



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Ceisteanna - Questions . . . . .	2
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions . . . . .	2
Mental Health Services . . . . .	2
Hospital Overcrowding . . . . .	4
Hospital Consultant Contracts . . . . .	6
Cannabis for Medicinal Use . . . . .	8
Trade Union Recognition . . . . .	10
Ceisteanna Eile - Other Questions . . . . .	12
National Children's Hospital Expenditure . . . . .	12
Medicinal Products Reimbursement . . . . .	15
Child and Adolescent Mental Health Services Administration . . . . .	16
Hospital Accommodation Provision . . . . .	19
Child and Adolescent Mental Health Services Staff . . . . .	20
Drug and Alcohol Task Forces . . . . .	23
Mental Health Services . . . . .	24
Hospital Overcrowding . . . . .	26
General Practitioner Services Provision . . . . .	26
Dental Services Provision . . . . .	28
Ceisteanna ó Cheannairí - Leaders' Questions . . . . .	29
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation . . . . .	38
Gnó na Dála - Business of Dáil . . . . .	48
Special Joint Committee on Climate Action: Motion . . . . .	48
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	49
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	49
Schools Building Projects Status . . . . .	49
Respite Care Services Provision . . . . .	52
Commission for Regulation of Utilities . . . . .	55
Business Insurance: Motion [Private Members] . . . . .	57
Period Poverty: Motion . . . . .	88
Message from Select Committee . . . . .	111
Message from Seanad . . . . .	111
Recent Developments on Brexit: Statements . . . . .	111
Independent Clinical Review of Maternity Services at Portlincula University Hospital: Statements (Resumed)	137
Credit Union Restructuring Board (Dissolution) Bill 2019: Second Stage (Resumed) . . . . .	142
Credit Union Restructuring Board (Dissolution) Bill 2019: Referral to Select Committee . . . . .	149

# DÁIL ÉIREANN

*Dé Céadaoin, 13 Márta 2019*

*Wednesday, 13 March 2019*

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

*Paidir.*

*Prayer.*

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## Ceisteanna - Questions

### Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

#### Mental Health Services

1. **Deputy James Browne** asked the Minister for Health his plans to regulate community residences which are providing care to a large cohort of vulnerable persons with long-term mental illness; and if he will make a statement on the matter. [12661/19]

**Deputy James Browne:** I ask the Minister for Health what his plans are to regulate community residences which are providing care to a large cohort of vulnerable persons with long-term mental illness; and if he will make a statement on the matter.

**Minister of State at the Department of Health (Deputy Jim Daly):** The Mental Health Commission was established under the Mental Health Act 2001. The commission's main functions are to promote, encourage and foster high standards and good practices in the delivery of mental health services and to protect the interests of patients who are involuntarily admitted. Accordingly, the Mental Health Act 2001 states that the Inspector of Mental Health Services shall visit and inspect every approved centre at least once in each year, and visit and inspect any other premises where mental health services are being provided as he or she thinks appropriate.

The expert group review of this Act was published in 2015 and work is under way on preparing the general scheme of a Bill to reflect the group's recommendations in revised mental health legislation. A number of proposed changes to the legislation will affect the operation of the commission. Included in these is the recommendation to remove the requirement to inspect each approved centre annually. Instead, there would be a requirement to inspect each approved centre at least once in every three-year period and more often according to targeted risk. This would allow, on a phased basis, the registration and inspection of all community mental health teams and other mental health facilities such as support hostels, crisis or respite houses, other

residential services, day hospitals, day centres and other facilities in which mental health services are provided at the discretion of the Mental Health Commission.

Significant progress has been made in recent months with the aim of finalising the draft heads of the Bill in the coming weeks. The initial draft will then be passed on to the Mental Health Commission for its views. Notwithstanding other legislative pressures on the Oireachtas at the moment, it is anticipated that the mental health (amendment) Bill will then commence its progress through the Oireachtas later this year.

**Deputy James Browne:** I thank the Minister of State. There continues to be great concern about 24-hour staffed community residences which are not regulated but provide care to a large cohort of vulnerable people with long-term mental illnesses. The Mental Health Commission has stated that it takes the view that these residences accommodate too many service users, are often of poor physical infrastructure, and are institutional in nature and lack individual care plans. Regulation of these residences should be prioritised. I am glad to hear it may be dealt with in the coming legislation but, nonetheless, it should have happened before now. As I understand it, the heads of this Bill have been promised every year for the last three years and we still have not seen them.

Over 1,300 vulnerable adults with mental illness were accommodated in community residences that are unregulated, mostly in institutionalised settings. We regularly hear the mantra of the Minister about decongregation but it would appear people will be decongregated from regulated settings into unregulated settings in the community. Rather than decongregation being a situation of empowerment for people with mental illness, it would appear they are being abandoned to these unregulated centres. We saw the scandal at Leas Cross in the past and I am very concerned that similar situations could be allowed to arise in these unregulated mental health services.

**Deputy Jim Daly:** I share the Deputy's concerns. I am anxious to see the Mental Health Commission roll this out as soon as possible. Obviously, we have to get the legislative piece of work done. Regarding the Deputy's comments on the year-on-year promise of the legislation, I have committed that it will be sent to the commission within the next few weeks, and the officials in the Department are very close to finalising it. I do not know how long the commission will have but I would expect the legislative journey will begin later this year and I am very optimistic about that. I am very anxious, as is the Deputy, to ensure every single centre is regulated, is visited and comes under the auspices of the commission.

