to ensure the smooth running of transport between Northern Ireland and southern Ireland, even in a no-deal scenario. That is what this is all about. Not everything is resolved, but we are going to ensure that the trains and buses will run as normally as possible on 29 March, even if we have a no-deal scenario, which we hope we do not have.

The Road Safety Authority, RSA, is giving priority to the exchange process for UK licences. In response to Deputy Troy, it wants to give as long as practicable for people to get their licences. Deputy Troy asked twice whether we had talked to the insurance companies to ameliorate the effect on premiums in certain situations. He will find that it is a matter for the insurance companies. No-claims bonuses are based on driving experience and are not linked to

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the licence issue date. I am not an expert in this field, but I think he will find that is the major factor which affects insurance premiums and their price.

Deputy Robert Troy: The Minister said the conversion of licences would be processed as speedily and efficiently as possible, but in the event that there is a delay in the post and a licence is not processed in advance of 29 March, will it be honoured or will it be declared null and void?

Deputy Eamon Scanlon: I wish to get clarity. As the Minister is aware, 90% of the agricultural product in this country is exported either to Great Britain or through Great Britain on to France and other European countries. Will the Irish licences of those lorry drivers be accepted in England if they are stopped by the police? My concern is to ensure that they can travel freely.

Deputy Shane Ross: The answer to Deputy Scanlon is “Yes”, as to whether the Irish licence will be accepted in England. In response to Deputy Troy, people will be all right if the application for conversion is in the system by 29 March.

Amendment agreed to.

An Leas-Cheann Comhairle: The time permitted for this debate having expired, I am required to put the following question in accordance with a resolution of the Dáil: “That the amendments set down by the Tánaiste and Minister for Foreign Affairs and Trade to Part 10 and not disposed of are hereby made to the Bill, and in respect of each of the sections undisposed of in the said Part, that the section or, as appropriate, the section as amended is hereby agreed to.”

Question put and agreed to.

An Leas-Cheann Comhairle: That completes our deliberations on transport. We now move on to Part 11, which involves amendment of the Social Welfare (Consolidation) Act 2005 and comprises sections 76 to 78, inclusive, and amendment No. 49. There is one hour for the debate on this Part.

Section 76 agreed to.

SECTION 77

Deputy John Brady: I move amendment No. 49:

In page 61, line 14, to delete “may” and substitute “shall, with the assent of Dáil Éireann,”.

The Bill has been hailed as a no-change Bill and we are aware that much work has been done on the convention on social security. Credit is due to the many people involved in ensuring the convention was agreed. What is the status of the convention at this point? Various processes are in place in this State and in Britain. The Minister referred to a 21-day period in which the British Government would engage in a consultation process before the convention would be signed.

My second question relates to the fuel allowance and the winter fuel payment. That is an issue I have raised previously. We are not sure about the changes involved to such payments because there is no reference to them in correspondence or the legislation. I have sought clarity on the issue a number of times from the Minister. For example, I sent her a letter last week seeking clarity on what will happen. There is much fear about the fuel allowance and the winter

fuel payment. Currently, more than 31,565 people living in this State receive the winter fuel payment from Britain. The number of recipients of the payment has been increasing annually. In 2011, there were just 6,810 people in receipt of the payment. Will the Minister provide clarity because there has been complete radio silence by her on this? I have asked her on a number of occasions now for clarity on it, so can we just get that clarity first and foremost?

An Leas-Cheann Comhairle: Before I call the Minister, are any other Members indicating? I call Deputy O’Dea on the amendment.

Deputy Willie O’Dea: We are dealing with section 77 of the Bill. It is significantly different from the heads we discussed at committee on the basis that the convention will cover social insurance payments. The remainder - the reduced section, as it were - will deal with social assistance, so that will still be covered by legislation, whereas social insurance will be covered under the convention. In this regard, I ask the Minister again, where are we with the convention? Have the British ratified it? Will it come into operation on 29 March? If not, what happens then, given that we have dropped the legislation that would have been operable had the convention not come in? Furthermore, does section 77 cover the full range of social welfare payments in respect of which we have a reciprocal arrangement with the UK? Is any payment excluded because we did not decide to continue the reciprocal arrangement?

I also wish to ask the Minister a question about private pensions. I know that this section deals with State pensions - that is, pensions payable by the Department for Work and Pensions or, on our side, the Department of Employment Affairs and Social Protection - but the latter is the Department that has responsibility for statutory provisions relating to pensions, both public and private. The Minister will be aware that reports persist that Irish people, people who are resident here and who are in receipt of private pensions from UK organisations, may have to open sterling accounts, which of course we would all be extremely concerned about. I think the suggestion was that some sort of banking arrangement needs to be put in place to resolve this issue. On behalf of these people, I seek reassurance from the Minister for reassurance on this point or at least an update on what the up-to-date position is.

As for the amendment itself, I notice that the legislation gives the Minister the right to introduce orders. I acknowledge that the next section we will deal with gives the Minister the right to introduce regulations. The usual provision in respect of regulations is that there is another section stating that any regulations must be laid before both Houses of the Oireachtas and will come into operation within 21 days if a resolution annulling those regulations has not been passed by the Oireachtas in the meantime. What is the position on orders? My understanding is that section 287 of the 2005 Act, which this legislation proposes to amend, makes provision for reciprocal arrangements. Subsection (1) allows the Minister to make such orders as may be necessary to implement any of those reciprocal arrangements. I take it that reciprocal arrangements have been made with all other EU countries and the EU itself, that an order has been made to that effect and that power was given back in 2005. What, then, is the Minister proposing here exactly? Is this just about providing for the situation in which the UK becomes a third country in the event of a no-deal Brexit?

Perhaps the Minister might clarify those few points.

An Leas-Cheann Comhairle: Are any other Members indicating? If not, I call the Minister, Deputy Regina Doherty.

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Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): May I just clarify something before I start? I appreciate that we will stop at 12 noon. Am I speaking just to the questions that have been asked of me or to the amendment? The Deputy who moved the amendment did not speak to it.

An Leas-Cheann Comhairle: The debate is on the amendment, but if there are questions that might be relevant-----

Deputy Regina Doherty: Shall I speak to the amendment first and then answer the questions?

An Leas-Cheann Comhairle: Yes.

Deputy Regina Doherty: I thank the Leas-Cheann Comhairle. I just wanted to-----

An Leas-Cheann Comhairle: The Deputy is quite right. The debate will adjourn at 12 noon until we resume in the afternoon.

Deputy Regina Doherty: I will speak to the amendment first and then maybe get to the questions.

I do not propose to accept the amendment to section 77 of the Bill. Section 77 provides for an amendment to section 287 of the Social Welfare (Consolidation) Act 2005 regarding the continuation of a whole range of social welfare payments. Section 287 is the section of the 2005 Act that allows me, the Minister for Employment Affairs and Social Protection, to enter into bilateral arrangements with other countries. The amendment set out in section 77 of the Bill provides for, among other things, the insertion of a new subsection (3) into section 287 of the 2005 Act. The purpose of this new subsection is to enable me, the Minister, if necessary, to make an order with regard to the way in which arrangements under this section interact. Such arrangements may cover a number of issues, such as the recognition of contributions paid in other countries, which, it is to be hoped, will now include the United Kingdom.

As Deputies will be aware, due to the unique nature of the common travel area and the associated rights and privileges it provides and will continue to provide for Irish and British citizens in one another's countries, it was agreed that Ireland and the United Kingdom would formalise the pre-existing common travel area social protection arrangements in a legally binding agreement. This agreement was signed on 1 February. Under the terms of the agreement, all existing arrangements regarding recognition of, and access to, social insurance entitlements will be maintained in both jurisdictions. This means that the rights of Irish citizens living in Ireland to benefit from the social insurance contributions they have made while working in the United Kingdom and to access social insurance payments if resident in the United Kingdom are protected and *vice versa*. The agreement is subject to ratification processes in both Ireland and the United Kingdom, which are under way. I confirm to both Deputies that the Irish Parliament yesterday passed the convention. The convention on social security is in a resting period of 21 days within Westminster. This resting period will finish on 19 March. The United Kingdom's Privy Council will meet during this resting period to allow any submissions on behalf of Westminster parliamentarians to be made towards the social security contribution and will be dealt with during the resting period. We are still on track in this regard. While I am confident that the process, having completed its passage here in Ireland, will complete its passage in the United Kingdom before 29 March, we must be absolutely certain that the current arrangements can continue even if all the necessary steps in the ratification process are not completed by that date.

That is the purpose of section 77. The provisions of the Bill on this matter have been carefully drafted on foot of extensive legal advice to ensure we have absolute certainty about the making of social welfare payments in the event of a no-deal exit and the security of those payments. Amendment No. 49 introduces a number of legal concerns and ambiguities around the process for the making of the necessary order. This makes it unclear how the amendment would operate, what my obligations as the Minister would be in light of it, and what the Dáil would be required to do. My concern is that it would leave the process vulnerable to challenge and, in doing so, create unnecessary risks around the continuity and the certainty we are all looking to provide. Furthermore, if our agreement is ratified by the United Kingdom Parliament by 29 March, as we expect, then the order envisaged by section 77 will not be needed in any event. Therefore, it is not appropriate for me to be obliged as Minister to make such an order by replacing the word “may” with the words “shall, with the assent of Dáil Éireann” as, fingers crossed, it is to be hoped that the need to make the order will never arise. It is for this reason alone that I propose not to accept the amendment.

Progress reported; Committee to sit again.

Ábhair Shaincheistanna 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 Joan Burton - to discuss the recognition of and lack of training for educators of vulnerable children with autism spectrum disorder, ASD; (2) Deputy Dessie Ellis - to discuss concerns for the provision of community childcare services; (3) Deputy Fergus O’Dowd - to discuss the emergency resources available to An Garda Síochána in Drogheda; (4) Deputy Eoin Ó Broin - to discuss the impact of the merger of the Jigsaw mental health service in Clondalkin with the Tallaght service; (5) Deputy Denis Naughten - to discuss a review of monitoring of mechanical grading in beef processing plants; (6) Deputy Eugene Murphy - to discuss supports for GP surgeries in Ballaghaderreen, County Roscommon; (7) Deputies Alan Kelly and Jackie Cahill - to review the decision to move the An Post office from Liberty Square to Thurles Shopping Centre; (8) Deputy Michael Fitzmaurice - the delays experienced by older people throughout the country in getting their incontinence wear from the HSE; (9) Deputy Robert Troy - the need for the Minister for Transport, Tourism and Sport to explain to the House how transport came to a standstill yesterday at Dublin Airport and many primary motorways after a small fall of snow; (10) Deputies Darragh O’Brien, Joan Collins, Richard Boyd Barrett and Donnchadh Ó Laoghaire - the need for the Minister for Housing, Planning and Local Government to make a statement on issues surrounding the Rebuilding Ireland home loan scheme and how he proposes to address them; how the funds for the Government’s Rebuilding Ireland home loan scheme have run out, and to clarify whether local authorities have been directed to stop considering applications; to discuss the changes to the Rebuilding Ireland home loan scheme; and to discuss the issues with the Rebuilding Ireland home loan scheme; (11) Deputies Clare Daly and Mick Wallace - to discuss the ongoing situation in Venezuela and to discuss the need for the Irish Government and the EU to work for a peaceful solution to the crisis in Venezuela; (12) Deputy Margaret Murphy O’Mahony - the bus assigned to the Irish Wheelchair Association in west Cork has been out of service for over six months as there are no funds to repair same; this bus is used by children with disabilities to attend swimming class and other after-school activities; this is in an area with no wheelchair-accessible public transport; whether moneys can be made available to repair this bus immediately; and a timeframe for same; (13) Deputy Jim

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O'Callaghan - the failure of the Government to construct social and affordable housing on the Irish Glass Bottle site in Ringsend, Dublin 4; (14) Deputy Maurice Quinlivan - to ask the Minister for Health what measures will be introduced to end the use of the full capacity protocol, a supposed emergency protocol that is now in use every day in University Hospital Limerick; (15) Deputy Louise O'Reilly - to discuss school enrolment waiting lists in Fingal; (16) Deputy Noel Grealish - the designation of Lough Corrib as a salmonid lake; (17) Deputies Fiona O'Loughlin, Thomas Byrne, Barry Cowen and Sean Fleming - the current situation regarding the new school building for St. Paul's, Monasterevin; (18) Deputy John Brassil - to ask the Minister for Finance what provisions, other than Revenue online, his Department has available for people who want to make tax returns; his views on whether the process is accessible and user-friendly, especially for older persons; and if he will make a statement on the matter; (19) Deputy David Cullinane - to ask the Minister for Housing, Planning and Local Government to update the Dáil on the allocation of funding under the urban regeneration and development fund, specifically funding for the North Quays project in Waterford and why funding allocation planned for February may now not happen until April; (20) Deputies Gino Kenny, John Curran, Bobby Aylward, Dara Calleary and Lisa Chambers - to discuss access to the drug Spinraza for those living with spinal muscular atrophy, SMA, in Ireland; to discuss the failure to make the drug Spinraza available for children suffering from spinal muscular atrophy; to discuss the urgent need to make the drug Spinraza available for SMA sufferers; to discuss the failure to make the drug Spinraza available for children suffering from spinal muscular atrophy; and the need to approve Spinraza on the drugs reimbursement scheme; (21) Deputy Anne Rabbitte - to address the recent report by the Irish Penal Reform Trust that children in the residential care system and the care system in general are more likely to enter the criminal justice system; (22) Deputy Kathleen Funchion - to discuss the urgent need for clarification on the legal standing of circulars distributed to staff in the education sector by the Department of Education and Skills and whether these circulars form part of staff's working terms and conditions; (23) Deputies Ruth Coppinger and Paul Murphy - the strike action of Deliveroo delivery cyclists over pay, working conditions and safety issues; (24) Deputy Catherine Martin - to discuss the provision of assistance to owners affected by building defects and their access to the Home Building Finance Ireland fund; and (25) Deputy Frank O'Rourke - to discuss the need for improvements in public transport in north Kildare, both BusConnects and rail, with specific emphasis on Celbridge.

The matters raised by Deputies Burton, Naughten, Eugene Murphy and Ó Broin have been selected for discussion.

Ceisteanna ó Cheannairí - Leaders' Questions

An Ceann Comhairle: Is Deputy O'Dea leading for Fianna Fáil today?

Deputy Willie O'Dea: No.

Deputy John Curran: He is trying to.

Deputy Willie O'Dea: Hope springs eternal.

Deputy Barry Cowen: That mirror still does not work.

An Ceann Comhairle: I welcome Deputy Micheál Martin.

Deputy Micheál Martin: There is a crisis across the disability services sector in providing access to full-time residential care, particularly for adults with disabilities, as well as to respite care, home care and shared services. Parents of both adults and children are exhausted and stressed and have been beaten down by the system and the absence of services. There is a particular problem for children with disabilities who are being cared for by foster parents, as illustrated by the Ombudsman for Children. Clearly, the Government lacks an appreciation of the crisis and its seriousness. There is terrible inertia at the heart of the Government. Service providers are told to make do with inadequate resources.

In the brief time available to me I will focus on the acute nature of the crisis for adults with disabilities and foster parents. I will refer to a number of cases. Peter is 19 years of age and has an intellectual disability and complex needs. Respite care ceased for him at the beginning of 2015. Home support has also ceased and in June there was no indication of any service for him. His parents are at breaking point and worn out. I have read the letters from the professionals. The second case is a young man named John who will finish school in June. He has a 2:1 staff requirement, multiple complex issues, severe autism and can at times be prone to violence. His parents have been told that there is nowhere for him to go when he finishes school. Gerry is 57 years of age. Unfortunately, the family carer who looked after him passed away late last year. He has a severe intellectual disability, but there are no respite services available. I have met the family and it is a devastating, complex case.

The names I have mentioned are not the real names of the individuals concerned. The next one is. Ken Hurley is 49 years old and needs a full-time residential placement. He has an intellectual disability and in the last year developed early onset dementia. He is ready for discharge from Cork University Hospital where he has been for the last two months. The family have been warned that they will have to pay €1,400 per day if he remains in the hospital any longer. His mother is 85 years old and he has lived with her all his life. The HSE states he must go into a nursing home 70 miles away in Limerick.

I can give the Taoiseach more cases. Seán is 23 years of age, has autism and a 2:1 staff requirement. His mother is an incredible person. When she asked the HSE what would happen to him if anything happened to her, she was told not to worry as the HSE would look after him.

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

Deputy Micheál Martin: In other words, if anything happens to the mother, the HSE will look after her son, but while she is there, it will not because it cannot.

I can illustrate more cases, as I am sure other Members also can. It is a crisis. I do not want to hear global figures for what is being spent and so forth-----

An Ceann Comhairle: Please, Deputy.

Deputy Micheál Martin: Is the Taoiseach aware of the crisis? Does he appreciate that there is a crisis? What is the Government going to do about it?

The Taoiseach: I thank the Deputy for raising the important issue of disability services. The Government cares for people with disabilities and those who care for them. We have made it a priority in the past couple of years to improve rights and services for people with disabilities. I acknowledge that there is an enormous need and that there are many complex individual cases, with which we struggle. The Deputy deals with them in his work as a public representa-

tive, as I do. We do our best to resolve them as quickly as we can, but often they can be difficult to resolve, particularly where there are individual issues and they are very complex. However, we are making a great deal of progress. After many failed attempts by many previous Governments, last year we ratified the UN Convention on the Rights of Persons with Disabilities. The budget for disability services is now €2 billion. It is a very big budget which was increased by €150 million last year. The Deputy is right that we should not just talk about global figures but also about what they mean in terms of their practical impact for citizens with disabilities and the people who care for them. They mean, for example, that we are able to recruit an additional 100 therapists this year. We anticipate that 20 of the 100 will be in place by April which will allow us to reduce waiting times for services such as assessments of needs, for which people have been waiting a long time. There is additional investment in respite care services. This time last year we approved additional funding for 12 new respite care houses, of which ten are already open and providing respite care for 578 people. That is very important because family carers get the break they need while the people for whom they care are in respite care.