**Deputy James Browne:** I understand the proposal in the legislation will be to reduce the inspection rate for currently regulated centres from every year to every three years. In Kilkenny recently, there was the first ever prosecution of a mental health service. A report from Mental Health Reform came out this morning which stated that patients using the services of the HSE are seeing a failure to treat patients with dignity, frequent changes of staff and a high focus on medication. I am not sure reducing the levels of inspection for current facilities is the answer to servicing the unregulated facilities. I would rather that this is done in addition and that the necessary resources are put in so that all services are regularly inspected.

**Deputy Jim Daly:** The idea is that every service would be regulated. This is a debate we can have during the passage of the legislation, which will come before these Houses. At the moment, the suggestion is it would be better to have every single premises inspected at least once every three years as opposed to a select number being inspected once a year and others

never being inspected. The best option is to have every premises and centre inspected every three years but that is a debate I am sure we will have as the legislation comes before the House.

**An Leas-Cheann Comhairle:** Question No. 2 is in the name of Deputy O'Reilly and permission has been given to Deputy Quinlivan to take it.

### **Hospital Overcrowding**

2. **Deputy Louise O'Reilly** asked the Minister for Health the way in which he plans to address the overcrowding at University Hospital Limerick; the reason the full capacity protocol is in use at the hospital every day; when the 96-bed extension and 60-bed modular unit will be built and operational; and if he will make a statement on the matter. [12443/19]

**Deputy Maurice Quinlivan:** I assume the Minister for Health, Deputy Harris, is out of the country. Obviously, he should be here. I had thought I would have a chance to speak to him personally about the issue I am about to raise. I have put forward numerous Topical Issue matters and asked numerous priority questions and the Minister has never been in the Chamber to answer them. How does the Government intend to address the chronic overcrowding at University Hospital Limerick? Will the Minister of State outline why the full capacity protocol, which is supposedly an emergency measure, is in use at the hospital every single day? Perhaps the Minister of State will let the citizens of Limerick and the mid-west region know when the 96-bed extension and 60-bed modular unit will be built and operational to ease the severe overcrowding that is now the norm in UHL.

**Deputy Jim Daly:** I offer my apologies for the absence of the Minister for Health, Deputy Harris. I am taking this question and the remaining questions on the Minister's behalf as he is not in the country due to the week that is in it, as Deputies may understand. I will endeavour to answer the questions as best I can on his behalf.

The emergency department in University Hospital Limerick is one of the busiest in the country, with the number of patients attending growing year on year. The full capacity protocol was devised to direct hospital resources towards surges in demand for emergency care, thereby reducing emergency department waiting times. The decision to deploy the full capacity protocol is a matter for local hospital management, in line with the national escalation framework. The HSE advises that the full capacity protocol was deployed in Limerick for 336 days out of 365 in 2018. Limerick was identified as one of nine sites requiring additional investment, focus and supports as part this year's winter plan.

The problem of overcrowding in hospitals requires a full system, patient focused response. Recognising this, the winter plan investment is targeted at both hospital and community services and supports. This includes additional home support packages and transitional care beds to support people to leave hospital and return home.

It is widely agreed that a key part of the solution for Limerick is additional beds. Over the past 18 months, an additional 23 beds have opened in Limerick, including five as part of this year's winter plan. A capital allocation of €2 million has been granted in recent weeks and the HSE advises that this will facilitate the completion of enabling works for the 60-bed modular ward in 2019. In addition, the national development plan includes a 96-bed replacement ward block in Limerick and capital funding was provided in 2018 to progress the design phase of this

project.

**Deputy Maurice Quinlivan:** I have lost count of the number of times I have come into this Chamber to ask the Minister when substantial action will be taken to address the horrendous overcrowding in University Hospital Limerick, yet nothing has been done. The Minister of State indicated that five beds will be opened under the winter plan. That response sums up the lack of respect the Government has for the people of Limerick. The Minister of State is aware that the plan asks for much more than five beds. The situation has severely deteriorated. Limerick citizens are being treated as second class citizens. It is a simple fact that the desperate conditions in UHL, with 50, 60 or 70 people on trolleys every single day, would not be tolerated in other hospitals, for example, in Dublin. There are 60 people on trolleys in University Hospital Limerick as we speak. That is a national disgrace. Limerick is clearly at the bottom of the Government's list of priorities. Limerick people deserve quality healthcare facilities and our doctors and nurses deserve a safe place to work. University Hospital Limerick currently provides neither. The hospital is dangerously overcrowded. A constituent recently described the chaos in the accident and emergency department as being akin to a cattle mart. Will the Minister of State indicate when the Minister last met management of University Hospital Limerick to discuss solutions to this problem? Will he provide a reason for the delay in delivering new beds at the hospital?

**Deputy Jim Daly:** I remind the Deputy that 23 new beds have been opened at the Limerick facility in the past 18 months. There was also a recent announcement of €2 million for enabling works to progress the 60-bed modular unit at the hospital. I will revert to the Deputy with information on when the Minister last met management at UHL.