We extended access to the medical card to children with severe disabilities as a right, regardless of their parents' incomes. In the past, when both the Deputy and I were in government, children with severe disabilities had their entitlement to a medical card assessed on their parents' income. That has all changed and now 40,000 children with severe disabilities have the medical card as a right and their parents need not be concerned about earning too much for fear that their child might lose his or her medical card. We have also changed how the disability allowance works to encourage people with disabilities who can work to enter the workforce, allowing them to keep more of the money they earn. That is making a big difference in the number of people with disabilities who are supported to enter the workforce. We have supported carers. In a few weeks time there will be an increase in the carer's allowance. It will fully reverse all of the cutbacks made in the past. The carer's support grant has been fully restored, while last year we extended free general practitioner, GP, care services to those in receipt of carer's allowance and carer's benefit as a right.

I am running out of time, but that is just a sample of the meaningful practical actions that have been taken by the Government in the past couple of years. Yes, there is more to do. There is always more work to be done, but we will get it done.

Deputy Micheál Martin: Again, I will refer to a report. These are not scattered individual cases with which we must all deal. This is systemic, but the Taoiseach does not appear to understand that. This is a systemic problem, particularly in adult intellectual disability services. Parents who are growing old are extremely anxious and scared about what will happen to their sons and daughters and the Taoiseach should not try to bat this away by saying we all have individual cases that we try our best to resolve. These cases have been ongoing for some time and have not been resolved. A report from professionals involved in one of the cases stated the parents were at breaking point by the end of August, completely worn out from caring for their son and that they would not be able to endure a similar situation in the coming summer. Service providers are being told that there is no emergency funding available for home care services this year. That is what people have been told by the HSE. There is a crisis in respite and residential care services.

I am sure the Taoiseach is familiar with Molly's case, the subject of a report from the Ombudsman for Children. It is a damning indictment of the services.

An Ceann Comhairle: The Deputy must conclude.

Deputy Micheál Martin: There are 471 children with a disability in foster care. A year after the report Molly's foster parents have had their home care funding reduced from €240 to €100. The Taoiseach appears to be unaware of the systemic crisis. That is very worrying for all of the parents who contact us and want something to be done on a multi-annual basis to ensure there will be a multi-annual plan and policy to deal with this crisis once and for all.

The Taoiseach: I am very aware of these issues, both the global issues affecting thousands of people across the country and the many individual cases. Like the Deputy, I have a constituency clinic and well understand the complexities of many individual cases. There is a story behind each one of them.

Deputy Micheál Martin: There is no complexity. They just do not have the resources they need.

The Taoiseach: We are making a big difference. For example, consider the people with intellectual disabilities who have to live in congregated settings in institutions. There are 2,200 fewer people living in institutional congregated settings. They have been moved out into homes in the community, which is a big change. We have a multi-annual plan to continue that programme to move as many people as possible out of the old-fashioned institutions into much more appropriate settings in the community. The Deputy has visited many of these community houses and knows how much better they are than the institutional congregated settings.

There will be an extra 39 residential places in 2019 and a further 90 emergency places are being planned.

Deputy Micheál Martin: A total of 39 will take us nowhere.

The Taoiseach: There is funding in place to provide additional emergency places. The number in receipt of respite care services will increase by 8% this year.

Deputy Pearse Doherty: I want to raise with the Taoiseach the impending need for motorists who travel North-South and *vice versa* to have a green card post Brexit and a no-deal scenario. Many people, not least in my own constituency of Donegal and in other Border counties, are incredibly angry about this. The company with which I have motor insurance emailed all of its policyholders last month advising that we needed to apply for a green card if we plan to cross the Border or drive in Britain and that we needed to apply by the beginning of March. I wanted to know how the process worked and if there would be a charge for the green card so I telephoned the insurance company. I was told to call back in a fortnight's time because they, just like the rest of us, did not know what was happening in regard to the green card process owing to the lack of certainty in regard to the outcome of Brexit. The insurance company told policyholders that it will start issuing green cards after 29 March, when it is hoped a decision will have been taken. I asked them what would happen to motorists on, say, 30 March who do not have a green card. As far as people are aware, their cars can be impounded if they travel at that time to the North without a green card. This is worrying for people. A huge number of people are unaware of the implications of not having a green card. People are angry that they will have to hold an international insurance certificate to travel across the Border. For example, people who travel across the Lifford Bridge into Strabane on a daily, if not, weekly basis will have to have an international insurance certificate. What annoys me, and most of the Irish public, is the fact that this matter has not been resolved heretofore.

According to the Motor Insurance Bureau in Britain, motorists do not need a green card

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for any European country, but obviously that will change post Brexit, and, more importantly, there a number of non-European countries in respect of which motorists do not need to have a green card, including Andorra, Serbia and Switzerland. This shows that countries outside of the European Union have in place arrangements under which a green card is not necessary. Given we have known for over two years that Brexit was going to happen, and given the sensitivities around the Border that have been at the cornerstone of our discussions in regard to Brexit, there are serious questions as to how the Minister, Deputy Ross, has allowed this situation to unfold, with hundreds of thousands of policyholders unaware of what is required in terms of a green card when we are just weeks away from a potential no-deal Brexit. This matter should have been dealt with by way of bilateral agreement between the Commission and the British authorities such that the North of Ireland would be exempt from this scenario.

What role has the Taoiseach or the Minister, Deputy Ross, played in ensuring that this issue was dealt with before 29 March? Will the Taoiseach commit to ensuring that it is dealt with before 29 March and what proposals or solutions does he intend to put in place before that date?

The Taoiseach: I appreciate this is a very important issue and an issue of great concern to thousands of people who cross the Border every day in their cars, whether it is roughly 10,000 cross-Border workers going from North to South or South to North, whether it is students or just people passing through Northern Ireland on their way to and from Donegal, for example. It is an issue that the Government is aware of. It is one that we are trying to ensure is resolved before 29 March. The position is, of course, different in the two jurisdictions. If there is a no-deal scenario on 29 March, Northern Ireland, as part of the United Kingdom, will no longer be covered by the EU motor insurance directive. We will because we will still be in the European Union. There will be differences depending on individual policies. However, I am informed that the vast majority of the insurance policies which people hold cover the United Kingdom, including Northern Ireland, but they will need proof of that, which is in the form of a green card.

South of the Border in this State, while motorists are required to have a green card as proof of insurance, it is not an offence not to have one. There will be a grace period for people who are based in Northern Ireland and coming south and have insurance but not a green card. We cannot make a commitment on behalf of the Government in Northern Ireland, because there is not one, and we cannot make commitments on behalf of the UK Government. For people entering this jurisdiction, as long as their insurance policies cover them for this State, even if they do not have a green card on 30 March or 1 or 2 April, they will not be prosecuted for it. There will be a grace period for that reason.

Deputy Pearse Doherty: At the core of this is a Minister who has been asleep at the wheel for the past two years. There have been many issues that have been resolved. We facilitated the omnibus Bill which covers a wide range of issues. In regard to motorists travelling across the Border there are serious concerns because two things can happen. First, in a no-deal scenario, a motorist who crosses the Lifford Bridge post 29 March and does not have a green card could have his or her car impounded. Second, a policyholder who is not covered to drive in that territory and is involved in an accident will not be covered in terms of insurance. This could have been resolved. The Commission can allow Northern Ireland and the UK to be exempt from this requirement. We have questioned the Minister, Deputy Ross, at length on this issue. Deputy Munster has put question after question to him regarding what interaction he has had on this issue with his counterpart in Britain and with the Commission and he has come up short on all occasions. We have a number of weeks to resolve this matter. It goes to the core of the spirit of the Good Friday Agreement in terms of all-Ireland policies. We now face a situation whereby

people crossing the Border will be required to hold an international insurance certificate. There are many people who will refuse to do that and there are more people unaware of the consequences of not having it.

The Taoiseach needs to intervene directly because the Minister, Deputy Ross, has been asleep at the wheel. He needs to raise this at the highest level with the Commission and get a solution such that people will not be faced with having their cars impounded or, worse, in the case of an accident which occurs outside of this jurisdiction, not having the necessary insurance to cover them, their vehicles or the third parties involved.

The Taoiseach: I thank the Deputy and I recognise his support and that of his party for the omnibus Bill, which is likely to get through the Dáil today. As the Deputy will be aware, the omnibus Bill applies to this jurisdiction. We do not have the authority to pass laws in this place for Northern Ireland. Only the Northern Ireland Assembly has the authority to do that. The Northern Ireland Assembly, for reasons of which the Deputy is aware, has not sat for nearly two years so we need to find an alternative solution. That solution involves a bilateral agreement between the European Union and the United Kingdom as a whole. We have such arrangements in place for aviation, to allow aviation to continue to as normal, at least for nine months. Arrangements are in place around haulage licences as well. This issue has been raised and it is being worked on. Our objective is to conclude an agreement bilaterally between the EU and the UK, at least for a period of months, but that has yet to be finalised.

Deputy Pearse Doherty: Will it be finalised before 29 March?

The Taoiseach: Yes, of course.

Deputy Danny Healy-Rae: I wish to raise the plight of beef and suckler farmers country-wide. This vital industry is at a critical crossroads because farmers are not covering their costs. This cannot continue. There are two contributing factors. First, factories have a monopoly and are not paying farmers properly or fairly for the high standard of animals being produced and, second, not enough live exports are being sourced by the Department of Agriculture, Food and the Marine or An Bord Bia, which would create competition for the factories and assist farmers in getting fair prices. Farmers throughout the country, including in Kerry, are attending beef plan meetings where they are expressing outrage at the inaction of this Government. They feel they are being neglected.

Last week in this Chamber I highlighted the case of a Libyan buyer who was waiting more than three months for a visa so that he could come here to purchase more than 4,000 bulls worth €5 million. I welcome that, following my intervention, he received his visa, but it is too late because he has gone to Spain to do his business there. I hope he will return to Ireland another time.

The factories are applying ridiculous rules and regulations to trip up farmers. In the case of the four movement rule, if it is shown that an animal has moved more than four times, the factory will reduce the price by €40 to €80, even though the quality of the beef is the same. They will still kill it and sell it, and it is the same steak on the plate for the consumer.

On the 30-month rule, there is no difference whatsoever between an animal at 29 months or 31 months. If it goes over the age of 30 months, the price of the animal is again reduced by between €40 and €80. If the animal goes over the age of 36 months, the price of the animal is reduced by €200, while the price of bulls that go over the age of 34 months is cut by €350. The

factories have databases. They know when every animal was born, and when it reaches the age of 24 months, they will hold it up for a few weeks before selling it at the lower price. The 70-day retention also hurts the trade. We do not have enough lairages in Cherbourg to take the dairy-bred calves out of the country. How is it that animals sell for €200 a head more in the North of Ireland? There is only a boggy ditch between us in places in the North and South of Ireland.

The fifth quarter is the most serious aspect of what the factories are doing to farmers. It is worth more than €270 to the factory but farmers do not get one red cent of it. The factories sell offal, tendons, tongues, hides, hooves and all those parts of the animals but they do not give one cent to the farmer. It is stealing and robbery from farmers who work from dark to dark to put good animals into the factories.

The Taoiseach: As we are all aware, there are approximately 70,000 beef farmers in Ireland. Beef farming and the beef industry are essential parts of the agricultural and rural economy, extending well beyond the farm to marts, processors and other aspects of the meat industry. On what the Government is doing to support farmers, the Deputy will be aware that we have put in place a successful beef data and genomics programme, providing funding to farmers to improve the quality of their stock. In the past couple of weeks, the new beef environmental efficiency pilot, BEEP, has come into effect, providing approximately €20 million to beef farmers. Furthermore, the beef forum has been established, comprising farmers, producers and the Minister for Agriculture, Food and the Marine and his officials. It is working on many of those detailed issues which the Deputy raised, ranging from lairages in Cherbourg to the rules and regulations.

The overriding concern for everyone working in the beef industry is what will happen in the next couple of weeks in respect of Brexit. I want beef farmers and the beef industry to know that we have their backs in that regard. We are working to secure a deal that provides a transition period in order that there will be no changes to the rules of trade at least until the end of 2020, which will help to restore confidence to the industry and allow prices to rise again. In case there is no deal, we are working closely with the European Commission to put in place financial supports that will be necessary to bail out the industry to defend incomes and jobs, which is our priority at the moment.

Deputy Danny Healy-Rae: I asked the Taoiseach what he would do about the factories, the unfairness, and the rules and regulations that are hurting farmers. I have asked him many times in the Chamber but it looks as though he just does not get it or understand what is happening. The farming community is at a crossroads, as are all those who supply them or depend on them because when farmers go bad, the rest of the country goes bad. It is time for the farming community to come to the gate of Leinster House and tell the Taoiseach what is going on because he does not get it. We could speak in the Chamber day after day, night after night but still the Taoiseach will not listen. The farmers are on their knees and will not take it for much longer. I call on them, the Irish Farmers Association, the Beef Plan Movement and all the other farming organisations to come to Kildare Street and let the Government know once and for all what it is not doing for farmers. They are on their knees and cannot take it for much longer. The whole industry will close.

The Taoiseach referred to Brexit but there are so many ifs and buts. While we would dearly love the United Kingdom to stay in the Common Market, it is both coming and going and it is either this or that. It should make up its mind to come or go. Nevertheless, the farmers will still be here and the Taoiseach is doing nothing about the factories for them. He could, but he will

not because he is tied to them.

The Taoiseach: The Deputy knows as well as I do that the factories are a private industry, that we do not control the beef factories and that the Government does not control the price of any commodity, whether it is a foodstuff, a material, oil or gas. The prices are determined on the markets, taking into account supply and demand. The Deputy should not tell me I do not get it while he pretends he does not get it. He knows full well that the Government does not set the price of commodities or control the beef factories. He is being disrespectful and misleading to beef farmers by pretending that somehow that is not the case. The Minister for Agriculture, Food and the Marine, Deputy Creed, has established a beef forum on a collaborative basis, involving producers, the factories, representatives of the farmers, his Department and his officials, and it is working through all of these issues.

Deputy Catherine Murphy: As Taoiseach may be aware, I am a member of the Committee of Public Accounts. At last Thursday's meeting, we heard from the Department of Housing, Planning and Local Government in respect of the current housing crisis and the related figures for 2018. The Secretary General of the Department, Mr. John McCarthy, attended the meeting and, in reply to a question I posed, he stated quite categorically that the figures were clear for the breakdown of council properties, so-called turnkey properties, regeneration properties and rapid-build or modular homes, as they are known. He went on to state the Department publishes quarterly updates in this regard and rejected allegations of spin in respect of the presentation of the figures. According to the 2018 social housing output figures under local authority build, the number is listed as 2,022, but the Minister for Housing, Planning and Local Government has bundled all of those categories and has consistently refused to give a breakdown of local authority build by individual category. At the meeting of Committee of Public Accounts last week, however, in response to questions I posed, the Secretary General finally provided a breakdown of the figures for 2018. There were 768 turnkey units and 200 regeneration properties, which leaves a total of 1,054 newly built local authority houses for 2018.

Why was there a continued blurring of numbers by the Minister, Deputy Eoghan Murphy. A number of weeks ago he appeared on "Morning Ireland" and, when asked for a breakdown, stated the figures would be available the following week. They have yet to materialise outside of the Committee of Public Accounts, they are not on the Department's website, and they have not appeared in press releases. On "Morning Ireland", Gavin Jennings grilled the Minister extensively and asked for a breakdown but those questions went unanswered. The Tánaiste and former Minister for Housing, Planning, Community and Local Government, Deputy Coveney, stated at one point that the Department was the most transparent Department, and the introduction to the release of the 2018 figures makes strong claims as to its transparency, but we have received the very opposite of transparency. Could it be that the reason for the reluctance to provide a breakdown of figures is that some individual councils are performing poorly? It has been said that Dublin City Council, for example, which is at the epicentre of the crisis, built only 21 houses last year. Could it otherwise be a matter of red tape? We need to know.

Will the Taoiseach provide some straight answers to the following questions? Will he confirm that the figures for new builds by local authorities, given to the Committee of Public Accounts by the Secretary General last week, are accurate? Is it correct that Dublin City Council built only 21 units in 2018? What is the breakdown by local authority of the 1,054 new builds in 2018?

The Taoiseach: I understand the Minister for Housing, Planning and Local Government

is appearing before a committee today, answering questions on the matter, and has produced those numbers for the committee. More than 18,000 new homes and apartments were built in Ireland last year. That is the highest number in any year for a decade and we will do better again this year. We have to because of the substantial demand for housing. The housing stock was increased by approximately 9,000. The Deputy is right that some councils are performing better than others, which I do not think the Minister, Deputy Eoghan Murphy, would deny for one second. He has been complimentary of some councils that have delivered on the issue of housing, but he has been critical of others that have not done so. People have been wrong to be critical of him. He was right to do so because there is a difference in performance and we should not be afraid to compliment the local authorities which do well and call out those which perform poorly. I guarantee the Deputy that the Minister is not afraid to do so.

I disagree with the Deputy on what I believe is a bit of an obsession with the different ways in which social housing is categorised. We increased the social housing stock by 9,000 last year. There are many ways to provide social housing. I have had the pleasure and privilege as Taoiseach and a Minister of travelling around the country to hand out keys to people being given a new home for the first time.

Deputy Róisín Shortall: When did the Taoiseach hand out keys?

The Taoiseach: I have seen the joy on their faces when that happens. Nobody ever said to me it was Part V housing, or that it had been built by Clúid or the Peter McVerry Trust and not by the local authority and that they did not want it.

Deputy Barry Cowen: They would like to have the option of owning it someday too.

The Taoiseach: Nobody ever said he or she did not want a nice new house in Waterville in my constituency because it had been bought directly from a developer and had not been built by Fingal County Council. No real person who receives a social house ever says that to me.

Deputy Barry Cowen: What is an unreal person?

(Interruptions).

The Taoiseach: What they want is a home with security of tenure. There are many ways to achieve this. Local authorities can build social housing as they used to do in the 1950s and 1960s.

Deputy Barry Cowen: I did not know that the Taoiseach was giving them out to the dead too.

The Taoiseach: It can be done through the affordable housing bodies such as Clúid, the Peter McVerry Trust and the Iveagh Trust which do a great job. It can be done under the Part V system, under which a certain amount of houses in a new estate are set aside as social housing. It can also be done by direct purchase. Why is it bad that local authorities buy derelict and unused houses in rural areas to bring them back into use? It is good and can be done by way of a long-term lease.

Deputy Eugene Murphy: The problem is that they are not doing it.

The Taoiseach: What matters is that last year 9,000 families, more than the number in any of the last ten years, moved into social housing in secure tenancies. We should not obsess about

whether it is done through an affordable housing body, a local authority or a trust or under Part V, Part 8 or section 26. That is not what matters.