**Deputy Maurice Quinlivan:** The Minister of State said a number of beds had been opened at UHL. Will he indicate how many beds have been closed at the hospital? I understand a ward was closed which had a similar number of beds to the number that have been opened. As I said, a full capacity protocol is being used every single day. A total of 11,437 sick patients have spent time on trolleys in University Hospital Limerick in the last year. This is the highest figure in the State. As I stated, there are 60 people on trolleys in the hospital today, the highest number in the State, and 34,133 people are on waiting lists at the hospital. Fine Gael has been in government for eight years, during which time the situation at University Hospital Limerick has deteriorated substantially. The number of people on trolleys in University Hospital Limerick increased by 212% between 2011 and 2018.

I put it to the Minister of State that we need additional beds immediately in the form of the 60-bed modular unit and the 96-bed extension. It should not have taken this long. Will the Minister of State ask the Minister to agree to prioritise the fast-tracking of the additional beds that are urgently needed in Limerick?

**Deputy Jim Daly:** We are fast-tracking beds through the allocation in recent weeks of €2 million to facilitate the 60-bed modular unit. The Deputy will be aware there has been a significant increase in the number of presentations at the accident and emergency department in University Hospital Limerick which compounds the difficulties. We have to plan ahead to try to deal with those increases. A whole suite of issues and solutions have to be taken into consideration. It is not simply a matter of providing more beds and capacity, although that is one element. We must also address delayed discharges. We had a report done on that issue at the end of last year and we now have an implementation team set up within the HSE. The terms of reference for the team are being drafted in order that it will address the issue of delayed

discharges and ensure more timely discharge from hospitals. Delayed discharges contribute significantly to overcrowding at University Hospital Limerick and many other hospitals. We also have more proactive measures in Sláintecare to ensure people are treated in their communities and to reduce the numbers of presentations to accident and emergency departments. These protocols, when implemented, will impact on the University Hospital Limerick and other sites throughout the country.

### **Hospital Consultant Contracts**

3. **Deputy Stephen Donnelly** asked the Minister for Health his plans to address the new entrant pay disparity for consultant doctors; the status of new contracts for hospital consultants; the number of meetings he has had on these topics with consultant representative groups (details supplied) in the past 12 months; and if he will make a statement on the matter. [12662/19]

**Deputy Stephen Donnelly:** We have a chronic and urgent issue with the low levels of doctor and consultant numbers. It is leading to the longest waiting lists in the history of the State. More than 500,000 people are waiting to see a consultant and 1 million people are waiting for diagnostic tests, consultant appointments, special needs services and so on. One of the biggest drivers of this is the massive pay disparity between existing consultants and new entrants. Will the Minister of State outline the status for new contracts for hospital consultants? How many meetings has the Minister for Health, Deputy Harris, had on this issue with representatives of doctors and hospital consultants?

**Deputy Jim Daly:** The difference in pay between established consultants and new entrants - those who joined the public health service from 1 October 2012 - has been highlighted extensively by the consultants' representative bodies. My colleague, the Minister for Health, Deputy Harris, met the Irish Medical Organisation, IMO, at its annual general meeting last year when he addressed the issue of new entrant pay. He also met the Irish Hospital Consultant Association, IHCA, last week when the issue was discussed. The Minister has also met members of the representative bodies at various engagements at which the issue was raised. The matter has also been highlighted in meetings involving Department officials, including in the past year.

An increase in the gap between the pay of existing consultants and new entrants was a product of the settlement of the legal dispute surrounding the consultant contract under which it was argued that existing contract holders were due certain pay increases. The Public Service Pay Commission, in its report published on 4 September 2018, identified difficulties in attracting consultant applications for advertised posts and acknowledged that the pay rates for new entrants had been highlighted as a factor in this. Given its analysis, the commission proposed that the parties to the public service stability agreement jointly consider what further measures could be taken, over time, to address the pay differential between pre-existing consultants and new entrant consultants. The Departments of Public Expenditure and Reform and Health have noted the commission's views and consideration will need to be given to potential solutions which are in line with public sector pay policy and available budgets. This will be a significant challenge given the amounts involved.

With regard to the new contracts for hospital consultants, no engagement has taken place with the representative bodies to date. The contract currently available to new entrants is the common 2008 consultant contract.

**Deputy Stephen Donnelly:** That is an appalling situation, for which I blame not the Minister of State, Deputy Daly, but the absentee Minister for Health. Less than one week from St. Patrick's Day, the Minister is active on Twitter but he is not in the Dáil to answer questions. He was not in the Chamber last night for a Private Members' motion on the national children's hospital, nor was he before the Select Committee on Health to take Committee Stage of legislation on the HSE board. The Minister seems to be missing in action, except when it comes to Twitter.

Essentially, the Minister of State has just said there has been no engagement. Ireland is running out of doctors. We have the lowest level of hospital consultants in the OECD. At the same time, we have the highest waiting lists for patients - men, women and children - to see these doctors. These issues are linked. Any doctor thinking of returning from Australia, America or elsewhere will end up earning between €60,000 and €90,000 less than colleagues who have the same experience and may have graduated from the same medical schools. As a result, doctors are not coming back and the Government does not seem to be doing anything about it. Does the Minister of State accept that we now face an urgent crisis in respect of the low number of doctors and consultants in the country? Does he accept that one of the key drivers of that is the massive discrepancy in new-entrant pay? If he accepts those things, why has there been no engagement whatsoever with representative groups to do something about it?