Deputy Catherine Murphy: We need the figures and I want the Taoiseach to come back and give me the one for which I have asked. Does “turnkey” refer to the signing of contracts or the keys provided? We do not know. We do not know the comparison between what is cost effective, value for money and what works. We need to get the breakdown in order that the information can be evaluated. This is public information and public money. Why is the Taoiseach so reluctant to give the figures in a way that will break it down in order that comparisons can be made? Is it true that Dublin City Council only built 21 houses last year? The performance of the local authorities matters because if we are to deliver the numbers of houses needed to get a grip on the crisis, the local authorities will have to deliver. The Taoiseach cannot keep answering questions in the way he has. The breakdown matters and I want him to answer the question based on it. It has to be given. It is not acceptable that the Taoiseach is skimming over the question I asked.

The Taoiseach: I am advised by the Minister of State that the figures are available. As I have seen breakdowns, I imagine that that is correct and that they are available. I think the Deputy has got it wrong. The truth is that after years of running into problems and delays when we did not have the money to do it, we are now delivering on the issue of social housing. We increased the social housing stock by 9,000 last year.

Deputy Dessie Ellis: The homeless figures are going up.

The Taoiseach: We will increase it by even more this year.

Deputy Michael McGrath: There is only one problem: it is getting worse.

The Taoiseach: As the Deputy does not want people to know that-----

Deputy Barry Cowen: The Taoiseach is getting better and the problem is getting worse.

The Taoiseach: -----she is trying to make out that housing provided by an affordable housing body such as the Peter McVerry Trust or the Iveagh Trust or under the Part V mechanism does not exist.

Deputy Catherine Murphy: No, I did not. I asked-----

(Interruptions).

The Taoiseach: They are real houses with real people in them.

Deputy Barry Cowen: Real houses for real people.

The Taoiseach: Last Friday I had the pleasure to be in Dundalk where 120 new social homes are under construction and will soon be occupied.

Deputy Eugene Murphy: Hand out the keys.

The Taoiseach: It was not done directly by Louth County Council but through an affordable housing body - Clúid. The county manager, the politicians and representatives of Clúid were there. Everyone worked together, using taxpayers’ money to deliver social houses for people who needed them, but the Deputy is trying to say they do not count.

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Deputies: What is the point?

Deputy Micheál Martin: I think the Taoiseach is in a parallel universe.

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed that, notwithstanding anything in Standing Orders or the resolutions of the Dáil of 28 February and 5 March, that today the suspension of the sitting under Standing Order 25 shall take place at 4 p.m. for one hour, unless the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019 has concluded, in which case there shall be no sos. The Dáil shall adjourn at the conclusion of proceedings of Fifth Stage of the Bill, or at 11.30 p.m., whichever is the earlier.

In relation to tomorrow's business, the Dáil shall sit at 10.30 a.m. to take questions to the Minister for Business, Enterprise and Innovation which shall be followed by Leaders' Questions at 12 noon. Questions on Promised Legislation shall be taken following Leaders' Questions for 30 minutes. Private Members' Business shall be taken for two hours following the sos and followed by the Topical Issue debate.

An Ceann Comhairle: Are the proposals agreed to? Agreed.

Saincheisteanna Tráthúla - Topical Issue Debate

Teacher Training Provision

Deputy Joan Burton: This is the fourth or fifth time I have raised issues related to the incidence of autism with various Ministers in the Chamber. I do not know whether the incidence of autism in Ireland is increasing or simply if there is a better, more detailed diagnosis. This is a significant issue for parents throughout the country. At its heart is how the education of children with autism spectrum disorder, ASD, is progressed in order that they can maximise their potential. There is a complete lack of a clear career path for teachers, many of whom train at their own expense by taking courses to deal with children with autism. There is no recognition of such training as a specific stream in education. Whenever I have raised this issue, the Minister for Education and Skills has passed my questions to the Teaching Council which is locked into a tight model in which it only recognises four streams of teaching: primary, secondary, Montessori and other, and further education. It is a rigid structure. The Minister is washing his hands of the issue. There is no mention of children with autism or particular special needs. There is an intense need. In my constituency there is a relatively high number of schools, especially at primary level but increasingly at second level, in which children are in ASD classes. There is also broad agreement to develop an ASD-specific school in Dublin 15, Dublin 7 and Dublin West because of the numbers of children who are effectively in part-time education and, in some cases, not receiving education at all. Even the Taoiseach has agreed that there is need for special provision.

With regard to ASD classes, if teachers are taken out of the general primary teaching stream

and received no specific training, notwithstanding their intense commitment to the children involved, it may not produce the best outcome for the children. As a society we are all in the process of learning about this area. We need to work out how we facilitate appropriate training for people who are going to take up positions as teachers in ASD classes or in ASD specific schools. It is for the Minister for Education and Skills to provide leadership in respect of the Teaching Council. I can understand that when the Teaching Council was established, this may have been an area which did not receive any particular attention. That happens all the time. Now that we know that this is an issue, we need to address how we are going to provide for recognition for people who have trained in the ASD area and how to provide the most appropriate and best education for children who have autism and ASD issues.

Minister of State at the Department of Education and Skills (Deputy John Halligan):

On behalf of the Minister for Education and Skills, Deputy McHugh, I thank the Deputy for raising this matter. I recognise the Deputy's advocacy over many years on behalf of those with special needs. Inclusive education is a fundamental principle of our education and training system. This principle is put into practice in the policies of the Department and the Teaching Council. Under section 38 of the Teaching Council Act 2001, all initial teacher education programmes in Ireland that lead to registration must have professional accreditation from the Teaching Council. The mandatory requirements for accreditation are set out in criteria and guidelines for programme providers. These were published in June 2011 and revised in March 2017. Under these criteria, student teachers in all accredited programmes are required to undertake study in inclusive education, including special education. This applies to all primary and post-primary teachers.

The Department published Guidelines for Schools: Supporting Students with Special Educational Needs for primary and post-primary in 2017. These provide guidance to schools on the use, organisation and deployment of additional teaching resources for students with special educational needs, including students with autism. In addition to developing and reviewing their whole-school policies in the education and inclusion of students with special educational needs, schools should also be proactive in meeting the continuing professional development, CPD, needs of their teachers. The National Council for Special Education, NCSE, support service delivers a range of professional development initiatives and support for teachers working with students with special educational needs, including autism. Moreover, all of the Department's support services, such as the professional development service for teachers, are required by the Department to have regard to the individual needs of all learners in designing and delivering CPD for teachers.

In respect of the school setting, the Department's policy is that children with special educational needs, including those with autism, should be included in mainstream placements with additional supports provided unless such a placement would not be in their best interests or in the interests of the children with whom they are to be educated. The greater proportion of children with autism attend mainstream classes, but some require the environment of a special class or special school. This decision is based on a recommendation contained within a professional assessment in consultation with the National Council for Special Education. The National Council for Special Education is responsible, through its network of special education needs organisers, SENOs, for the development, delivery and co-ordination of education services to children with special educational needs, including the establishment of special class and special school placements. Where parents have been unsuccessful in enrolling their child in a school placement, they should update their local organiser to inform the planning process.

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Deputy Joan Burton: I thank the Minister of State for his reply but it encapsulates the difficulties that happen for many parents and children in the current system. I appreciate that people within the Department of Education and Skills and the Ministers are trying to improve the situation but it falls down in all sorts of ways throughout the country. For instance, every year in recent years, as the Minister of State knows from his constituency, there is a panic when a child cannot find a place in a school which will accept the child because it does not have a special class or does not have the resources. The child then has to go to the SENO, as the Minister of State said in his reply, who will provide support for the child. That does not happen, and very often in Dublin 15, quite a few children are left with only a part-time or an inadequate education.

From the point of view of people who want to teach children who are autistic or who are on the autism spectrum, we have to recognise this is a specialised area of teaching and that the current set up of the Teaching Council does not fully recognise this. That is part of the problem. If a principal in a primary school is allocated an ASD special class, does he or she select one of the existing staff to take that? The teacher may be intensely dedicated, may want to do the best, may have voluntarily done courses but may not be particularly qualified in the area. We have to up our game as a country in this regard because when the quality of education available to children with autism or on the autism spectrum improves, the outcomes for children and families are very good. I want to have a dialogue with the Minister of State as to how as a society we go about achieving this.

Deputy John Halligan: It is not difficult to agree with much of what the Deputy has said. There are three points to make. Inclusive education is a mandatory element of the initial teacher education programme, and research has been carried out on inclusive education in initial teacher education by the NCSE which recently published a report entitled Initial Teacher Education for Inclusion. Phases 1 and 2 of the report found that there is in general much good practice in schools around their attitude to inclusion while also noting that there is scope for further alignment between theory and practice, in particular as between the student placement and the university experience. The third point is that the Teaching Council is carrying out a review of the impact of the current programmes with a view to amending the criteria the Deputy spoke about and guidelines before the next round of accreditation commences in 2020.

In the meantime, the Department provides a range of in-service professional developing supports to teachers. The Deputy may not be aware of this but they have been in place since March 2017. The NCSE support service has a remit to develop schools' capacity to include students with special educational needs to promote educational provision. The review is of all the criteria we have spoken about. That will be completed before the next round of accreditation.

Without condescending to the Deputy, I know she has been a great advocate for people with special needs all her life, and I would be delighted to keep her updated on the review as the Department is updated every fortnight, I think.

Deputy Joan Burton: I appreciate-----

An Ceann Comhairle: No. We are finished.

Deputy Joan Burton: -----the Minister of State's offer and I accept it.

An Ceann Comhairle: We are finished.

Deputy Joan Burton: Can I just say-----

An Ceann Comhairle: No, we are finished.

Deputy Joan Burton: No one would ask a teacher to teach a maths class at primary or secondary level unless he or she had some qualification. This is a specialist field where we need as a country to organise proper education so that we have qualified people teaching who are also dedicated to the children.

Deputy John Halligan: All teachers have inclusion training.

Meat Processing Plants

Deputy Denis Naughten: I thank the Minister of State, Deputy Doyle, for coming to the House. It has been a very difficult year for beef farmers, particularly suckler beef farmers, throughout the country. I was surprised with the reply I received last week to a parliamentary question I had tabled to the Minister for Agriculture, Food and the Marine about the operation of beef grading machines in meat plants throughout the country. In the past two years, inspectors from the Department of Agriculture, Food and the Marine have found 21 beef grading machines to be working outside the rules set out for their operation. Manual grading of carcasses was introduced immediately in all of these cases. An interesting aspect of these figures is that even though 21 machines in meat plants were taken out of operation by the Department in the past two years, just four weighing scales were taken out of operation during the same period by the National Standards Authority of Ireland, which regulates weighing instruments in all meat processing facilities throughout Ireland. These figures are adding to the concern of farmers regarding the accuracy of grading machines. This concern is compounded by the complexity of the beef carcass classification scheme itself. With the development of technology, it should now be possible for farmers to be supplied with a digitised image of the carcass of each animal on the actual day of slaughter.

Last week, I tabled a parliamentary question to the Minister, Deputy Creed, to seek to ascertain “in the case of each of the 21 instances ... the number of carcasses that were rechecked by the manual grader back to the last known point of accuracy” prior to the Department identifying the misgrading of those carcasses. According to the reply I received from him, there is “no mechanism to permit an officer to pinpoint exactly when the machine went out of tolerance”. Control reports are done on a weekly basis by the supplier of these machines to the meat plants, but they do not report on the miscalculating of grades. That is the standard set out by the Department here. I find it interesting that in the UK, the rules dictate that the operator must check each machine daily and must keep daily control reports on the automated grading. Those reports must specifically include any faults or inaccuracies, as well as the actions taken where necessary to address them. In the UK, these machines are checked daily and inaccuracies are recorded. In Ireland, one week’s full kill of animals could go through an inaccurate grading machine where the grading is at least one if not more subclasses out in relation to that grade.

What does this mean in plain English for farmers? In the cases of the 21 machines I have mentioned, the miscalculation of grades was at least two subclasses. I will give an example. If a miscalculation causes an O+4 bullock to be graded as an O-4 bullock, the farmer will lose 18 cent on the grid and 12 cent on the quality assurance payment. If it is an Angus animal, the farmer will lose 10 cent off the Angus bonus. In the case of a bullock of average weight,

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€139.60 would be taken out of the hands of a hard-pressed beef farmer. I will give a final example. If an O= animal is misgraded as a P+ animal, the 24 cent loss caused by the miscalculation will result in an overall loss of €84 for the farmer.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank Deputy Naughten for raising this Topical Issue matter. The Minister, Deputy Creed, is travelling to Turkey to discuss live exports with his counterpart in that country and he sends his apologies for not being here.

There are 32 slaughter plants in Ireland, with mechanical grading being carried out in 23 of them. Some 1.8 million bovines were classified in all plants in 2018, with 1.6 million of them being mechanically graded. Commission implementing Regulation (EU) 2017/1184 of 20 April 2017 governs the monitoring of carcass classification, presentation and weighing. It specifies how on-the-spot checks shall be carried out in all slaughterhouses applying compulsory carcass classification. According to the regulation, on-the-spot checks shall be performed at least twice every three months in all slaughterhouses which slaughter 150 or more bovine animals per week. The regulation stipulates that each on-the-spot check shall relate to at least 40 carcasses selected at random. In 2018, the Department of Agriculture, Food and the Marine conducted almost 550 unannounced on-the-spot inspections in the 32 factories on carcass classification, presentation and weights. There were 616 inspections in 2016 and 628 inspections in 2017. This equates to an average of 20 inspections per factory per year, which significantly exceeds the legal minimum requirement of eight inspections per year. The controls applied in Ireland are significantly in excess of those required under EU law. These on-the-spot inspections are carried out by a dedicated team of specialist staff in the Department's beef carcass classification section. The Department has been implementing further monitoring since 1 January last. Since that date, the Department's veterinary public health inspection staff in the factories have been providing a supporting role for the beef carcass classification staff. This should provide further assurance to stakeholders that the appropriate dressing specification is being applied in factories.

Regarding grading checks in particular, the unannounced inspections verify the ongoing accuracy of the automated beef grading. The mechanical classification method must operate within legally defined tolerances at all times. The tolerances are defined in the EU legislation. If the machine is found to be working outside EU-defined tolerances, the factory is instructed to revert to manual grading immediately. The factory must then arrange for the machine to be serviced. A classification check will subsequently be conducted by departmental officers to confirm the machine is within the legal tolerances before it is returned to mechanical classification mode. All manual classifiers are licensed by the Department of Agriculture, Food and the Marine. When manual grading is instigated, this is advised to farmers through remittance dockets. Regional control staff ensure standardised and harmonised carcass classification procedures apply. There are detailed procedures in place for the conduct of inspections and protocols for dealing with issues as they arise. Standardisation exercises occur twice per year with the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, where the same classification machines are in use. This is to ensure a standard approach to inspections throughout the island. In addition, the European Commission visits Ireland and other member states periodically to ensure there is standardisation across the EU. I am satisfied that the controls carried out by departmental staff regarding carcass conformation, carcass trim and weights are fully in line with EU legislation. I am also satisfied that there is a robust inspection monitoring and control system, with the number of inspections conducted well in excess of

requirements set down in EU legislation.

Deputy Denis Naughten: I have absolutely no doubt that the standards that are being used here in the inspections comply with EU law. That is not my question. I am seeking to ensure the standards that are put in place are accompanied by a level of inspection that will protect the farmers who are supplying cattle to these plants. That is what I am looking for. Daily inspection reports are carried out in the UK. The faults and inaccuracies are recorded and are available for inspection. In this country, a compliance report is done once a week by the manufacturer of the machine. These miscalculations are not recorded on such reports. I mentioned an example in which a farmer could lose out on €139.60, which is the difference between putting bread and butter on the table and not being able to do so. Beef farmers have their backs to the wall at the moment. We need to look at how we can protect them and not just at how we can comply with EU law.

Twelve months ago, the Department of Agriculture, Food and the Marine supervised a trial of new grading technology. Better cameras and other forms of technology were used to provide more accurate grading. In this week's *Farming Independent*, Martin Coughlan points out that the current grading machines underscore both R and U grades.

In the two years after the introduction of mechanical grading in 2004, the number of R grades reduced significantly, by a sixth. It is now 14 years since those machines were introduced, which happened three years before the iPhone first came on the market in 2007. The machines are outdated and obsolete. I believe we are undergrading cattle and taking money out of the pockets of hard pressed suckler farmers. These machines need to be replaced immediately.

Deputy Andrew Doyle: The Deputy argued in his earlier contribution that it should be possible to have a digitised image of the carcass available to the farmer on the day. I would not disagree. I will be sending a load of cattle to a factory fairly shortly myself and I would be very happy if I had an accurate read-out.

With respect, I would contradict slightly some of what the Deputy has said. In the UK they do daily checks, but are they with the new machines or with the old ones that we have here at present? Information should be able to travel through automatic checks. For example, a company based in Enniskerry in County Wicklow is able to monitor energy use in multi-storey buildings in Dubai. They can switch on and off the heat via monitoring. EirGrid does it and everyone can do it. It is centralised control. A company in Germany is in charge of it. The increase in sophistication that has taken place since 2004 should allow ongoing monitoring.

I urge everybody to come together. We have set up a round-table group for a beef forum but people have decided not to engage with it. We need to get everybody around the table for transparency in order that we understand the systems of grading and pricing. That must include producers, processors and retailers. Everybody should understand. I favour having a sophisticated grading system on which everybody has eyes. Health and safety does not allow an owner of animals to follow them down the line the way it used to be done years ago. There has to be another way of doing it. We should be aiming to get there and that is the purpose of having a forum.

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General Practitioner Services

Deputy Andrew Doyle: Roscommon is getting a good look in today.

Deputy Eugene Murphy: Indeed, on two very important issues. I am sure the Minister of State, Deputy Jim Daly, is glad we are not coming back to him about the Rosalie unit on this occasion. Deputy Naughten and myself will be coming back to him on that as well.

Deputy Denis Naughten: We will.

Deputy Eugene Murphy: It is fair to say that general practice is under pressure up and down the country. We have seen the protest from the doctors and the concern expressed. It is no different in the constituency of Roscommon-Galway. One general practitioner based in the constituency has been asked to take on additional patients, as many doctors have been, from the primary care reimbursement service, PCRS, panel appointments. Recent protests have highlighted the ongoing pressures being placed on GPs throughout the country. This particular GP in my constituency is unfortunately not unique. His practice is operating at full capacity and there is now a three-day waiting list for his surgery. His existing patients are deeply frustrated by the situation. Despite this, a number of additional patients have been assigned to him by the PCRS. His practice nurse has been on maternity leave since December and he is having serious difficulty in sourcing a full-time nurse and has not been successful to date. As a single-handed GP who also took patients from the emergency reception and orientation centre, EROC, in Ballaghaderreen, he should be excluded from patient appointments in his panel. He has been asked to take on new patients on a regular basis over the past two years due to a number of issues such as Brexit, people relocating to the west and people coming back to the area to work. There was already extraordinary pressure on this GP prior to the arrival of patients from Syria.

As for the EROC, despite the promises from the Government and the Department of Health, no new resources or funding were allocated to the Ballaghaderreen area to support the existing health services, and now we can see the fall-out. If this GP takes additional patients, they will more than likely end up being assigned to another GP after six months. GPs are entitled to ask for patients to be moved on if they cannot handle the situation. This would be very frustrating for the doctor and the patients, particularly in a place like Ballaghaderreen where a doctor and his staff genuinely took on the people from the EROC, gave a fantastic service to those people and continue to do so without any assistance from the Department. He is still not able to do it and he is totally frustrated. I have a copy of a letter from the HSE telling him that another family is coming. I am not going to give the details here but I have them on file if the Minister of State wants to see them. This is happening on a constant basis and it is not fair to him.

The doctor writes that the HSE contacted him last year to take on a family that was moving to the area from the Mosney centre and was being settled in the town of Ballaghaderreen. He says he was unhappy at the time due to the fact that this placed an even greater burden on the surgery but, once more, he accepted the new patients. He states that he thinks this is very unfair as there were already extraordinary pressures on the surgery prior to the arrival of the patients from Syria. He writes that his practice provided a GP service to those vulnerable patients and that it was the proper and Christian thing to do. That is what the GP wrote in a letter to me. It is clear that there was extraordinary goodwill to help less fortunate people. He never closed his door on them. However, when people now look to make an appointment, including patients who have been with him for years, in most cases he cannot take them until the following week. Where there are EROCs and direct provision centres and doctors are being asked to take on

these extra patients, I ask that we do something for them because no back-up has been given to them.

Minister of State at the Department of Health (Deputy Jim Daly): I assure the House that the Government is committed to the continued development of GP capacity. The goal is to ensure patients across the country continue to have access to GP services and that general practice is sustainable in all areas into the future. GPs have a crucial role in the provision of primary care services. Particularly in rural areas, local GPs play a vital and ongoing part in the lives of most people in the community. I want to ensure that existing GP services are retained and supported and that general practice remains an attractive career option for newly qualified doctors.

I understand that there are two General Medical Services, GMS, GPs in Ballaghaderreen. In addition to their medical card and private patients, these GPs provide care to refugees in the emergency and orientation centre in Ballaghaderreen. While neither of these GPs has GMS panels exceeding the maximum number of patients permitted under the GMS scheme, the HSE is aware that they are under pressure to provide such services but has not been made aware of any particular difficulties in this regard. Local HSE management in Roscommon is committed to liaising with the two GPs on an ongoing basis in respect of the provision of services to patients in Ballaghaderreen.

The Government is aware of workforce issues generally facing general practice, including the influence of demographic factors, and has implemented a number of measures to improve recruitment and retention in general practice. These include changes to the entry provisions to the GMS scheme to accommodate more flexible or shared GMS GP contracts, and to the retirement provisions for GPs under the GMS scheme, allowing GPs to hold GMS contracts until their 72nd birthday. Enhanced supports for rural GP practices have also been introduced. These steps should help to address the future demand for GPs by enticing GPs who may have ceased practicing for family or other reasons back into the workforce, facilitating GPs to work past the standard retirement age and encouraging more GPs to work in rural areas. There has been a huge expansion in the number of training places on GP training programmes in recent years. In 2009, there were 120 GP training places available and in 2018, 193 places were filled, an increase of approximately 60% over this nine-year period.

It is acknowledged that there are many challenges in general practice. That is why the Government remains committed to engaging with GP representatives on the development of a package of measures and reforms to modernise the current GMS contract. Talks involving the Department of Health, the HSE and the Irish Medical Organisation as the established GP representative body are continuing. Agreement on the delivery of these service improvements and contractual reforms has the potential to facilitate a substantial increase in the resourcing of general practice on a multi-annual basis.

Deputy Eugene Murphy: I thank the Minister of State for a fairly comprehensive reply. Obviously, I cannot be happy with it. The reply states: “While neither of these GPs has GMS panels exceeding the maximum number of patients permitted under the GMS scheme, the HSE is aware that they are under pressure to provide such services but has not been made aware of any particular difficulties in this regard.” However, this GP contacted the primary care reimbursement service, PCRS, and said that he was unable to continue to take patients like this. He has told me that he will have to move those patients on after six months. This is an unsatisfactory situation.

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These are exceptional circumstances. Ballaghaderreen is a town that accepted less fortunate people with open arms. Everyone played his or her part in that, along with the Minister of State, Deputy Stanton. I thank the Minister of State for his engagement on that. However, when questions were asked at the time, we were told quite clearly that if extra support was required in the area of health or education, it would be forthcoming. I can tell the Minister of State that if it was not for the volunteers and doctors in Ballaghaderreen, those people would not have a great existence. They constantly look after them and provide services to them. They do it because they say it is the Christian thing to do. I ask that the Minister of State bring the message back to the Minister for Health, Deputy Harris, that when people from places like Syria are brought into direct provision centres, we must provide the locality with some extra services. We should look at that proposal. A special case should be made for towns like that, and for GPs who are caught in those situations. They cannot cope, and that is the bottom line.

Deputy Jim Daly: I take the points the Deputy has made on the reception centres and the orientation centre in the town, and the additional strain it has put on existing GP practices. I will relay those concerns to the senior Minister and the HSE on foot of what the Deputy has raised here today. I urge the GP to return to the primary care unit locally. As the Deputy will appreciate I cannot address the detail on a local scale, and can only speak about national policy issues. The HSE primary care unit would be the appropriate place to have further discussions. I will pass the concerns on to the HSE at the national level and relay them to the senior Minister.

Mental Health Services Provision

Deputy Eoin Ó Broin: Families and service users in Clondalkin, Lucan and the surrounding areas have received some very bad news in recent weeks. One such piece of news concerns the potential moving of the HSE's adult community mental health team from Clondalkin to Tallaght due to difficulties with the current premises, and the second is the proposal to merge the young persons' mental health support service, Jigsaw, which would result in the loss of that service to its current base of north Clondalkin. It is proposed that the service move to Tallaght.

The Clondalkin drug and alcohol task force has written to all of the Deputies in the constituency to raise several concerns. In terms of the adult mental health team, it has said:

The removal of front line services, even on a temporary basis, to a location outside of the community will increase the barriers for those already faced with adversity to access services. As it stands, the taskforce says, the community mental health team are already under-resourced and work with the most hard to reach service user group who require ongoing support to address their mental health needs.

On Jigsaw, the task force has said: "The removal of services in an area where there are significant issues in terms of mental health for young people and adults, which is supported by research from the National Suicide Research Foundation and the National Office of Suicide Prevention, would have catastrophic implications for the community." The task force is urging the Minister of State to work with the four local Deputies in the first instance to ensure that neither of these services are lost to the local community and that Jigsaw retains a permanent base in north Clondalkin to provide the services for the surrounding areas. North Clondalkin in particular, because of a range of factors, has a significantly higher level of suicide and mental health issues for younger people than many other parts of the country. Jigsaw is one of the most wonderful services imaginable. I am sure the Minister of State has been in Jigsaw services in

other locations. It is accessible to young people in the local area and has built up a reputation of trust and confidentiality. People can just walk in. They do not have to be referred by a GP or other formal services. In fact, even Deputies and members of the community can make referrals. There is a strong view among people working in mental health services and in the local community that the loss of these two crucial adult and young person facilities will not just mean a loss of services but could also result in the loss of lives due to the inability of people to access crucial mental health supports.

In the first instance I am urging the Minister of State to outline what his Department can do to ensure that these services are not lost to Tallaght. I also ask him to meet a cross-party delegation of the Deputies from the constituency to help ensure that, into 2019 and 2020, both services remain in the local community where they are needed and where they belong.

Deputy Jim Daly: Some of the significant new funding provided by the Government for the key mental health care programme this year will be used to enhance prevention and early intervention services, such as the Jigsaw model of care. The HSE, in the context of its agreed service plan 2019, and arising from a recent evaluation of Jigsaw nationally, is considering in detail decisions around possible new Jigsaw sites over this year and next.

The HSE has informed me that a decision was taken in late 2018 to integrate services in Tallaght and Clondalkin under a single management structure. Importantly, however, there is no intention to reduce the number of front-line staff. The intention is to make the service more stable, sustainable, flexible and accessible to young people. Any inference or misinformation about the service being reduced or taken away is inaccurate and is indeed quite unhelpful in that it may cause uncertainty for young people and their families or those considering reaching out.

The main hub for the integrated service will be a new, larger premises in Tallaght. Jigsaw will still operate from the existing hub in Clondalkin for at least the remainder of this year, after which it will be looking at other premises or co-location options so that it ensures both a presence and accessibility across the full catchment area. Jigsaw has moved to reassure everyone involved by putting out “business as usual” messages on its social media. Jigsaw has also provided certain reassurances to local community agencies and to elected representatives.

The service, currently based on Moorefield Avenue in Clondalkin, is not closing. Jigsaw is currently exploring options for service delivery into south County Dublin around their new premises in Tallaght for this service from 2020 and beyond. It remains fully committed to the young people of Clondalkin and surrounding areas and will continue to deliver mental health services to them and their families. Any decision to change the physical location of the service will be made in line with Jigsaw’s desire to continue to offer the best it can to the people of Clondalkin and surrounding areas. The new premises in Tallaght will bring together the Jigsaw Clondalkin and Jigsaw Tallaght teams, thus creating one larger, more resilient team to ensure stability and sustainability into the long term for the service to the county.

In line with trends across Jigsaw’s network, the last twelve months have seen a 15% surge in demand for its services in Dublin south west. Jigsaw will continue to be responsive to this demand to the best of its ability. What Jigsaw will offer to the community in Clondalkin will actually expand, not contract, with a choice of locations for appointments - either Tallaght or Clondalkin - from now until the end of the year. There will be an e-mental health platform available from April to young parents, adults and professionals working with young people, and a new, integrated schools programme will be rolled out across the area from next Septem-

ber. There will be no reduction in their day-to-day work with young people and the community across Clondalkin, Lucan, Newcastle and Palmerstown.

Deputy Eoin Ó Broin: Anybody who is raising this issue, whether on the ground in the community or in this House, is doing so because he or she wants to ensure that the community continues to enjoy the services it rightly deserves. It is unfortunate to use the word “unhelpful” and suggest that those of us who are raising it are doing so for reasons other than a desire to ensure our community has those services. The people on the front line and the families who are accessing Jigsaw services have asked us to raise this matter. If there is confusion, it lies in the Minister of State’s own answer. He has not provided any clarity as to whether there will still be a Jigsaw office and staff based in the Clondalkin, Lucan, Newcastle and Palmerstown area after 2020. If there is not, there will be a reduction in service for people in that area. The Minister of State should not listen to me, but rather the people who use these services.

Susan Doyle tragically lost her 17 year old son, Robert Hoey, in 2011 to suicide. She went on to campaign for services, including Jigsaw, to be brought to north Clondalkin, where she lives. She is trained as and works as a suicide intervention and prevention officer. She is a woman with considerable experience. She said:

If people are not available in the community who are trained up people’s lives are going to be lost again by suicide and people are going to suffer again because the help is not there in the area. It is vital that those services are kept in the area.

Tallaght is a considerable distance away, particularly for people who are experiencing significant mental health issues. Staff based in Tallaght will not be available to the same extent as the staff based permanently in the Jigsaw premises in Moorefield in north Clondalkin. Will the Minister of State give a commitment that Jigsaw will continue to have a permanent base in the Clondalkin area, rather than provide an outreach service from Tallaght? If he cannot give that commitment, will he meet a cross-party delegation of Deputies from the constituency to work with us to ensure the services our community so desperately needs will remain in it in order that young people’s lives will not be tragically lost because of a decision to move services to Tallaght, which is some distance away?

Deputy Jim Daly: Let me again be absolutely clear. The Deputy is perfectly entitled to raise any concern he has about any aspect of the mental health service that is within my remit for as long as I am in this position. He does not have to ask if I will meet him; of course, I will always meet Oireachtas Members. I cannot give a guarantee to meet every individual in the country who wants to meet me, but if Oireachtas Members wish to meet me, there will never be any issue.

On the wider issue, I am not accusing anybody of being reckless. We want to be clear in the interests of everybody. When a story gains legs, people begin to fear things when there is no need to fear. The Deputy knows that the budget for mental health services is €1 billion, with an additional €55 million being allocated this year alone for new initiatives. Since becoming Minister of State my focus has been on supporting and enhancing mental health services such as Jigsaw. They are the real winners. We are trying to move people away from the specialist upper-end services. For that reason, in the past 12 months we put 114 assistant psychologists to work in the community, with 20 psychologists and ten advanced nurse practitioners for young people. That is having a sizeable impact in reducing the child and adolescent mental health services waiting list.

Will there be a service in Clondalkin? The HSE has advised me that there absolutely will be. There are management changes and staff may be discommoded. I do not know, but that is not a concern I am picking up at this point. The service will be available in Clondalkin until the end of the year. Next year we will look at possible co-location in premises in Clondalkin, but we absolutely intend to maintain a service in Clondalkin. However, there are staffing changes to build a complement, critical mass, and have staff working together under a single tier of management. That is a better and more efficient use of our managerial resources and will ensure there will be more front-line services available for young people in the Deputy's area.

Recently I was in the very impressive Village Counselling Service where some exceptional work is being done. I am a huge promoter of working from the ground up within the community and lower level intervention, rather than escalating to the higher level. I hope I have provided the assurance sought by the Deputy.

Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019: Committee Stage (Resumed) and Remaining Stages

SECTION 77

Debate resumed on amendment No. 49:

In page 61, line 14, to delete “may” and substitute “shall, with the assent of Dáil Éireann,”.

-(Deputy John Brady).

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I had explained why I was not accepting the amendment, but I also received some queries. Deputy Brady spoke about fuel allowances. Simply, the overlapping provisions included in the convention replicate the current arrangements and reflect the general rule that a person should not receive two payments in two jurisdictions. That issue needed to be addressed in the legislation. There is no provision in the convention or the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill which will change the existing practices in the making of fuel allowance or other payments. All of the current arrangements will stand. I think the Deputy was under the impression that somehow we had changed something. I confirm that all existing payments and the current arrangements will continue.

In respect of the Department of Work and Pensions' winter fuel repayment, it is an annual tax repayment made to eligible people to help towards meeting their winter heating costs. In most cases it is a lump sum payment of between £100 and £300 and paid automatically in November and December. Since the winter of 2012-13, people living in the EEA or Switzerland who have a genuine and sufficient link with the United Kingdom have potentially been eligible to receive the winter fuel payment, regardless of whether they previously had an entitlement to receive it. Obviously, that still stands.

Deputy O'Dea asked why the draft heads, as published, were different. They were intended to provide the power to make regulations to deal with a range of issues such as the treatment of events or facts occurring in the United Kingdom; the taking into account of social insurance contributions paid in the United Kingdom; the habitual residence condition; the avoidance of

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multiple payments; arrangements regarding absence from the State; arrangements for frontier workers where the frontier crossed will be between the United Kingdom and Ireland; the exchange of information; and the arrangements to ensure the maintenance of current payments *vis-à-vis* the United Kingdom and where the current arrangements governed by EU regulations are more expansive than the existing bilateral arrangements between Ireland and the United Kingdom.

As the drafting process progressed, the construction of the amendments changed significantly, although the overall aim and ambition remained exactly the same. In particular, a more streamlined approach was adopted based on the strong advice of the Office of the Attorney General which will effectively allow me to treat the agreement we signed on 1 February as if ratification had occurred in the event that ratification has not been completed by the United Kingdom by 29 March. An order has also been drafted to give effect to this provision, if required. This is an unusual provision, but it is possible to make it because the agreements have been signed and the United Kingdom has retained the provisions of the relevant European regulations in its domestic legislation. As a result, most of the provisions originally envisaged and as set out in the heads of the Bill are not required, but we will all achieve the same aims. Obviously, regulations will need to be placed before the House. The Deputy asked me if the same was true of the order. The order will only give effect to the convention which has been approved by the House.

The Deputy also asked me about our interactions with other EU member states. All other EU member states are covered by the EU Regulation No. 883 which will continue to apply.

The Deputy asked if pensioners in Ireland would continue to receive their UK pension payments into their bank accounts. We make payments to pensioners who reside outside the European Union and the EEA into their bank accounts and will continue to do so. The United Kingdom is currently part of the geographical scope of the single euro payments area, SEPA, scheme owing to its EU membership. It facilitates the payment of UK pensions into Irish bank accounts and that will continue. As the geographical scope of the SEPA scheme already extends beyond the European Union and the EEA, including to several third countries and territories, the option remains that the United Kingdom will continue to be included in the scope of the SEPA scheme, provided it fulfils the eligibility criteria. I genuinely expect it to continue to operate under the SEPA scheme.

Deputy O'Dea asked me for a list of schemes that will fall under the reciprocal arrangements. They are the contributory State pension; carer's benefit; health and safety benefit; illness benefit; treatment benefits; adoptive benefit; maternity benefit; paternity benefit; invalidity pension; partial capacity benefit; widow's, widower's or surviving civil partner's contributory pension; contributory guardian's payment; occupational injuries benefit; widow's or surviving civil partner's grant; jobseeker's benefit; child benefit; the back-to-work family dividend; non-contributory guardian's payment; domiciliary care allowance; one-parent family payment; and working family payment. For every scheme available in both countries today, our ambition is to provide for continuity after 29 March.

Deputy John Brady: Before the debate was adjourned this morning, I asked a question that the Minister has not answered. Last week I sent her correspondence, to which I am still awaiting a response. I have also raised the issue on Committee Stage. There is no clarity on what will happen with the winter fuel payments and fuel allowance, even though there is grave concern. More than 31,000 people receive the winter fuel payment from Britain. They need to know what will happen post Brexit. There are a number of scenarios. What will happen for

a person living in the State who is in receipt of the winter fuel payment but not the fuel allowance? Will he or she still be entitled to receive the winter fuel payment? We need clarity on that issue. I am sorry to have to ask the question again, but I will keep asking it until I receive an answer. Will the Minister provide clarity for the more than 31,000 people in receipt of the payment who are genuinely concerned?