**Deputy Jim Daly:** I confirmed in my reply that the Minister, Deputy Harris, met the representatives of the Irish Hospital Consultants Association last week. It has been accepted that there is a disparity in new-entrant pay for consultants and the Government would like to see it addressed. It has been acknowledged by the Public Service Pay Commission that the disparity is contributing to recruitment issues in the sector. As the Deputy is well aware, however, there is no pot of endless money there. There is also a public sector pay agreement within which we have to keep. We have already addressed the significant issues affecting the pay of consultants, notwithstanding the issue of new entrant consultants. That was an issue the Deputy was rightly making a great deal of noise about in the past. It has been addressed. Nursing pay is a very significant pay bill also. There is no endless pot of money and there is a sectoral agreement that has to be respected and worked within as we advance the issue. We have addressed issues for consultants and nurses and, over time, we will also address this issue. However, it cannot be done as one would flick a light switch. We must continue to work within the parameters of available budgets and the public sector pay agreement. In fact, we are continuing to do so and engaging to achieve it.

**Deputy Stephen Donnelly:** The Minister of State says there is no endless pot of money and I agree. Is it not then extraordinary that €1 billion can be found to build the same hospital? When it comes to certain things, there is an endless pot of money. My calculation is that the switch can be flipped. When our healthcare system is about to explode and half a million people are waiting to see a consultant, it can be done. Flipping that switch would cost approximately €25 million a year by comparison to an additional €1 billion for the children's hospital. The Minister has met the Irish Hospital Consultants Association once. That was last week and after the association had waited a year for the meeting. I am sure the Minister of State saw *The Irish Times* today which featured new research that half of hospital doctors in Ireland are emotionally exhausted and overwhelmed by work. One third are experiencing burnout. We are mistreating, disrespecting, overworking and ignoring our hospital consultants, doctors and nurses. Today is about hospital consultants, of whom we need more. We need them to be able to do the best job they can do. We do not have enough of them and they are becoming burned out, are leaving the country and are not coming back. If the Minister of State does not believe a switch can be

flipped, albeit I do, when does the Government expect to see actual movement to close the gap for new-entrant consultants?

**Deputy Jim Daly:** I am not going to argue with the Deputy but we cannot flip a switch. The Deputy is comparing apples and oranges when he refers to capital and revenue budgets. He says it is €25 million, although I am not certain his figure is correct, to bridge the gap but that is each and every year. The other budget to which he referred is a capital budget for a build which is a one-off cost. They are very different. Further, we have not spent an additional €1 billion on any children's hospital. The Deputy makes the point that we found €1 billion but we have not spent that yet. Be that as it may, while it may not be politically opportune to bring the children's hospital into this, it is also the case that it is not relevant factually. I have explained already to the Deputy that we have made very significant progress on the issues of pay in very challenging times. We have come out of the deepest, most difficult and darkest recession the country has endured in the history of the State and we are only starting to get back on our feet economically. We do not have a magic wand to fix everything. The Deputy can take a sectoral approach and progress and campaign for matters piece by piece. We have to take a helicopter view. That comes with the responsibility of Government. We have to do it within the confines of the public sector pay agreement which we cannot jeopardise. There is only so much capacity within the agreement to deal with these issues. We also have only a finite budget. We are engaging with the relevant people and intend to address the matter when we can.

### **Cannabis for Medicinal Use**

4. **Deputy Gino Kenny** asked the Minister for Health the steps he will take to address the issue of those with a licence to use cannabis medicinally having to travel to the Netherlands regularly to obtain their prescription; if the establishment of a distributive system similar to that in the UK and Northern Ireland (details supplied) will be considered; and if he will make a statement on the matter. [12082/19]

**Deputy Gino Kenny:** I am disappointed the Minister for Health, Deputy Harris, is not here. He seems to be the Scarlet Pimpernel of the Dáil these days. My question relates to the families who have to leave the jurisdiction to fill a medical cannabis prescription in Holland. It is an onerous and unworkable imposition. I await the reply.

**Deputy Jim Daly:** I have already addressed the absence of the Minister for Health who is out of the country. The Minister is working towards the introduction shortly of a cannabis for medical use access programme. While the arrangements to enable this programme to begin are being finalised, it is open to a registered medical practitioner to apply for a ministerial licence under the Misuse of Drugs Act 1977. Such a licence, if granted, enables a practitioner legally to prescribe medical cannabis for a named patient. It is important to note that the decision to prescribe such treatment is a clinical decision for the prescribing doctor. Until acceptable medical cannabis products are available for use in Ireland, patients who are the subject of a licence are obtaining their cannabis products from a pharmacy in the Hague. Under the policy of the Government of the Netherlands, cannabis oil products are not permitted to be commercially exported from that country. Notwithstanding the fact that such cannabis products might eventually be listed as products that may be accessed under an Irish programme, anyone who is prescribed these products will have to travel to the Hague to obtain them, unless the Dutch export barrier is removed.

The Minister for Health is aware that a UK company may provide a service which involves it collecting cannabis products from the Netherlands for persons authorised to use it under the UK's medical cannabis regime. While this company can import medical cannabis products into the UK from the Netherlands, the UK authorities do not currently allow re-export from the UK to other countries, including Ireland. I have been informed that the UK company may be acting as patients' nominated representative in the collection of their personally-prescribed medical cannabis products. No similar Irish entity is known to provide this service, but it is certainly open to any patient to engage a representative to act on his or her behalf.