Deputy Willie O’Dea: I did not hear a lot of the Minister’s earlier reply because there were conversations going on here in the Chamber before we adjourned. Do I take it that she expects the convention to be ratified on the UK side on 19 March? The Minister seemed to suggest that people could make submissions from the UK side in between time. The convention therefore could change from what we have discussed in committee. If the convention changes, will this House have any opportunity to debate the changed convention? We have already debated the original convention. If it does change, we will not have an opportunity to debate the changed product.

I note the Minister’s reply to Deputy Brady’s amendment. My understanding is that this is a belt and braces situation whereby if the convention does not come into existence, this new subsection is added on to allow the Minister to continue with the present arrangement for social insurance. The Minister is saying that because this may not actually happen, she may not have to do that and therefore the word “shall” would be inappropriate. I tend to agree with that. What about the second part of the amendment? It is a two-part amendment, as I understand it. It reads “shall with the assent of” both Houses of the Oireachtas. Is there some compelling reason she is not disposed to accepting that part of the amendment?

Deputy Regina Doherty: The reason I was smiling when the Deputy asked the question for the second time was because I answered it and he was not here. I am quite happy to read out again in its entirety what I read five minutes ago, or the Deputy can check the blacks, because I did answer the question in full. A letter went in the post to the Deputy yesterday in reply to the his letter of last week. To put him out of his misery, there will be absolutely no change to the current arrangements and therefore no jeopardy or peril to anybody as to their entitlements today.

In further reply to Deputy O’Dea, the Privy Council - I have learned a lot about Westminster standing orders and practices in recent months which I would not have been aware of before - is sitting to allow people, as we did last week in the Joint Committee on Employment Affairs and Social Protection, to have a conversation, ask questions, find out and clarify more about the convention. The convention is not open for amendment. It is open to being either ratified or rejected. If it is rejected, then obviously the legislation we are discussing will kick in for the security of Irish pensioners living in the UK and all of those other recipients to ensure that the arrangements will continue to function. From the various and copious meetings and discussions that we have had over the past 18 months with UK Department for Work and Pensions officials, their teams and their Minister - indeed this is the second Minister in that office - we want to maintain what we have always had. There is no doubt in anybody’s mind that what we have agreed has been agreed by both sides. The Privy Council will sit this week and next week to allow people to express observations and make comments and statements on this matter, in the same way that we would do here. The only thing that is open to Westminster Parliament is either to accept it or to reject it. It is hoped it will accept it.

In answer to Deputy O’Dea’s final question, the only amendment is to substitute the word “may” for “shall”. The rest of the wording is as the Bill is at the moment.

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Amendment, by leave, withdrawn.

Section 77 agreed to.

Section 78 agreed to.

SECTION 79

Question proposed: “That section 79 stand part of the Bill.”

Deputy David Cullinane: I do not want to delay the debate, although it has to be said we are making very good progress. I understand that this Bill is not the place to address in some respects the issue that I am raising, but it does have a relationship with the Bill because there is an issue in relation to tactical insolvencies which have happened in the State before. There is a relationship between companies that are based in Ireland but also have subsidiaries in America or in Britain or different parts of the world. Tactical insolvencies are a problem. We had it with Clerys where a company was broken up into an operations department and an assets department, the assets were sold off, and the workers were left high and dry.

All of these provisions and sections are ensuring that the *status quo* remains. We have moved a Bill on this issue of tactical insolvencies, and there is an interjurisdictional issue involved in the overall issue of tactical insolvencies. What are the Government’s plans to deal with the reports that came from the Clerys dispute? The Minister will remember that a number of reports were commissioned by the Government which highlighted that there was a problem. Is there legislation in the pipeline or has the Minister anything in progress at the moment that will address that issue of tactical insolvencies?

Deputy Regina Doherty: The only thing I can say is that the question is not relevant to this particular Bill. Maybe I can have a sideline conversation with the Deputy with regard to his request or maybe he can table a parliamentary question.

Deputy David Cullinane: Is the Minister in a position to tell us if there is anything in the pipeline? Is the Government looking at a Bill? It has implications for the relationship between companies based in Ireland that also have subsidiaries in the UK or even the North. Given that this has happened before and workers have been left high and dry, and while I accept that this Bill is about maintaining the *status quo*, we should look at strengthening areas where we can and we should take the opportunity to do so. It is not good enough to say it is not directly relevant to this Bill. It is a question I have asked the Minister. What is the Government looking at with regard to tactical insolvencies?

Deputy Regina Doherty: Again, I am here to talk about the omnibus Bill today. Had I been given notice, I might have had an answer for the Deputy. By all means, he should table a parliamentary question.

An Leas-Cheann Comhairle: The Minister will make contact or have a bilateral discussion with the Deputy.

Question put and declared carried.

Question, “That section 80 stand part of the Bill”, put and declared carried.

Question, “That section 81 stand part of the Bill”, put and declared carried.

Question, “That section 82 stand part of the Bill”, put and declared carried.

SECTION 83

Deputy David Cullinane: I move amendment No. 50:

In page 65, line 25, to delete “may” and substitute “shall, with the assent of Dáil Éireann,”.

Deputy Regina Doherty: I do not propose to accept this amendment either. Members will appreciate that the regulations under this section will only be required in the event of a no-deal Brexit. As is clear in section 83, the power to make such regulations is already subject to the circumstances as and when the transfer of data is required, and crucially only when the circumstances set out in that section arise. I can also assure Members that any regulations, should they be made, will comply with the requirements of our general data protection regulation, GDPR. The provisions of this Bill on this matter have been carefully drafted after extensive legal advice to ensure that we have absolute certainty about the making of social welfare payments in the event of a no-deal Brexit.

Amendment No. 50 introduces a number of legal concerns and ambiguities around the process of making these regulations. It makes it unclear as to how the amendment would operate and what the obligations of the Minister might be in the light of what the Dáil itself would be required to do. My concern is that this would leave the process vulnerable to challenge and, in doing so, would create unnecessary risks around the operation of the provisions and compliance with our GDPR regulations.

Amendment put and declared lost.

Section 83 agreed to.

Sections 84 and 85 agreed to.

SECTION 86

An Leas-Cheann Comhairle: Section 86 is out of order. Amendments Nos. 51 and 52 have been ruled out of order.

Amendments Nos. 51 and 52 not moved.

Question proposed: “That section 86 stand part of the Bill.”

Deputy Donnchadh Ó Laoghaire: I am sorry, but I presume the Leas-Cheann Comhairle just means that it is the amendments to the section that have been ruled out of order, not the section.

An Leas-Cheann Comhairle: Yes, of course. Which element does the Deputy wish to address?

Deputy Donnchadh Ó Laoghaire: The section, to which there are no amendments. I am disappointed that my amendment has been ruled out of order. I believed it was perfectly reasonable and related to the section and purpose of the Bill. I will outline it when I seek further clarification on the decision made.

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Extradition plays an important role in east-west and North-South policing and the justice area and there must be provision for it if the European arrest warrant will no longer apply in the context of a hard Brexit. It is right and proper that there be further integration and co-operation in dealing with justice and security matters now than ever before. Some of it is based on international conventions, but the majority is based on EU infrastructure. Unfortunately, it may be eroded substantially and we saw an example this morning. In the event that there is a hard Brexit, the Brussels II agreement on the mutual recognition of family law arrangements will no longer apply. I understand a number of other conventions, including the Hague convention, will cover that situation, but there is the possibility of divergence further down the line. This concern needs to be addressed as a wide number of areas will be affected. The Minister has stated he will deal with some of them by way of statutory instruments, but in this area primary legislation will be required.

Even though it is not yet in force, we could have benefited from mutual recognition of probation judgments and decisions on probation and community service. Unfortunately, the new EU proposal which we are transposing into Irish law will not benefit those who are convicted and given a sentence that involves probation in the North, for example. They will not be able to serve their sentence in the South if resident here. It also applies east-west. It will not be possible to apply that proposal because it is not law, but will the Minister seek bilateral arrangements with Britain for mutual recognition once it becomes law in order that such provisions will apply?

This section relates to the Extradition Act 1965 which was based on a 1957 Council of Europe convention. Section 8 of the Act can apply where the State has made an agreement with a country that is a signatory to a convention to which the State is also a party, for example, the 1957 convention. This section of the Bill which amends the Act will ensure that provision applies to Britain post Brexit and takes account of more efficient and up-to-date electronic means for processing applications. We will not oppose it. However, our amendments sought to ensure this legislation would remain up-to-date in the context of any change in compliance with human rights provisions in other European jurisdictions. All continental European countries, with the exception of Belarus, are signatories to the European Convention on Human Rights, ECHR, which has been defined as a key value of Europe and is frequently referenced in EU literature, even though it is a Council of Europe document. The British Government's current position is to rule out withdrawal from the ECHR, but that has not always been the position of the Conservative Party. Many of its members would have Britain renounce and exit from the convention. We need to take this into consideration, provide for it and ensure Irish legislation will be robust enough to be revised if what I have described happens and the standards of human rights protections in the United Kingdom or any other European country recede because of a desire to reduce such protections. The same concern extends to every area in which there is mutual co-operation, including *refoulement*. If there is a departure from the ECHR, it will have profound implications for Ireland, particularly on a North-South basis, in compliance with the highest human rights standards.

For the moment the British Government has dropped what was the clearly stated policy of the Conservative Party, to repeal the Human Rights Act 1998, replace it with a British Bill of Rights and eventually withdraw from the ECHR. Repeal of the 1998 Act under which the ECHR was transposed into UK law and requires British judges to take decisions of the European Court of Human Rights into account has been a stated aim of the Conservative Party for over a decade. It was clear in the party's manifesto in 2010, as was its commitment to withdraw

from the European Union. In 2014 the party published its proposals for a British Bill of Rights to replace the Act. After the 2015 general election, the then Secretary of State for Justice, Mr. Michael Gove, promised proposals in that regard. At one stage the Prime Minister, Mrs. Theresa May, favoured renouncing the ECHR, as did Mr. Gove and several other senior Conservative leaders. It is not the current position of the British Government, as I am sure the Minister will say, but we cannot say that will remain the case. In that context, we must be willing to review Irish legislation on and procedures for co-operating with the United Kingdom and ensure they will be kept up to date.

I am disappointed that our amendments have been ruled out of order. Amendment No. 52 reads: “Where a European Country, notifies the Secretary General of the Council of Europe, under article 58 of the European Convention on Human Rights [under which it is required to give six months’ notice] ... the Minister shall immediately initiate a review of this legislation, which shall be concluded within 4 months”. That would have provided an additional window to take urgent legislative action. Obviously, the amendment will not be moved, but I hope the Seanad will be able to discuss an amended version. This is an important matter and in this and other respects we must watch Britain’s compliance with the ECHR.

Minister for Justice and Equality (Deputy Charles Flanagan): I acknowledge the points raised by Deputy Ó Laoghaire and advise the House that in this Bill we are dealing with a no-deal scenario which would be the worst outcome of Brexit. We are dealing with what I describe as a catastrophic no-deal Brexit across a range of areas. As has been said numerous times, all sides of the House hope this legislation will not need to be relied on. It is in that context that I acknowledge Deputy Ó Laoghaire’s remarks. I note the Deputy’s references to various Conservative Party manifestoes under different leaders while in opposition and in government. It would not be helpful to speculate further, but I am satisfied that there is no imminent plan on the part of the British Government to depart from the European Convention on Human Rights. It is important for us to deal with the possibility of a no-deal scenario rather than entering into the realm of speculation. That said, I listened carefully to what Deputy Ó Laoghaire said and of course, in the event of there being a sudden change, this House would be happy to have an appropriate engagement. At that stage, I would welcome, as always, the contribution of Deputy Ó Laoghaire but dealing with the here and now, the pre-29 March situation, I acknowledge the hope that agreement will be reached between the European Union and the United Kingdom.

One of the key issues identified is to ensure that there are effective extradition arrangements between Ireland and the UK in the event of a no-deal scenario. The European arrest warrant will no longer apply to the UK and at 11 p.m. on 29 March, persons detained on foot of such a warrant would be released. It is critical, therefore, that extradition provisions are in place immediately following the UK’s departure from the EU, at 11.01 p.m. or as soon as possible thereafter. Following detailed examination of the options available for extradition arrangements in the event of a no-deal Brexit, the optimum solution is to apply the 1957 Council of Europe convention on extradition to which both Ireland and the UK are parties. While I readily accept that the extradition procedure under the convention is neither as effective nor as efficient as that under the European arrest warrant, as I am sure Deputies will agree, the convention is the best means by which we can provide a workable solution. The intention would be to legislate for and move towards an extradition arrangement with the UK that is similar to the European arrest warrant. I acknowledge that there are differences between the surrender procedures under the European arrest warrant and the extradition procedure under the convention. The 1965 Act, for example, does not permit extradition of own nationals unless the relevant extradition provisions

otherwise provide. The Attorney General has advised that clear provision should be made in section 14 of that Act so that the ban on extradition of own nationals should not apply to Irish citizens in reciprocal circumstances where requesting states also extradite their own citizens. Section 14 of the 1965 Act is being amended here to ensure that the current European arrest warrant arrangement in relation to extradition of own citizens continues and that, in applying the provisions of the convention, extradition of an Irish citizen will be permitted on the basis of there being a reciprocal arrangement, where the law of the requesting country does not prohibit the surrender of its citizens. The UK has already indicated that it intends to continue to extradite its citizens after Brexit and while I acknowledge the points made by Deputy Ó Laoghaire, I would suggest that they are best dealt with when the circumstances as outlined by the Deputy arise in the future, although I do not envisage that happening.

Deputy Jim O’Callaghan: The Government’s proposed amendment of section 14 of the 1965 Act is appropriate and, regrettably, necessary in the context of us facing a no-deal Brexit. One of the great achievements of the EU has been the European arrest warrant, which enables countries to apply for the extradition of persons from other countries in order that they can be held accountable for criminal acts that they committed in the requesting country. It has worked very effectively throughout the EU, particularly in the United Kingdom. One of the big losses to the United Kingdom when Brexit happens, particularly a no-deal Brexit, is that it will be outside the European arrest warrant system. This reveals the artificiality of Brexit because no doubt, when it comes to negotiation with the EU on the future relationship, the United Kingdom will insist on being part of or having a relationship with the European Union which is similar in effect and substance to the current European arrest warrant system. There is no reason for the UK to want anything less and no reason to think that it would benefit from seeking anything less. We are going to go through this artificial scenario whereby the United Kingdom announces that it is out of the European Union but in fact, it wants to avail of many of the successes of that Union. Had the political leaders in the UK made an effort to praise the achievements of the European Union, such as the European arrest warrant, the people of the United Kingdom might not be as blinded to the benefits of membership of the EU.

If there is a crash-out Brexit, the 1965 Act will be amended. One of the principles of extradition is that there must be reciprocity, that is, the requesting country must be able to extradite its own citizens. I was informed by the Minister at a committee meeting last week that this has happened already in the UK. The law there has been changed and citizens of the UK can be extradited to the European Union, including to Ireland, in the event of a no-deal Brexit. Since that arrangement is in place, it is appropriate that we should amend section 14 of the 1965 Act in accordance with what the Government is proposing. It is also a requirement in respect of extradition that the offence for which the request is being made is also an offence in the country from which extradition is being sought. That is a fundamental principle which is also set out in the 1957 convention. It will apply here too. In general, criminal offences in Ireland are similar to the criminal offences that are on the Statute Book in the UK. There are some differences but ultimately when a request for extradition is made, it is clearly in respect of an offence that is an offence in Ireland, even though it may have been committed in the UK. The section is appropriate but hopefully we will not have a crash-out Brexit.

I note what Deputy Ó Laoghaire said in respect of the European Convention on Human Rights and I agree with him that there is a strong strain of political thought within the British Conservative Party that wants to get Britain out of the European Convention on Human Rights. In fact, in advance of the referendum in 2016, although the current Prime Minister of the UK

was in favour of remaining in the EU, she did suggest that it would be appropriate for the UK to opt out of the aforementioned convention. Many of the people in England who object to the European Court and its influence on British politics are actually confusing the European Court of Justice, ECJ, with the European Court of Human Rights. If one were to ask, just after the referendum, whether the UK would be anxious to opt out of the European Convention on Human Rights, the answer would probably have been “Yes”. However, now that the reality of what Brexit involves is becoming clearer to those who advocated leaving, there is a recognition that there is much more to this process than simply getting Britain out of European agreements. Brexit has consequences for the UK, as we can see in respect of the European arrest warrant.

Question put and agreed to.

Section 87 agreed to.

SECTION 88

An Leas-Cheann Comhairle: Amendments Nos. 53 to 55, inclusive, are out of order.

Amendments Nos. 53 to 55, inclusive not moved.

An Leas-Cheann Comhairle: Amendments Nos. 56 to 58, inclusive, are related and may be discussed together.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 56:

In page 68, line 21, to delete “**3A.** A person” and substitute “**3A.** (1) A person”.

I will deal with the amendment first and then make some more general points on the section. These amendments relate to an issue that was discussed at both the committee briefing and in the Chamber on Second Stage, namely, the changes that are required to the *non-refoulement* consideration.

That followed on from a case in 2018 that required a more formal provision to be put into the legislation and a statement that all deportations since December 2016 had been subject to a *non-refoulement* consideration.

In many jurisdictions the courts with international human rights mechanisms have given a much more expansive interpretation of what should be involved in the prohibition on *refoulement* than has been considered in this Bill or legislation to date here. Other jurisdictions, for example, have required considerations of other serious human rights violations such as in the following: the flagrant denial to a fair trial, as in the European Court of Human Rights case of *Othman (Abu Qatada) v. United Kingdom*; serious forms of sexual and gender-based violence such as in the Convention Against Torture, *Njamba and Balikosa v. Sweden, 2010*; the United Nations Convention on the Elimination of all Forms of Discrimination Against Women general recommendation No. 32, paragraph 23; and female genital mutilation as provided for by the Human Rights Committee in *Kaba v. Canada, 2010*, and as recognised in the Convention on the Elimination of Discrimination Against Women, general recommendation No. 32. The Office of the United Nations High Commissioner for Human Rights noted that heightened consideration must be given to children in the context of *non-refoulement*, whereby actions of the state must be taken in accordance with the best interests of the child. The commission states: “In particular, a child should not be returned if such return would result in the violation of their fundamental human rights, including if there is a risk

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of insufficient provision of food or health services.”

Incorporating this provision into this section of the Bill would make the legislation more human rights compliant. It would not act as a prevention to deportations but it could be a further set of considerations of potential very serious breaches of a person’s human rights before his or her deportation. That is the purpose of this set of amendments and the reason we have tabled them. It is a very reasonable ask. I refer to potentially very serious human rights breaches that the State should take into serious consideration before it deports anyone. It is correct that heightened consideration should be given to children in this context.

Sinn Féin had tabled amendments Nos. 53 to 56, inclusive, in this section 88. These amendments related to the legislative uncertainty that cannot be solved only in this House but which can be partially solved here around the citizenship rights of those who are born on this island but are resident in the Six Counties in the North. There is a lack of legislative clarity in this regard. On Second Stage I quoted Mr. Gormally from the Committee on the Administration of Justice:

Legislation is needed both in the UK and Ireland to recognise the particular status of Irish citizens born in Northern Ireland and their unequivocal right to participate fully in that region and as fully as feasible in Irish society and full equality in the rights the two categories can access. A treaty enshrining these provisions in international law would repair the damage done to the principle of the Agreement.

This issue has been well flagged and the Government should reflect on it and should have considered amendments in this regard. I hope the Government will consider quite seriously some of the amendments we have put forward. It is a clear view, shared by many academics, that a change is needed not only in British legislation but also in Irish legislation.

The Sinn Féin amendments would have amended section 62 of the Irish Nationality and Citizenship Act to guarantee full citizenship rights for those who fall under that section, the citizens to whom we refer. There would also be a need for a review to make recommendations on the legislative changes that are required to give full and equal citizenship for the Irish citizens in the North. There are issues around naturalisation and seeking visas, for example when people are related to or a spouse of an Irish citizen but are not themselves an Irish citizen, where that Irish citizen is resident in the North. When a partner who lives in another jurisdiction wants to come to Ireland and a visa is sought for him or her, the Department of Foreign Affairs and Trade will not give that visa. The Department will send the person to the British system. This needs to be rectified. These are rights that Irish citizens should enjoy wherever they reside.

At the heart of this debate in recent weeks we have had the most notable contributions on this. For some time we have seen all stripes of political opinion doing their best to show their interest in this and a desire to be open to and take into consideration the rights of citizens in the North. We see Fine Gael looking to run Mark Durkan in the EU. We see Fianna Fáil and its partnership with the SDLP. We see increased commentary from the Labour Party on politics in the North. This is all absolutely welcome.

Deputy David Cullinane: Fantastic.

Deputy Donnchadh Ó Laoghaire: Central to that, however-----

Deputy Charles Flanagan: The Deputies’ spots never change.

An Leas-Cheann Comhairle: The Deputy, without any interruption.

Deputy Donnchadh Ó Laoghaire: The Minister can elaborate on that. I think I was making quite a reasonable point. I believe the Tánaiste agrees that I am making quite a reasonable point. I put it to the Minister, Deputy Flanagan, that at the heart of the debate around Brexit - the Minister appears amused and he is entitled to be but this is serious stuff-----

Deputy David Cullinane: This debate is about the North, so it is probably not serious for him.

Deputy Donnchadh Ó Laoghaire: At the heart of the philosophy that has underpinned the Government's strategy is that the rights of citizens who live in the North must be safeguarded. It is the heart of the approach that has been taken by these Houses. These are no small matters and Sinn Féin sought to table amendments to address these. There are clear deficiencies in legislation with regard to the citizenship rights of those in the North, the rights to Irish nationality of those who live in the North, and where it relates to the Irish Nationality and Citizenship Act 1956. These deficiencies have been identified, not just by Sinn Féin but also by the Committee on the Administration of Justice, by Queen's University Belfast academics, by academics in the South, and by a whole plethora of people. This needs to be resolved. I do not believe it needs to be a matter of dispute but clearly there is a view that there is an absence that this Bill has not addressed. It will not be addressed unless the Minister tables amendments. My amendments are not able to get through the system so I appeal to the Minister to give this further consideration before it goes to the Seanad, and to table amendments.

Deputy Charles Flanagan: There are two issues I wish to develop. The first is on the amendments before us and the second is that Deputy Ó Laoghaire spent more time in his contribution addressing the amendments that were disallowed rather than on the others, but I am anxious to reassure the Deputy.

The provisions in sections 88 and 89 are inserted for the purposes of correcting what has been something of a lacuna in *non-refoulement* considerations. It is the practice of not returning a non-national to a country in which the person is liable to be subjected to persecution or where the life, liberty or freedom of the person is at risk under section 5 of the Refugee Act 1996. It applies to persons subject to that Act and to persons removed from the State under the Immigration Acts 1999 and 2003. The introduction of the International Protection Act 2015, which repealed the Refugee Act 1996, somewhat inadvertently removed the legal basis providing for *refoulement* in the Acts of 1999 and 2003. As was brought to my attention recently by Deputy Ó Laoghaire, the High Court case *S.G. (Albania) v. the Minister for Justice and Equality* identified issues of an administrative nature. These relate to the enactment of the 2015 legislation, the transitory provisions relating to the 1996 Act and the domestic legal basis for consideration by the Minister of the principle against *refoulement*. The court identified that the Minister's reference to the legal basis for the prohibition of *refoulement* was incorrect and these issues have existed since 31 December 2016. The importance of that date is that it was the day on which the lacuna inadvertently arose on the commencement of the 2015 Act, a consequence of which was the repeal of the 1996 Act, including the *non-refoulement* position of section 5 of that Act. I wish it to be clear to the House that it has remained policy and practice to apply the principles of *non-refoulement* to all removals from the State in conformity with our constitutional position and our international obligations. Nonetheless, I accept that, of course, legal certainty is required in this area. If there is a lacuna, it must be recognised, admitted and corrected as a matter of priority. The purpose of sections 88 and 89 is, therefore, to restore the position that there is

a certain legal basis for the *non-refoulement* consideration for all persons being removed from the State, not only in the protection area, but in respect of all deportations and refusals of permission to enter the State.

I listened carefully to Deputy Ó Laoghaire on the matter of his amendments and have noted them. I am concerned that what they propose is inconsistent with the definition of *non-refoulement* applied under section 50 of the International Protection Act 2015. That definition was carefully considered and debated in the House when the legislation was before it. It is based on the principles of international law and encompasses very serious issues, including some of those referred to by the Deputy. Having regard to that definition and in view of the fact that advice was sought from the Attorney General, it is unnecessary to include forms of sexual and gender-based violence or female genital mutilation, as these matters are already covered by the prohibition on inhuman and degrading treatment or punishment. As for the proposal to go further and include in the definition the flagrant denial of a fair trial, I assure the Deputy that this already comes within the scope of the definitions as interpreted by the European Court of Human Rights. It is, therefore, neither a necessary nor appropriate test. For these reasons, I am not in a position to accept the amendments.

I accept the importance of the citizenship issues raised by Deputy Ó Laoghaire in respect of amendments which are not being considered by the House. I assure the Deputy that the Government is conscious of the issues and is working to maintain full access to EU rights, opportunities and benefits for Irish and, therefore, European Union citizens in Northern Ireland. That has been clear from the outset of the Article 50 negotiations by the Tánaiste and Minister for Foreign Affairs and Trade. I stress, importantly, that Irish citizens living in Northern Ireland will continue to be citizens of the European Union and enjoy the right to move freely and reside throughout the Union. They will, of course, benefit from the important right not to be discriminated against on grounds of nationality while so doing. I assure Deputy Ó Laoghaire that we will engage actively to ensure people in Northern Ireland enjoy continued access to European Union rights, opportunities and benefits into the future. There is also an onus on the UK Government to protect fully the Good Friday Agreement in all of its parts. Deputy Ó Laoghaire recalled some of the commitments which have been made in that regard.

Deputy Jim O’Callaghan: Amendments Nos. 56 to 58, inclusive, are unnecessary. Sometimes adding more words to a statutory provision has the effect of narrowing the meaning of that provision. There is a general assumption that the more words one uses, the broader the definition becomes whereas, in fact, it can become narrower. I am concerned that were we to add to section 3A the words suggested by Deputy Ó Laoghaire, it could narrow the provision. In any event, the amendments are unnecessary as they replicate what is there already. Deputy Ó Laoghaire wants to include at the end of section 3A(b) the words “flagrant denial of a fair trial, serious forms of sexual and gender-based violence and/or female genital mutilation”. Serious forms of sexual and gender-based violence and female genital mutilation are recognised by all of us as torture or inhuman or degrading treatment or punishment and, as such, they are already covered. The flagrant denial of a fair trial is covered by the proposed section 3A(a) which refers to threats to the life or freedom of a person. As such, there is no necessity to amend section 88 as suggested in amendment No. 57.

Amendment No. 58 seeks to provide that the “Minister shall give heightened consideration to children in the context of *non-refoulement*, whereby actions of the State must be taken in accordance with the best interests of the child”. I am concerned about including in legislation a requirement for a Minister to give heightened consideration to a particular aspect of it. That

implies that there are different levels of consideration to be given by a Minister. The Minister, Deputy Flanagan, might be asked how different his consideration of a particular application was to the heightened consideration he was required to give it. It does not create a reality. When the Minister is carrying out his statutory functions, he should give consideration to matters. I assume that every Minister required by statute to give a matter consideration gives that matter serious, or what could be termed “heightened”, consideration. If we include in the Statute Book requirements that Ministers undertake different levels of consideration, we will get into significant trouble because of provisions which it will be claimed require Ministers to give slight consideration to certain matters. That would probably become the defence of the Executive in due course. I understand what Deputy Ó Laoghaire is trying to do but it is not necessary. For that reason, I do not support the three amendments being put forward by Sinn Féin.

Deputy Ó Laoghaire raises a very important point about the status of Irish citizens living in Northern Ireland. We had a very good hearing at the justice committee recently on that particular issue. It is a matter of very serious concern and it underpins the agreement reached some 21 years ago in Belfast when it was recognised that people in Northern Ireland who saw themselves as having an allegiance to a unified Ireland or, indeed, the Southern State, were entitled to do so. That was recognised in the establishment of new institutions as well as by way of a recognition that those people could achieve their self-determination if the majority of people in Northern Ireland wished to do so. Similarly, an arrangement was made whereby the unionist population of Northern Ireland saw the Southern State withdraw its territorial claim. At the same time, unionists in Northern Ireland recognised that if the majority of people there wished to join a unified island, they could do so. All of that was premised on a recognition by both sides that they were members of the European Union and shared the great benefits of that membership. In fact, the European Union brought people on this island together to a greater extent than any other entity on the island since we gained independence. It was a major success in bringing people together on the island.

Although Irish citizens in Northern Ireland have the benefit of their EU citizenship through their Irish citizenship, there is a difference between residing and not residing in a European Union country. When Irish citizens from Northern Ireland travel abroad within Europe on an Irish passport they have all the benefits of European Union membership in the same way as somebody from the South who travels abroad, but it is different for them when they live in Northern Ireland. We have been unable to tease out the real consequences for Irish citizens living in Northern Ireland. The justice committee recommended that a forum be established to examine the rights of Irish citizens in Northern Ireland and how their EU rights will necessarily be affected. Obviously we should do as much as possible to ensure that Irish citizens living outside the European Union in Northern Ireland have the full benefits of membership of the EU.

It is also important to point out that a significant number of people living in Northern Ireland who do not have Irish citizenship and carry British passports also wish to retain the benefits of membership of the European Union. The failure to remain in membership of the EU will have a transformative effect on the politics of Northern Ireland. All of us should try to get away from viewing the North of Ireland in terms of green and orange. As is the case in other parts of the world, politics in Northern Ireland is changing. Old tribal loyalties are not retained and people are becoming much more cosmopolitan in their political choices. As Northern Ireland experiences the downside of no longer being part of the European Union, people’s political choices in Northern Ireland are going to change. We should allow that to evolve while at the same time trying to ensure that Irish citizens there have their rights fully respected.

Deputy Donnchadh Ó Laoghaire: There are several strands to the issue of rights, but two primary strands. One is the rights that people stand to lose in the context of a hard Brexit or, indeed, any Brexit. The second is the rights in which there currently are deficiencies even in advance of Brexit. I have given two examples of that in respect of naturalisation and visas, but other absences have been clearly identified. There is a view that a bill of rights would be of significant assistance in that regard, but it requires legislative change in the South as well. We will consider if there is any way we can table amendments in the Seanad. However, there was a commitment in the context of Brexit not to leave northern citizens behind again. To be true to that, the Government must accept, and I hope the Minister will accept, that there is a need for legislative change to validate and affirm the rights of citizens living in the North. I hope that will be progressed in short order, and I ask the Minister to do that. It is what is required to be consistent with the commitment not to leave northern citizens behind.

Regarding the responses to the amendments, I will respond first on the additional considerations. I do not believe they are restrictive by any means. They take a further set of grounds into consideration as well as the others that exist, including inhuman and degrading treatment, as Deputy O’Callaghan outlined. They are necessary and are in line with developments in the last seven or eight years in the major conventions, such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination Against Women, and with what the UN is saying. These would not have necessarily been part of standard jurisprudence before that. They are emerging areas and I am not sure Irish legislation has kept up to date with that. I believe we should and I will press the amendment.

With regard to heightened consideration, we already give heightened consideration to people in different circumstances. We put a heightened consideration for children into the Constitution. In many respects we give heightened consideration to people in vulnerable circumstances, people who might have a disability and so forth. We regularly give heightened consideration to people depending on their circumstances, and it is entirely appropriate. If we are going to send a child out of Ireland because the child did not qualify under the *non-refoulement* test that currently exists, it is entirely appropriate to say that we wish to take a heightened look at the case and to consider it very seriously before sending the child back to what might be an extremely hostile environment. There is nothing unreasonable or inconsistent in requiring a heightened consideration where a child is involved, based on the child’s best interests.

Deputy Charles Flanagan: I stress to Deputy Ó Laoghaire that we are dealing with this legislation solely in respect of the consequences of a crash out or a no-deal Brexit. We are looking at putting together a comprehensive contingency plan for that scenario. From the outset of the contingency planning, the need to ensure the protection of the citizenship provisions of the Good Friday Agreement was clear to the Government throughout the process. Indeed, that was not just a priority objective of the Irish Government but also an objective of the European Union as a whole. It is important to acknowledge that.

I am not sure of the extent to which amending Irish citizenship laws can have the desired effect that Deputy Ó Laoghaire believes is possible. I am not sure of the extent to which we can legislate in respect of part of the United Kingdom. I would prefer to continue the process of dialogue, North-South and east-west, that has been expressly arranged under the Good Friday Agreement and to continue the engagement between the European Union and the United Kingdom to ensure that access to all the rights and benefits of the European Union will be preserved for the people of Northern Ireland. That is a far more positive means of achieving that objec-

tive than by attempting to legislate or changing our legislation. It is an almost unique position for the European Union to have a body of people who will be EU citizens not living within the European Union. Perhaps there is a similar situation in parts of Moldova as far as Romania is concerned. In any event, the Government is particularly conscious of this matter, and whether it is a no-deal, hard-deal or soft Brexit, Irish citizens living in Northern Ireland will continue to be European Union citizens.

I will not accept the amendments for the reasons stated earlier. I would be happy to pursue the important issues raised regarding citizenship, but they are not particularly relevant to this legislation nor can they be dealt with satisfactorily in this legislation. However, they certainly can be dealt with through the process already arranged in the Good Friday Agreement and consequent agreements. Regardless of what happens regarding the form and scope of the withdrawal of the UK from the European Union, we will continue to engage in a way that is fully protective of our citizens.

Amendment put and declared lost.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 57:

In page 68, line 28, after “punishment” to insert the following:

“, flagrant denial of a fair trial, serious forms of sexual and gender-based violence and/or female genital mutilation”.

Amendment put and declared lost.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 58:

In page 68, between lines 28 and 29, to insert the following:

“(2) The Minister shall give heightened consideration to children in the context of non-refoulement, whereby actions of the State must be taken in accordance with the best interests of the child, a child should not be returned if such return would result in the violation of their fundamental human rights.”.

Amendment put:

<i>The Committee divided: Tá, 33; Níl, 83; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>	
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Brassil, John.</i>	
<i>Burton, Joan.</i>	<i>Breathnach, Declan.</i>	
<i>Cullinane, David.</i>	<i>Breen, Pat.</i>	
<i>Doherty, Pearse.</i>	<i>Brophy, Colm.</i>	
<i>Ellis, Dessie.</i>	<i>Browne, James.</i>	
<i>Funchion, Kathleen.</i>	<i>Bruton, Richard.</i>	
<i>Howlin, Brendan.</i>	<i>Burke, Peter.</i>	
<i>Kelly, Alan.</i>	<i>Butler, Mary.</i>	

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<i>Kenny, Gino.</i>	<i>Byrne, Catherine.</i>	
<i>Kenny, Martin.</i>	<i>Cahill, Jackie.</i>	
<i>Martin, Catherine.</i>	<i>Calleary, Dara.</i>	
<i>Mitchell, Denise.</i>	<i>Cannon, Ciarán.</i>	
<i>Munster, Imelda.</i>	<i>Carey, Joe.</i>	
<i>Murphy, Catherine.</i>	<i>Casey, Pat.</i>	
<i>O'Brien, Jonathan.</i>	<i>Cassells, Shane.</i>	
<i>O'Reilly, Louise.</i>	<i>Chambers, Jack.</i>	
<i>O'Sullivan, Jan.</i>	<i>Chambers, Lisa.</i>	
<i>Ó Broin, Eoin.</i>	<i>Collins, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Collins, Niall.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Penrose, Willie.</i>	<i>Coveney, Simon.</i>	
<i>Pringle, Thomas.</i>	<i>Cowen, Barry.</i>	
<i>Quinlivan, Maurice.</i>	<i>D'Arcy, Michael.</i>	
<i>Ryan, Brendan.</i>	<i>Daly, Jim.</i>	
<i>Ryan, Eamon.</i>	<i>Deasy, John.</i>	
<i>Sherlock, Sean.</i>	<i>Doherty, Regina.</i>	
<i>Shortall, Róisín.</i>	<i>Donnelly, Stephen S.</i>	
<i>Smith, Bríd.</i>	<i>Donohoe, Paschal.</i>	
<i>Stanley, Brian.</i>	<i>Dooley, Timmy.</i>	
<i>Wallace, Mick.</i>	<i>Doyle, Andrew.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzmaurice, Michael.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Grealish, Noel.</i>	
	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Martin, Micheál.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	

Dáil Éireann

	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Donnchadh Ó Laoghaire and Pat Buckley; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Section 88 agreed to.