**Deputy Gino Kenny:** I am sure the Minister of State will agree that this situation which requires people to leave the jurisdiction to obtain a prescription is ludicrous. I cannot think of any other medicine in respect of which a patient or nominated person must travel to another jurisdiction to bring a filled prescription back. It becomes even more ludicrous. A family in Newtonards in County Down who have given me permission to speak today do not have to go to Holland as a distribution company brings the medicine to a named pharmacy for them. In the case of Vera Twomey, however, her husband Paul has travelled to Holland in the last two months. The pharmacy there told him the prescription could not be filled for the next six months. It is a completely unworkable scenario in both the short and long term.

**Deputy Jim Daly:** I appreciate the Deputy's consistency on the issue and his diligence in raising the difficulties families are experiencing. We want to introduce a medicinal cannabis access programme to address those difficulties. In the meantime, however, we must deal with the difficulties and challenges presented by the law of the Netherlands on exports. We recognise the difficulty that presents to families, but until we get our own programme up and running, we have to operate in that context.

**Deputy Gino Kenny:** Most people listening to this discussion will not understand this. Given that 16 licences have been granted to 16 individuals in the State, one would think the State would intervene to provide a distribution company to go to Holland and bring the product to those 16 individuals' pharmacies. That would be the logical thing to do. Currently, the cost of reimbursing the travel and the inconvenience are very stressful for the families. The substantive issue is the cannabis access programme which has been mooted for the last two years but is still not up and running. Individuals continue to have to go their specialists who will say in the majority of cases that they do not know enough about the product and situation to prescribe it. It is an unsustainable situation. The access programme must be implemented so that people do not have to leave the jurisdiction but can get the medication in their local pharmacies while being reimbursed by the HSE.

**Deputy Jim Daly:** I agree wholeheartedly with the Deputy. We share the same desire to have our own medical access programme implemented in its entirety, not in a piecemeal way. We can divert our attention to address the issue in a piecemeal way or we can implement our own programme in full, which is a much more sustainable solution. The latter is where we are putting our energies, focus, time and effort.

**Deputy Gino Kenny:** When will the programme be up and running?

**Deputy Jim Daly:** We do not have an end date. As the Deputy will appreciate, there are a lot of issues to address to bring the programme about. It is not that it is not being done. It is mentioned every month at our management meeting in the Department of Health.

13 March 2019

We get updates on progress but I do not have a timeline for when we hope to have the programme established. The Deputy will appreciate the number of issues and challenges involved in establishing it for this country.

### Trade Union Recognition

5. **Deputy Joan Collins** asked the Minister for Health if he will instruct the HSE to accept the invitation from the Workplace Relations Commission, WRC, in relation to the ongoing dispute between the HSE and unions (details supplied); and if he will ensure that he has read and examined the health sector national staff surveys of 2016 and 2018. [12599/19]

**Deputy Joan Collins:** Will the Minister for Health instruct the HSE to accept the invitation from the Workplace Relations Commission, WRC, on the ongoing dispute between the HSE and Psychiatric Nurses Association, PNA, which represents the National Ambulance Service Representative Association, NASRA, branch? Will he ensure that he has read and examined the health sector national staff surveys of 2016 and 2018, which I believe hold the ingredients for the present dispute?

**(Deputy Jim Daly):** As the Deputy is aware, a branch of the Psychiatric Nurses Association, PNA, called the National Ambulance Service Representative Association, NASRA, has been engaged in industrial action. The PNA states that its industrial action is in connection with two substantive issues. The first is the automated deduction of union subscriptions. The second is the refusal by the HSE to engage in negotiations with the PNA or to recognise the PNA as representing ambulance personnel.

*11 o'clock*

To be clear, NASRA, which is affiliated with the PNA, is a group which is not recognised by the HSE and, therefore, does not have negotiating rights. The PNA does not have negotiating rights for ambulance personnel.

It should be noted that the HSE deducts subscriptions at source for those ambulance staff who are members of a number of trade unions, namely, SIPTU, Fórsa and Unite. The deduction of subscriptions is not a legal right but rather a concession granted to recognised unions.

While it is regrettable that the PNA has taken this industrial action, it is not possible to negotiate with a union which is not recognised as having negotiating rights for ambulance grades. Officials from the Department have met representatives of the HSE and the management of National Ambulance Service to explore possible options. However, this is a complex, challenging situation.

Industrial relations policy has had a longstanding objective of avoiding fragmentation in worker representation in public sector employments, and the trade union movement generally, so as to facilitate the orderly conduct of bargaining and other aspects of industrial relations.

The Deputy has also raised the issue of the health sector national staff surveys of 2016 and 2018. As we know, surveys of this kind are a valuable tool used to gather information to assess employee opinion and satisfaction rates.

In relation to the National Ambulance Service, the 2016 survey contained both positive and negative results. In response, management took a range of measures, including staff health and well-being programmes, leadership development programmes for managers, the establishment

of a national staff engagement forum and anti-bullying initiatives.

I understand that the results of the 2018 survey were published on the National Ambulance Service website on 11 March 2019. I have asked my officials to examine these results and engage with the HSE on further measures to address any areas for improvement.

**Deputy Joan Collins:** This is not a breakaway union. The PNA has negotiated and represented members of the health service for the past 49 years. It has a long history of advocating on behalf of staff and patients to ensure the delivery of quality health and mental health care. The NASRA branch of the PNA has represented its members in a variety of industrial relations fora, including the WRC and Labour Court with which it meets. However, the HSE refused to engage with the union on grievance procedures and investigations. From 2010 the membership of NASRA has grown consistently. Since its formation, NASRA union subscriptions were deducted by the HSE at source from members' salaries and in January 2018 the HSE stopped deducting union subscriptions at source for new members. Last week, when I raised this dispute with the Tánaiste he made the point that this was an industrial relations issue for the HSE, which was very revealing. The HSE is a State employer and it should not have the authority to do that. It should allow this go to the WRC, hear its recommendations and follow them.

**Deputy Jim Daly:** The reference to industrial relations policy is that there has been a long-standing objective not to have over-fragmentation of representation for workers because that does not lead to coherent representation. It is accepted across the board that it is not helpful to have disparate, fragmented groups representing one sector. Ambulance personnel have three unions that are recognised to choose from, Fórsa, SIPTU and Unite.

The deduction of the subscriptions is not prescribed by law. It is done by agreement. It is a concession to the unions. The HSE recognises the right of three unions to represent ambulance workers. The PNA has been representing psychiatric nurses but not ambulance workers for years. It wants to get into this area but the HSE believes, in line with industrial relations policy, that it is better not to further fragment this one sector of workers who have three unions to represent them.

**Deputy Joan Collins:** I am disappointed that the Minister for Health is not here. He knew the questions would be taken today, even though he obviously had plans to travel for St. Patrick's Day. He should be here to answer these questions. I am not questioning the Minister of State but the Minister for Health should be accountable.

It is absolutely outrageous that the HSE has taken this decision. It has refused to go to the WRC. The PNA has said it would go to the WRC, which is the industrial relations platform and court where this matter should be teased out. It is up to the WRC to decide whether the over-fragmentation of representation is an issue. If the WRC says the PNA should be a voice for the national ambulance workers, the HSE will be taken out of the equation. If the PNA does not get recognition there, it can go to the European Court of Human Rights. The Minister is denying these workers their right to join a trade union of their choice. I and a cross-party group of Deputies asked for a meeting with the Minister on this issue and we have not heard from him. I gave him the letter last week. Maybe the Minister of State can say whether the Minister will meet us.

**Deputy Jim Daly:** I have already explained the Minister's absence. I cannot keep repeating myself.

**Deputy Joan Collins:** He knew the questions were being taken today.

13 March 2019

**Deputy Jim Daly:** I do not think he went abroad to avoid answering this question.

**Deputy Joan Collins:** If he knew this was-----

**An Leas-Cheann Comhairle:** Allow the Minister of State to continue without interruption.

**Deputy Jim Daly:** We either accept or not that it is good industrial relations policy to limit the number of unions-----

**Deputy Joan Collins:** Where does it say that?

**Deputy Jim Daly:** It is just a point of debate. I am just putting it out there. If there were 12 different unions representing one sector, it would be very difficult for the employer. That is a fact of life. We are making many demands of the HSE to do more, to do better and to improve and we have to accept that common sense and logic must prevail. If we allow 12 individual unions to represent one sector-----

**Deputy Joan Collins:** I am not asking for 12.

**Deputy Jim Daly:** Twelve is an arbitrary number. My point is that we should accept that over-fragmentation of the representative bodies is either helpful or unhelpful.

**Deputy Joan Collins:** The WRC should make that decision.

**Deputy Jim Daly:** I believe it is unhelpful. I do not want to prescribe a number but workers in this sector already have three different unions to choose from. The Deputy says the workers are being denied their right to choose a union but they have three unions already to represent their rights.

**Deputy Joan Collins:** They are not being represented.

**Deputy Jim Daly:** This is a debate about whether there should be a fourth union, whether we should continue indefinitely or whether the HSE as an employer should.

## **Ceisteanna Eile - Other Questions**

### **National Children's Hospital Expenditure**

6. **Deputy Stephen Donnelly** asked the Minister for Health if a value engineering exercise has been or will be carried out in regard to identifying opportunities to reduce the building costs for the national children's hospital; if so, if changes are being implemented or considered for implementation further to this work; and if he will make a statement on the matter. [12197/19]

**Deputy Stephen Donnelly:** When major construction projects go over budget there is commonly something done called value engineering which examines the building, its shape, the way it is built and laid out, the services and all sorts of other issues, to find ways to drive down costs. It is done all over the world and regularly in Ireland and is typically very successful. Has such an exercise been done for the national children's hospital? If it has, what changes have been identified and are being implemented and what savings should they yield?

**(Deputy Jim Daly):** The National Paediatric Hospital Development Board has confirmed that significant value engineering analysis has been carried out on the project, at each of the stages, namely, pre-tender, pre-contract award and post contract award.

At an early stage in the process, the development board determined that the traditional method of procurement was not suitable or realistic for a project of this size and complexity. Accordingly, the contract is subject to a two-stage process with stage one consisting of a scope refinement and value engineering process, based upon tendered rates, to finalise the phase B works above ground. This value engineering process yielded savings of approximately €20 million.

Following the completion of the second stage of the two-stage tender procurement process, the final cost of the design, build and equipment programme for which the National Paediatric Hospital Development Board is responsible now stands at €1.433 billion, €450 million more than advised to Government in April 2017.

As the Deputy will be aware, in light of the concerns over the major and sudden cost escalation associated with the finalisation of the guaranteed maximum price, the Government also approved the commissioning of an independent review of the escalation in cost at the same time.

The terms of reference require the review to develop recommendations, if possible, which may identify any areas of potential cost savings or reductions which are consistent with the applicable contractual undertakings and the completion of the project to deliver on the vision to improve services for the children and young people of Ireland.