Sections 89 to 91, inclusive, agreed to.

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NEW SECTIONS

An Leas-Cheann Comhairle: Amendments Nos. 59 to 67, inclusive, which insert new sections, were proposed by Sinn Féin. They have been ruled out of order because they are not relevant to the provisions of the Bill.

Deputy David Cullinane: I would like to speak on the amendments.

An Leas-Cheann Comhairle: All of the debate has been orderly thus far and I do not wish to create acrimony at this stage. I will allow a short intervention.

Deputy David Cullinane: I signalled to the Tánaiste that I would raise these issues and he accepted.

I accept that the amendment proposed to insert a new section and the Leas-Cheann Comhairle's ruling in that regard. I wish only to make a short intervention about important issues that we sought to include in the Bill by amending and strengthening it. We had a number of engagements with the Tánaiste and his officials. Deputies across the House have been supportive of the passage of the Bill, as demonstrated by the fact that we have almost finished. Nobody has sought to delay the Bill in any way. The Bills Office grouped the amendments into this new section 92. That was not our doing. The amendments deal with substantial issues that go to the heart of many of the difficulties which will impact on Ireland in the event of a hard crash. They impact deeply for the people that we represent, North and South, especially in the North but also in the Border counties. We tabled an amendment that would put a responsibility on the Irish Government to establish an all-island forum on preparing for Irish unity and that that forum would sit for a period prescribed by the Minister with people appointed by the Minister. That body would report to the Dáil and allow the Dáil to formulate a White Paper on Irish unity.

A comment was made by the leader of the SDLP, who said there would be a cold place in hell for people who call for a Border poll but do not have any idea of what that united Ireland would look like. That was disingenuous, given that we have been screaming from the rooftops at successive Irish Governments for years to plan for Irish unity. We called for the establishment of an Oireachtas committee to deal with it. We now call for this forum and we have called on the Government to bring forward a White Paper. The purpose of the White Paper is to do precisely that. It is to outline the steps necessary to bring about Irish unity in a Border poll.

All of this is in the context of a hard crash. If there is a hard crash out of the European Union by Britain, that means the North coming out of the European Union as was acknowledged earlier. That raises serious questions about their rights as European citizens but it also raises serious issues for the Border. We would have a European frontier on the island of Ireland, with the North out of the customs union and Single Market, yet there are no provisions in this Bill and we do not expect this Bill to deal with these issues. Of course it could not. There is no provision even to deal with the most logical outcome to make sure that we avoid any hardening of the Border, that is to end the Border and partition once and for all. All of the opinion polls in the North and the South show that, in the context of a hard Brexit, a majority of people in the North and South would vote for a united Ireland. I appeal to the Minister to be cognisant of that and to understand where people in the North are coming from.

Another amendment which was ruled out of order and which is important to people in the North is that, while they will have certain protections afforded to them as a consequence of the common travel area and from this omnibus Bill, they will not have political representation. It

is no good for Fine Gael to say that it will put forward a candidate from the North and that that person will represent people in the North.

An Leas-Cheann Comhairle: I thank Deputy Cullinane.

Deputy David Cullinane: This is relevant to the Bill from our perspective. We sought to strengthen the Bill.

An Leas-Cheann Comhairle: I do not doubt the Deputy's intentions.

Deputy David Cullinane: With respect, we have not filibustered or taken up any additional time that is not warranted. I feel it is important for me to put these issues on the record because they are important to the people who we represent. They will be without political representation in the European Parliament. That includes unionists as much as nationalists. A majority of people in the North voted to stay in the European Union and it was a dereliction of duty and responsibility by the Irish Government not to make any attempt to provide for the political rights of citizens in the North. They will end up in a situation where even if the withdrawal agreement goes through, as we hope, and the backstop comes into play, they will be in the customs union and Single Market for all intents and purposes, but they will not have any ability to impact those rules. We believe that is unfair.

An Leas-Cheann Comhairle: I know we are out of order but does the Tánaiste want to make a brief speech?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): In the spirit of how this legislation has progressed, I would like to respond to the issues outlined. There is a difference of approach in the context of calls for a Border poll between the Government and a number of parties in this House, and the approach that Sinn Féin has taken. We need to recognise that people's aspirations for the future, for this island, for relationships North and South and for constitutional change are all legitimate. That is politics and it is catered for comprehensively in the Good Friday Agreement with regard to how decisions may be made in the future and the process that would trigger that.

I have spoken on many occasions, as have the Minister of State, Deputy McEntee, the Taoiseach, and others, about the enormity of the issues we are trying to deal with and that we are trying to protect and maintain the *status quo* as well as we can with regard to rebuilding institutions linked to the Good Friday Agreement, functioning devolved government and functioning North-South co-operation. Brexit has had an extraordinary polarising effect on political parties and communities in Northern Ireland. I attended a reconciliation conference in the national convention centre yesterday and we were reminded of that. To put the setting up of a forum on national unity into the mix at this time as a response to Brexit moves us away from where we need to be, which is to try to find accommodation of each other and to reassure people of all backgrounds and identity in Northern Ireland that what we are trying to do through Brexit is to protect the peace agreement and what has been hard-won over the last 21 years, and to find a way to get functioning government and political decision-making in Northern Ireland. That is not to dismiss people's legitimate aspirations for the future, whether unionists, nationalists or something else.

I do not think introducing a legal requirement for the Government to set up an all-Ireland forum to prepare for Irish unity in the context of the challenges we are facing this week, next week and for the next number of months is either helpful or sensible. While this amendment

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has been ruled out, which is nothing to do with me, if it had not been ruled out, I could not have recommended accepting it.

With regard to representation in the European Parliament, one reason why my party has asked Mark Durkan to stand for us is to try to ensure that there is a perspective from Northern Ireland in the European Parliament.

Deputy David Cullinane: There are three Sinn Féin MEPs.

Deputy Simon Coveney: This should not be party political.

Deputy David Cullinane: The Minister is making it party political.

Deputy Simon Coveney: I am not making it party political.

Deputy David Cullinane: The Minister mentioned-----

An Ceann Comhairle: Please let the Tánaiste finish.

Deputy Brendan Howlin: This is all out of order.

Deputy Simon Coveney: It is all out of order but I said I would respond briefly to it. We have looked at ways in which we could potentially think about representation in the European Parliament. When a country is an accession country, in the lead-in to joining the European Union, it often has observer status in the European Parliament. We have looked at that issue. I have raised it at Cabinet and elsewhere. There are real practical difficulties in doing what the Deputy is proposing, which is to set up a constituency for Northern Ireland, because Northern Ireland will be outside of the European Union. Whether one attaches voting rights to EU citizens, that is Irish citizens, and not British citizens, is something that the Deputy would have to think about very carefully with regard to consistency with the Good Friday Agreement and the principles of non-discrimination and so on in it. This is not an easy issue to resolve and we should not pretend that it is. I do not think that this legislation is the place for it.

While I am on my feet, I will say that this all relates to Part 15 of the Bill. Part 15 is very different to the rest of the Bill. The other 14 Parts are essentially about triggering a legislative response to a no-deal Brexit, should that happen. Part 15 is the opposite. It is about ensuring that if there is a withdrawal agreement, Part 15 would be commenced, which would effectively consider the United Kingdom as a member state for all intents and purposes for the transition period in the withdrawal agreement.

It will initially be a two-year period, unless the United Kingdom asks for an extension of one or two years, should it be needed. It is important to maintain the *status quo* through the transition period to effectively consider the United Kingdom as a member state in terms of its treatment and consistency with EU directives, rules and regulations, for everything from trade to standards and so many other areas. That is what Part 15 does. It is the only section of the Bill that will actually take effect and be commenced if there is a deal. If there is no deal, the rest of the Bill will apply. There are no amendments to Part 15 that are in order.

Amendments Nos. 59 to 67, inclusive, not moved.

An Ceann Comhairle: I am not going to allow a debate on amendments that are not in

order. On Fifth Stage I will be more than happy to hear a contribution from anyone who wants to contribute. Amendments Nos. 68 to 74, inclusive, have been ruled out of order.

Amendments Nos. 68 to 74, inclusive, not moved.

Title agreed to.

Bill reported with amendments and received for final consideration.

Question proposed “That the Bill do now pass”.

Deputy Lisa Chambers: The process has moved more quickly than we had anticipated, which shows the strong co-operation across the House, including from Fianna Fáil. We have been constructive and reasonable the entire way through, but I remain critical of the time allocated for the process. We would have liked to have had more time to consider the Bill in advance of the process beginning. It has put pressure on to have amendments made quickly because there are just 24 days to go to Brexit.

The Bill does not cover every issue that needs to be covered. I appreciate that not everything can be legislated for and that some issues will be dealt with through statutory instruments. We await more details of what will be done through secondary legislation.

In the wider context of Brexit it was disappointing to hear yesterday that there had been no breakthrough in Brussels between the UK team and Michel Barnier and his team. My understanding is much will hinge on the advice the UK Attorney General, Mr. Geoffrey Cox, may give to Parliament in the coming days. He has made it clear that he will not change his advice of last November that the withdrawal treaty, as drafted, will trap the United Kingdom in the backstop. That is not the intention, but nonetheless that was his advice which he was forced to publish. If he does amend it, I understand it will be published. If it is published and amended to the extent that the backstop is temporary, we will have to react to and assess it when it happens. The phrase about the need for the sun, moon and stars to line up comes to mind when we see the task ahead of the British Prime Minister in that there appears to be a reliance on the Attorney General’s advice changing to a significant degree that will allow the backstop to be seen to be temporary. That will allow some hardline Brexiteers to come on board, with perhaps the Democratic Unionist Party and some Labour Party members, which together might facilitate the passage and ratification of the withdrawal treaty which they negotiated.

We, on this side of the House, want to see a deal done. We are very concerned that there are just 24 days to go and a deal has not been ratified. The legislation passing through the House will go before the Seanad next week is positive. That is because of all the work done across the House by every political party, with the exception of Solidarity and People Before Profit. Every other party and Independent Member has done what it, he or she can to get the legislation through and should be commended on the work done in that regard. I commend all of the civil servants and the Minister’s team, including those in the Department of Foreign Affairs and Trade, who have worked extremely hard to bring the Bill to this point. If there is a crash-out Brexit and no deal on 30 March, we are not prepared for it. The situation will be calamitous and there will be a direct hit on business, farming, supply chains, the price of sterling and peace and stability on the island. There is a lot of work to be done. The Bill is only one of many elements in the preparations the Minister who is leading for the Government on this issue needs to do to prepare the country for the worst possible impact of Brexit. There will be no shortage of support on this side of the House for whatever the country needs to do to get ready for it.

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Our minds are on the negotiations in Brussels. We await the legal advice that may come from the United Kingdom with anticipation to see what the additional offerings from the European Union may look like and what status they may be given. In that regard, my party will assess developments as and when they occur. I thank the Ceann Comhairle for giving me the opportunity to address the House at this important juncture of the Brexit process. It is only the beginning of what we need to do. I urge the Minister to step up preparations, particularly for business and farming, because we are not as prepared as we should be.

Deputy David Cullinane: I commend the Minister and officials in a range of Departments on the various briefings they provided for Oireachtas Members. They were very helpful in enabling us to speak to the Bill and in progressing it through the Dáil.

I want to register with the Ceann Comhairle our disappointment at the fact that many of our amendments were ruled out of order. Many of my colleagues have expressed that dissatisfaction to the Ceann Comhairle and we will take up the matter further with his office. We believed some of the amendments were in order. I know that it is the Ceann Comhairle's ruling, but this is the place where we record our views on the matter.

An Ceann Comhairle: I would welcome a response from the Deputy's party setting out the reasons the amendments should not have been ruled out of order. I look forward to receiving it.

Deputy David Cullinane: My understanding is that it was done, but if it was not, it will be as we want to table amendments that will be in order in the Seanad next week.

An Ceann Comhairle: I look forward to receiving the report.

Deputy David Cullinane: We look forward to furnishing the Ceann Comhairle with that information.

We are 24 days from D-Day. Two years ago when the negotiations started, nobody expected us to be signing off on emergency legislation that we hope will never come into effect. I still think a crash-out Brexit is the least likely outcome, but it is a possibility that would have devastating consequences for the island of Ireland. I hope there will be something better and that we can arrive at an arrangement with Britain under which it can stay as much as possible in the customs union and the Single Market. We have always said that is the best way to resolve the issues for Ireland. It would prevent a land border and a border in the Irish Sea. That is the best way to protect the interests of people in Britain and Ireland, but that is now a matter for the British Prime Minister in considering her red lines. We sought to strengthen the Bill, but many of our amendments were ruled out of order. I do not believe enough has been done to support businesses. While many of the provisions in this Bill are necessary, they do not go far enough. Much more needs to be done. The EU needs to do more to ease state aid rules. Bespoke solutions are needed. The EU should make additional funding available to address the real and unique challenges the Irish economy will face as a consequence of Brexit.

It is not unreasonable to plan for a united Ireland at any time. It is reasonable to plan for it and to set about the challenges and opportunities it presents. I dispute the Tánaiste's assertion that it is unreasonable at any time to plan for Irish unity. I agree that dealing with the issue of political representation for people in the North in the European Parliament is complicated. Brexit is complicated as well. It has presented challenges which have been overcome. The negotiation of the withdrawal agreement was complicated. All of these issues are complicated, but they can be worked out and resolved if the political will exists. It strikes me that the po-

litical will to deal satisfactorily with the political rights of citizens in the North does not exist within the Irish Government.

We have supported the passage of this Bill. It will move into the Seanad. We will co-operate in the same way in the Seanad that we have done in this House. This legislation represents no more than the bare bones of what is necessary. Let us hope that this Bill never has to come into effect, and let us hope we get a better solution that leads to a softer Brexit, which would be better for the people of Ireland and, I would argue, better for the people of Britain.

Deputy Brendan Howlin: I welcome the opportunity to say a few words on Fifth Stage. Most of us expected Fifth Stage to be reached much later in the evening, if it was reached at all today. That it has been reached now underscores the extent of co-operation and preparation in advance of the presentation of this Bill. We hope this legislation is comprehensive. I love the acronym “BOB” that has been coined to describe the Brexit omnibus Bill. We hope that as an omnibus Bill, it captures all the issues that might arise in the event of a hard Brexit. We all hope there will not be a need to face the implications for the nation, and indeed for the island of Ireland and the EU as a whole, of a disorderly UK departure.

For more than four decades, the UK’s relationship with the EU has bound it intrinsically into the legal structure of the Union. During the referendum, people advocated the notion that it would be simple to bring this relationship to an end, as if it were like leaving some sort of club. We have not yet foreseen all of the extraordinary difficulties that will, regardless of the eventual outcome of this process, ultimately be caused by the UK’s decision to extricate itself from everything that has been completely integrated for more than four decades, including trade, business, finance, laws and environmental controls. I have no doubt that we will have to revisit issues that we thought we had agreed on and dealt with. Equally, I have no doubt that issues which have not yet occurred to us will arise and need to be addressed.

As the Tánaiste will be aware, I raised two broad issues in the course of the debate on this Bill. The Labour Party did not table any amendments on Committee Stage because, in essence, it did not want to bolt anything onto the Bill. There was nothing fatal in the Bill that, in our judgment, needed to be amended. The first issue I would like to return to is the constitutionality of vesting powers in the Minister for Health to change primary legislation. The Minister has given me very strong assurances, reinforced by the views of the Attorney General, that the idea of this provision is simply to preserve the *status quo*. It is not new. We will see. I hope it is robust.

I will return briefly to a second issue. I have yet to comprehend fully how we will deal with the UK differently in relation to the General Agreement on Trade in Services without being required to give exactly the same treatment to every other non-EU member state that is bound by the same general agreement. As I have said, these things will play out if and when they need to be played out.

I would like to reinforce some questions I put to the Taoiseach this week. I genuinely believe we are now in the endgame of finding the solution that is going to be found to provide for the type of withdrawal from the EU that the UK will have. I do not want to sound alarmist when I say this is a point of heightened peril for us. It is unfortunate, if perhaps inevitable, that the backstop is the issue that is presented as causing the final and insurmountable obstacle to a majority in the House of Commons supporting the negotiated withdrawal agreement. The Attorney General for England and Wales is in Brussels again this week to find a legally binding

way of changing his advices. I do not believe he will compromise himself by giving advices he does not believe. If he is to change his advices, it is self-evident that he will need to have something that he can convince his colleagues in the House of Commons marks a fundamental change. It seems to me that this could be arrived at in a number of ways, most of which have already been ruled out. My understanding is that everybody, including the British, agrees and understands that there can be no change in the withdrawal agreement itself. That is a closed shop. I had thought there might be some amendment to the political declaration, but I now understand that is not the way. Perhaps the Tánaiste can advise us on that.

What other means are there? There was speculation yesterday that there could be a new arbitration system. If Britain determines at some stage after the triggering of the backstop agreement that it wants to withdraw, is it envisaged that some third party arbitration will take place? If so, I do not understand the impact it would have. Would it diminish the bulletproof guarantees we currently have?

The final way of doing this would be the way we dealt with the post-Lisbon treaty situation, when a declaration was made by the Council of Ministers and the legal services of the Council determined that the declaration had legal validity. In our case, it was subsequently added as a protocol to the Lisbon treaty. Obviously, that had legal certainty. If the avenue that is sought is a legally binding declaration, without question it will undermine the robustness of our guarantee. I have not yet got my mind around how Mr. Cox is to be satisfied without weakening the guarantee that cannot be weakened. I would welcome an answer to that question. I understand that the Tánaiste probably does not know the full answer to it. Perhaps he will give his understanding of where the negotiations are at. I read yesterday that they have returned to the tunnel, which is always a worry. There is a code of silence around these discussions. It is too important, sensitive and critical to our well-being and that of our people on the island of Ireland for it to remain in some Brussels tunnel. I would like to hear more on this.