This independent review is under way and PwC has recently advised that the report is now expected to be completed by early April.

**Deputy Stephen Donnelly:** It sounds as if one value-for-money engineering exercise was completed and identified savings of €20 million which, in the context of construction costs of €1.433 billion, represents a saving of 1.4%. The national children's hospital is a big glass doughnut with a massive garden on the roof. As anyone who has ever built a wall or an extension or watched a Dermot Bannon television programme knows, curves are expensive while straight lines are less so. That is why most buildings are constructed using straight lines. Doughnuts are not a good use of space, which is why none of us lives in a glass doughnut-shaped house. Such houses are expensive and are not a good use of available space. The design of the hospital looks to be extraordinarily expensive. It is a big glass doughnut with curves everywhere. The whole building is curved; even the roof is curved. Why was no work done to identify design changes that could be made that would save money so that the services provided within the building could be protected?

**Deputy Jim Daly:** Obviously, the design has been agreed and planning permission has been secured. The Deputy is now suggesting that we go back and look at the design again. While I cannot say for sure, I think that is unlikely to happen. The points being made by the Deputy will be addressed in the PwC report and it is best to wait for the publication of same. PwC, which has professional expertise in this area, will examine these issues and see if there is merit in doing further analysis on this. However, I do not see merit in looking back at the design at this stage when planning permission has been secured. That said, I am not an expert in this area and do not have a background in design or engineering. If the PwC report makes recommendations on the design and engineering aspects of the project, the Government will certainly be open to

embracing them and engaging with a view to securing further savings.

**Deputy Stephen Donnelly:** The idea that we would not look at the design of the building when a cost overrun of this scale has happened is not acceptable. It certainly would not be acceptable to people who were spending their own money. The project costs have risen from €650 million to €1.4 billion. That is like getting a price of €250,000 to build a house and then two years later being told that the price is now €650,000. At that point, any individual would call in the architect, quantity surveyor and builder and tell them that it was not possible to build a house for the revised price because he or she does not have a budget of €650,000. They would all sit down and redesign the house to the budget available. They might go over that budget a little. Indeed, that usually happens but nobody would just accept the design as it is and agree to spend the €650,000. That is essentially what the Government is doing.

Does the Minister of State know why, given the massive overrun, consideration was not given to redesigning the building? That is what any individual would do with his or her own money and house.

**Deputy Jim Daly:** I am not sure how familiar the Deputy is with the history of this project and the effort, time and expense-----

**Deputy Stephen Donnelly:** I am very familiar with it-----

**Deputy Jim Daly:** I am not talking about the current position but, rather, the history of the project. I am not sure if Deputy Donnelly knows how long it has been on the go and how long it took to secure planning permission. However, he knows enough about the system to know that if one changes a design, it has planning permission implications. If the Deputy is suggesting that we go back to the drawing board and redesign the hospital and then apply again for planning permission, that is fine but I am making the point that it is unlikely that we will go back to that stage of the process.

**Deputy Stephen Donnelly:** I asked if it was considered.

**Deputy Jim Daly:** Of course, as part of the PwC review, it will be considered. If a recommendation to that effect is made, the Government will consider it. It is not as simple as saying that we will not change the design. Nobody is saying that but there are implications to doing so. We would have to go back through the planning process again, which took years to complete. This project was before An Bord Pleanála and went around the houses for a very long time. If we decided to re-engage with the planning process, we would have to put up our hands and admit that this hospital will not be built for another five years or more. That is the implication of what the Deputy suggests. That said, the issue will be considered by PwC in its review.

## **Medicinal Products Reimbursement**

7. **Deputy John Curran** asked the Minister for Health his plans to provide Spinraza for children with spinal muscular atrophy in view of the decision of the HSE not to provide same; and if he will make a statement on the matter. [12081/19]

**Deputy John Curran:** The Minister of State will be aware that the HSE did not issue approval for Spinraza to be made available to children suffering with spinal muscular atrophy. However, a period of 28 days has been set aside for the company to engage further with the

HSE on the matter. What engagements are under way? What are the Government's and the HSE's plans to make this drug available to this group of children?

**Deputy Jim Daly:** The HSE has statutory responsibility for medicine pricing and reimbursement in accordance with the Health (Pricing and Supply of Medical Goods) Act 2013. The Act specifies the criteria for decisions on the reimbursement of medicines. The Minister for Health has no role or powers in respect of such matters.

Following detailed consideration of an application for the reimbursement of Spinraza and lengthy engagement with the company, the HSE recently decided that it was unable to reimburse Spinraza. The HSE concluded that the evidence for clinical effectiveness was still quite limited and that the price proposed by the manufacturer was not a cost-effective use of resources.

On 21 February, the HSE wrote to the company involved and informed it of the proposal to refuse to reimburse Spinraza at the current price offering. Under the terms of the Health (Pricing and Supply of Medical Goods) Act 2013, the company has 28 days from 21 February to respond or make representations to the HSE's proposed decision.

The HSE remains open to considering any new evidence or information which emerges regarding the clinical effectiveness or price of this medicine during this 28 day timeframe. The Government hopes that the company will use this opportunity to come back to the HSE and that this can result in an acceptable outcome for both parties. Responsibility for progressing this issue is now firmly with the company.

**Deputy John Curran:** I thank the Minister of State. I am disappointed that the Minister for Health is not here today although that is no reflection on the Minister of State. I know that the Minister is away on St. Patrick's Day business but that would usually be accommodated by a change to the Parliamentary Questions rota. The parents of these children are very disappointed that the Minister is not here to respond, particularly as they were outside the Dáil two weeks ago and presented a petition containing over 100,000 signatures to him.