The Bill we have been dealing with in recent days is a legislative response, insofar as such a response can be crafted, to a disorderly withdrawal of the UK from the EU. As every other Member of the House has strongly underscored, the legislative response is just one arm of the comprehensive response we need to give. I am still very concerned about the level of investment in ports, for example. I have visited Rosslare and I know about the congestion that will be caused there. I am looking at the impact of the minor work to rule that is going on in France today. If the UK landbridge fundamentally breaks down and is so slow as to be unusable for some types of goods, there will be a lack of robust connectivity between Ireland and the Continent. There is an unquestionable concentration of dependency on Dublin Port, through which 90% of the imports and exports of this State are now channelled. All of these things cause me concern, as do other issues like supports to small and medium-sized enterprises and the agriculture sector. I will raise those matters at a different time. I look forward to the speedy passage of the legislation and our further debates as we move towards whatever will happen by the end of the month.

Deputy Richard Boyd Barrett: It does not surprise me that the legislation has moved through the House as quickly as it has. The main purpose of the Bill is not controversial; it is to maintain as fully as possible the *status quo* in the common travel area to avoid disruption. No sane or sensible person in this Chamber would want to cause unnecessary disturbance or massively disrupt the *status quo*, particularly in the areas covered by the Bill such as electricity supply, health, transport and education services, education programmes for students and so on. Who would want to see such disruption? That is why I find Deputy Lisa Chambers' little

barb utterly bizarre. As much as anybody else in this House, we want to avoid disruption and unnecessary arguments. We put forward a few amendments where we thought the legislation could be strengthened, but most of them were ruled out of order. We made a point about our disappointment about this, but we have not slowed the passage of the Bill. It was unnecessary politicking for no good reason. It was disappointing but perhaps not terribly surprising.

I was surprised, as was Deputy Cullinane, about the ruling out of order of some of our amendments. I conveyed our disappointment to the Office of the Ceann Comhairle. The objective of the Bill is to avoid disruption in the event that there is a no-deal Brexit. Our amendments sought to include a firm statement and an assurance that if things were to unravel and there was a no-deal Brexit, something we hope will not happen, we would set down a clear statement that there would be no hard border and that we would not entertain one. In a no-deal scenario we will not entertain pressure from anybody, whether in Britain or the European Union, to erect a border. I still think that amendment should be included. While these are all important issues to be dealt with to maintain the *status quo*, everybody knows that the discussion in the next few weeks will all turn on what will happen if there is no deal and whether there will be a hard border. I am not saying the other matters do not affect people; they are important.

I commend the civil servants and staff of Ministers. Even if the Bill is not politically controversial, it is technically difficult. There was a lot of work put into it and I commend those who did that technical but important work. However, the big issue confronting us is what will happen if there is no deal. We all hope there will be one. In the House and private conversation the Minister has said there will have to be hard conversations. There certainly will. Perhaps he sees it as a necessary tactical negotiating position not to get into that matter too much at this point. However, there are certain things that he needs to say. Pressure will be exerted if that is what transpires eventually. We have to say we are not submitting to that pressure. In the end it is other people's problem if that happens. Whatever issues they may think are important - the Single Market or anything else - they are not as important as peace on this island. It needs to be stated clearly that under no circumstances will we risk that danger.

On the crazy politics that is driving the Tory right and the Brexiteers, the little Englander nationalism, we are very much focused on its English manifestation because it is impacting directly on us. However, we should not imagine that it is a uniquely English phenomenon.

Deputy Brendan Howlin: The Deputy should read *The Irish Times*.

Deputy Richard Boyd Barrett: There is very dangerous growth of that type of politics all across Europe, including within the European Union, and we cannot lay the blame for it on Britain. It is a failing of politics generally in the western world. We have also seen it in the United States. While we have to deal with a very immediate problem and the consequences of Brexit, we should not imagine, whether it resolves itself for the better or worse, that the threat posed by dangerous xenophobic right-wing nationalist politics is going to go away. It is not. It is a serious threat and we need to think about from where it is coming. We must ask what has failed in politics that has led to that type of politics in the first place. I welcome the decision I believe Fine Gael has made to call for Mr. Orbán to be expelled from the European People's Party. We have been advocating this for quite some time. Beyond that, this type of politics is very dangerous and we need to think about from where it is coming. It is not good enough just to condemn it; we also have to ask to what problems it is giving rise.

I do not understand why a couple of things are not being done in the Bill. I do not see why

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we would not deal with the issue of UK driving licences being accepted here. That was the subject of one of our amendments which were ruled out of order.

I think most Members of this House would say they were in favour of a united Ireland, although they would differ on how we would achieve it and when. We are in favour of a Border poll. It is possible to make a purely democratic argument for it, given the possibility that there could be a hard border and how it could change minds. However, it is our view that we will never achieve a united Ireland through a sectarian head count. That is the kind of politics that leads people into entrenchment. Where we can win is by putting forward our common interests, the things that unite people and undercut sectarian division. That is why, in the aftermath of the overwhelming popular power in favour of repeal which was a youth and women-led movement and which, like the movement in favour of marriage equality, has spilt massively into the North, we have proposed that there be a new basis to unite people across the sectarian divisions in the North and the South and elsewhere. Lots of young people from the North came here to canvass for repeal. After the referendum, lots of people from the South were in the North to march for a woman's right to choose. That is why we said it would have been a good idea for the Government to make provision in the Bill or state elsewhere that abortion services provided free in the South would also be provided free for everybody in the North. That would have been a massive gesture in showing real solidarity that could begin to lay the ground for unity. That is part of the bigger political debate on the future of politics on the island.

I welcome the passage of the Bill, but the big questions remain unresolved. It is critical that we say to Britain, the European Union, the World Trade Organisation and anybody else that a hard border will not be tolerated because peace on this island is far too important.

Deputy David Cullinane: Hear, hear.

Deputy Declan Breathnach: As a Border Deputy and a newcomer in this House, little did I think in February 2016 that we would be debating an omnibus Bill on the issue of any country exiting the European Union. It is the catalyst for dramatic change on these islands. I thought it would be important that I contribute to the closing of this debate. I will start where Deputy Lisa Chambers left off, in that I am sure that quite a number of issues have not been debated. I raised particular concerns during the week, but I have no doubt that those concerns will be dealt with by various statutory instruments. People in my constituency are asking questions on this and that point and I encourage the Government to participate in as many bilateral meetings as possible, if necessary before exit day. If further legislation is required I am sure it will come before this House.

I commend not only the preparatory work undertaken by officials and others, and the co-operation of political parties in this House in terms of the delivery of this omnibus Bill, but indeed the whole process itself. Regardless of what political party one is involved with or what involvement people had through the process, whether involvement in the civil dialogue or the break-out sessions, we did not take our hands from the tiller. We might criticise the level of preparedness or the level of debate or engagement but we did not lose track, unlike many others who thought that this issue was going to go away. Whether there will be a D-day, decision day, exit day or May day, I still say we should beware the Ides of March. The public are fed up listening to us talking about Brexit. They do not realise we might end up with two different time zones, as has been mentioned in recent days. There could be a 4% to 6% reduction in GDP, together with an increase in consumer prices of up to 30%. The public will know then why we have spent so much time talking about Brexit.

We have been engaged in a game of who will blink first, or Russian roulette. I am reminded of the Kenny Rogers song, as some people are “on a train bound for nowhere”, and there comes a time when people need to know when to fold and to hold. These islands will be on a backwards trajectory unless people come to their senses. In my view, the natives of the Border area are growing restless, and many of the reports in recent days suggest we could go back to the bad old days.

There has been a lot of debate about the green card. I am old enough to remember that this was not just about having car insurance. People talk about the common travel area but I remember when it was not a case of one’s car being insured but was a question of whether one would be able to bring one’s car or lorry back, where one had to have one’s vehicle bonded upon leaving the jurisdiction. I am too long in the tooth and I remember what it was like in the bad old days for our economy - I am not referring to the Troubles - and it is time that people come to the realisation in all Houses, be they North, South, east or west, that these islands need to work collaboratively and to take a step back from that ultimate brink.

We should not have spent the last two years talking about “no deal preparation”, or NDP, but rather about the NDP that is the national development plan and how it will have an impact in this country into the future. While we may not have wasted two and a half years, we certainly have not been debating the issues that the people believe are more important than the Brexit debates we have had. These debates have not got down into the nitty-gritty involved, and probably will not until we reach the cliff edge.

Deputy Bernard J. Durkan: We did not seek this legislation but we have to enact it. Like other speakers I congratulate all the Members of this House who made a solid contribution to the united stance the Irish Government took on this issue. We did not waver once or change tack. We stuck to the issue; there was no alternative. Once alternatives are created one begins to lose ground, and once that ground is lost, more concessions are inevitable, until one is in a place one does not want to be. I congratulate the Taoiseach, the Tánaiste, the Ministers of State and the officials involved, as well as the leaders and members of the opposition parties.

This is a sad event, which cannot improve the situation that prevailed heretofore. Deputy Boyd Barrett referred to a failure of politics. Politics has not failed. People get impatient with it, as they get impatient with democracy. This is not the first time this has happened. For 30 years we heard that politics had failed in Northern Ireland. It failed because it had been pushed to one side and different methods were introduced that were not beneficial to the country, democracy or peace. The same happens elsewhere in the world. This is not the first time we have seen swings to the hard right or the hard left. Both sides have come together in common cause, and it did not benefit the world at large either. Whenever that happens, there is always a cause. In the past it has happened as a result of economic unrest, when people wish to point the finger of blame at someone. The most recent occasion on which that happened was the Second World War. Free-thinking, decent, honest and constructive people turned around and pointed the finger of blame at their neighbours, blamed them for what was happening and decided to punish them. It was done in such a dramatic way that the world will never forget it. We should always remember that 70 million people were annihilated as a result of those antics. When it was all over, from the ashes the European leaders of the time vowed that it would never happen again, and set about creating the European Coal and Steel Community, the European Economic Community, and the European Union. Those leaders did well; to do so in that environment at that particular time took a great deal of hope and perseverance and required a great deal of confidence in the future. Those leaders are well known, and we remember them. They put in

place the foundations for modern Europe, and did it extremely well.

New people have come along and said that they disagree with how things are. They have decided they want to go back to the old days. I asked recently what old days they are talking about. I presume they are referring to the first half of the 20th century, which was marked by those infamous wars. Is that something we should aspire to return to? The common cause that people reached at that time was to kill one another. I do not think we should go there, I do not think we will and I sincerely hope we do not.

Nigel Farage has been a major architect of this debate since the very beginning. He sneaked in after the Battle of Agincourt, and I believe he changed sides. He has been working steadily since. Britain, Europe and Ireland have inherited something from that man that is not in any way constructive or useful. We certainly cannot build the future of Europe on it, or the future of Ireland.

Like the Tánaiste I am strongly of the opinion that now is not the time to have a debate about a united Ireland. Deputy Boyd Barrett touched on this briefly. We cannot coerce people to unite. An island cannot be coerced into uniting.

Deputy David Cullinane: We are talking about a vote. We are not coercing anyone.

Deputy Bernard J. Durkan: If the people themselves, of their own volition, as it says in the Good Friday Agreement, come to that conclusion we must strongly support it. We all will. I understand where Deputy Cullinane is coming from, but I do not agree with it. For the past 20 years we had, in effect, a people who were united in spirit and in common cause. The people North and South on this island could travel any way they wanted - across the water or North and South. They could do business any way they wanted and did so to the benefit of the island North and South in a way that has never been known to happen since 1798, which was about the last time that happened.

We should have learned a great lesson from that. As my colleague across the way would say, there is a time when one has to hold it and fold it. Sometimes one has to walk away, but in this case we are not going to run.

Deputy David Cullinane: Sometimes sit down.

Deputy Bernard J. Durkan: From the experiences of our history and the dialogue that has been ongoing for the past two years, along with the work carried out by the Ministers and by the leaders of the Opposition, a new foundation has been laid. In a difficult time a recognition has been set down among the people of this island North and South that dialogue is better than confrontation. I have no doubt it will eventually prevail with the co-operation, help, support and confidence of all the people of this island. That is particularly important to the business sector, North and South. Over recent years the two parts of this island have become to a great extent dependent on each other. Any intervention in that area will not make it easy for populations on both sides. It will not make it easy for the economic performance on either side.

I hope that the British people will come to the conclusion that what we had for the past 60 years or so in terms of European unity with peace and harmony is a hell of a lot better than anything that will be achieved otherwise. I hope they will have an opportunity to vote again. The previous referendum was non-binding, but the degree to which the result has been adhered to in the meantime, one would think it was binding. However, it was a non-binding referendum,

as referendums there are.

Obviously the politicians who supported that position at the time - I will not go back to my friend, Nigel Farage, again - do not want to have a second referendum because unless they got the same decision a second time, they will look very poor in light of things that are unfolding. If a second referendum is held, I see nothing that would convince me other than that the decision would be reversed. Many business people, investors and people whose jobs are in jeopardy are now talking in a way they did not previously. They have information they did not have at the time of the original referendum. I hope that happens and the European people can travel in the same direction in the firm belief that nothing strange will happen to upset the harmony that has been developed in very difficult circumstances over a long number of years.

There was virtually a 30-year war on this island. The Good Friday Agreement brought that to a conclusion. It took a considerable amount of time and effort on the part of many people to come to the conclusion that was then signed up to by the international community, the British Government, the United States, the EU, the UN and every other body of consequence on the globe. To walk away from something like that and to pretend it never happened would be a colossal mistake.

An Ceann Comhairle: Before calling on the Minister of State, Deputy McEntee, to make her closing remarks, I wish to respond very briefly to the points made by Deputies Cullinane and Boyd Barrett in respect of the amendments that were ruled out of order. The amendments that were ruled out - in excess of 30 - were considered carefully, as all amendments to all legislation are considered in the context of the constraints placed on us by the Constitution and the Standing Orders of this House. They were considered at the highest level of this organisation. If either of the Deputies continues to have a concern about any one of those amendments, I ask him to write to me setting out those concerns pointing out where we were wrong in ruling them out of order.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I am grateful for the opportunity to comment on the Final Stage of the Bill. Unfortunately, I was not here last week when it was introduced and went through Second Stage. So much of what we have achieved in these negotiations has been due to the absolute support of our member state colleagues in the European Union. I therefore did not think it was appropriate to cancel my visit to meet foreign and European ministers in Lithuania and Latvia. I reassure colleagues that support from the Nordic, Baltic and all member states is as strong as it was two and a half years ago when this process started.

I regret that we are here discussing this legislation. In saying that, I thank all the Deputies, as have the Tánaiste and many others, for their support and co-operation. We have clearly shown as a Parliament that while we might have our political differences in outlooks and opinions, we can come together to represent the people on this island and ensure that their rights, businesses and livelihoods and the peace on this island can be and will be protected. We have shown that clearly through the passage of this legislation as quickly as we have. I have no doubt it will go through the Seanad just as quickly.

I thank the officials from our Department and all the Departments. This has entailed a colossal amount of work. Despite comments that we did not introduce this and work on it as soon as we should have, this has been a body of work in the making for more than two years, involving a considerable amount of outreach in our Department engaging with State agencies and also

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with individuals and sectors across the board. A large amount of work has gone into this for some time. It would have been premature to introduce it before this stage because our primary focus has always been to ensure we had an orderly withdrawal of the UK from the European Union, and that remains our focus.

As the Tánaiste rightly said when introducing this legislation, we hope it will sit on the shelf and never need to be used. Irrespective of that, irrespective of the outcome of the next couple of weeks, and irrespective of whether we have a deal, which we hope we will, Brexit means change. The UK will become a third country in terms of trade, customs or otherwise. It is incumbent on everybody to look at how it might impact on their lives, their businesses, their livelihoods and their industries. For those who have not engaged at this stage I again reassure them that the support, information and funding are available and the Government will continue to work with them to ensure they are impacted as little as possible irrespective of the outcome.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I thank the Opposition parties in particular for their co-operation and assistance, not just in the past couple of days but since early January when we carried out briefings on the heads of the Bill. People have been very receptive and have shown willingness at an early stage to work with me, the Minister of State, Deputy McEntee, and others to get this done on time. I am sure we will have similar co-operation next week.

People will rightly ask the hard questions and seek explanations as to why we are taking the approach we are. All parties regardless of background or political perspective have recognised that this is an important safety net for Irish people in the context of something we do not expect will happen but for which we must prepare just in case.

We will know much more this time next week. There will be a meaningful vote in the British House of Commons on Tuesday. It is too early to be in any way optimistic yet. The negotiations have been difficult and have not gone especially well in Brussels yet, but I suspect there will be pretty intensive negotiations through the weekend - I certainly hope so - to try to put together a package that can be persuasive in Westminster but at the same time not undermine the core meaning of the withdrawal agreement, particularly from an Irish perspective given the Irish protocol and the backstop. The Government's and the EU's perspective on that is very clear on the parameters within which reassurance and clarification can be provided.

I also thank the Ceann Comhairle and his team. We have put everybody under pressure with the pace at which this legislation needs to move through the House. Most importantly, I want to thank our own team, and Ms Alma Ní Choigligh and Ms Aingeal O'Donoghue in particular, who have led on this. They have co-ordinated with many other Departments, which also have been hugely helpful. I think the political system in this House, and indeed in the Seanad, has shown that when there is an issue of national import, we can come together to get something substantive done. That is what we are doing this week and will do again next week.

Deputy Howlin mentioned the term that is used in Brussels now when they want to hunker down and keep the media and others out of this conversation, which is that they go into a tunnel. I believe we probably will see a version of a tunnel in the next few days. I think that is necessary, incidentally, as this issue will not be resolved through a debate in the media. This issue will be resolved by professional negotiating teams finding a sensible way forward that both sides can live with, that does not undermine the deal that is already on the table but which at the

same time provides reassurance and clarification for which many in Westminster are looking. I hope that can be done but it is too early to be optimistic. The message I would give to those outside of this House is that the Government is preparing, and is in fact accelerating, its preparations for a no-deal, just in case. Everybody else should be doing the same.

The assumption that all will be okay next week is not an assumption that I believe should be a basis for moving away from trying to be as prepared as we can be over the next 23 days, should the unthinkable happen and Britain crash out without a deal. I think it is unlikely that this will happen but it is possible. While it is possible, we need to be alert to the preparations that are needed to protect Irish people and Irish businesses in that context. I thank everybody and I look forward to being in the Seanad next week to finish the job of finalising the passage of this legislation through the Houses.

Question put and agreed to.

The Dáil adjourned at 3.50 p.m. until 10.30 a.m. on Thursday, 7 March 2019.