Most other EU countries have now made this drug available. The Minister of State has very clearly outlined the process involved here but my point is that it is clearly not fit for purpose. There is a major problem when 25 other European countries have a system in place which enables them to make this drug available but we do not. Our system is not working and I call on the Minister to review it because these children cannot be denied this drug indefinitely. This has gone on for too long and we need to find a solution. We have relied on procedure time and again. However, the procedure is failing us and we must change it.

**Deputy Jim Daly:** The Deputy may well have a fair point. We are operating under the terms of the 2013 Act, passed by this House, which give the Minister no role or function in the negotiating process. In some other European countries, as I understand it, the relevant Minister is the decision maker. Perhaps Deputy Curran feels that system is more appropriate but that is a matter for this House to decide. We are operating under the existing law.

As already stated, the Minister has no role or function in the process at this point. It is exclusively the job of the HSE and the company to arrive at a solution. We are not aware of the terms or the price secured by other countries. The Government completely accepts that there is a need for this drug and wants to see this process ended as quickly as possible. As Deputy Curran knows, however, we have a responsibility to every child in the State. The drugs budget is finite. We must ensure that we do not pay over the odds for any one drug because this could

result in other drugs not being made available to other very sick people.

**Deputy John Curran:** Maybe the 2013 Act is the problem. We have an issue in this country in that we are not able to provide a drug that most other European countries currently provide. We are an outlier on this. If it means reviewing the legislation, the Minister and HSE need to clearly identify the blockage. Why do we have a problem in this country that most other European countries do not have? Time is not on the side of these young people. I have read the review we got. I have two points relating to the rare disease technology review committee. It states that it supports the use of Spinraza in spinal muscular atrophy, SMA, type 1 patients, subject to STOPP-START criteria, and in SMA types 2 and 3 in patients under 18. The recommendation is quite specific. The report clearly identifies that there is no other treatment. These children grow weaker month by month and they and their families know that a drug is available. It is frustrating for them and I feel so bad for those parents, knowing that there is a solution to the problems they face, when we in this House cannot get our act together. I am not blaming the Minister of State personally but it is appalling that we cannot get our act together when every other European country can. We need the Minister to give a direct response. If that means bringing in amending legislation, please do that.

**Deputy Jim Daly:** I acknowledge, as I have done many times before, the consistency and sincerity of Deputy Curran in his genuine efforts and endeavours to keep this issue on the political front. The reality is that the Minister unfortunately does not have the power to instruct the HSE to approve this drug tomorrow. That does not exist under the law. As a House, if we want to address that issue, it is open to any Member to table legislation on it. I take Deputy Curran's point on reviewing it from the Department's point of view to see if there is a difficulty which should be addressed. We are allowing the company to come back to the HSE. The Minister does not have a role or function in that process. That will come to an end in the next few days. We have to await the outcome of that to see if there is a change. We appreciate that very real people are at the other end of this but we also have a responsibility and cannot allow a drug company to demand whatever money it wants for a specific drug no matter how high the demand for the drug. We unfortunately have a responsibility to the public purse too.

### **Child and Adolescent Mental Health Services Administration**

8. **Deputy Jack Chambers** asked the Minister for Health the waiting times for CAMHS in the Dublin 7 and 15 areas; and if he will make a statement on the matter. [12018/19]

**Deputy Jack Chambers:** I want to ask the Minister for Health about the waiting times for child and adolescent mental health services in the Dublin 7 and 15 areas, and if he will make a statement on the matter. We have an ongoing crisis in CAMHS, with recruitment shortages, ongoing delays and many children being dismissed and turned away from a service because their diagnosis or presentation does not match the severity which the service can provide for. With Deputy Daly as Minister of State with responsibility for mental health, there has not been any improvement in the quality of the service. Children continue to be admitted to adult units and there is not a 24-7 call service, which is shocking in the context of a €17 billion budget.

**Deputy Jim Daly:** Developing all aspects of mental health remains a priority for Government, reflected by the additional €55 million provided in budget 2019, bringing overall HSE funding this year for this key care programme to €987 million. Demand for CAMHS has had an increase in referrals of over 20% since 2012. All aspects of CAMHS nationally are being

improved by the HSE under its annual service plans. This includes better out-of-hours and 7-7 day cover, progression of day hospital care, developing specialist teams such as those for eating disorders, and improved prevention and early intervention services. There are now 70 CAMHS teams and three paediatric liaison teams. Approximately 18,100 CAMHS referrals are expected in 2019. Cases assessed by professionals as being urgent are seen as a matter of priority.

There are 76 CAMHS inpatient beds in four acute units nationally, with plans for additional beds in the new children's hospital, and the new forensic mental health hospital which is being built at Portrane and is due to open next year. Additional funding allocated to mental health services since 2012 has provided for the recruitment to more than 1,500 posts in mental health, including a significant number relating to CAMHS. There were 2,523 children on the HSE CAMHS waiting list in January 2019. In community healthcare organisation area 9, which covers the areas of Dublin 7 and 15, there were 193 on the CAMHS waiting list. There is currently no waiting list for the north inner city CAMHS team, Grangegorman, which covers the Dublin 7 area.

There is currently a waiting list of 68 for the Dublin 15 area, primarily due to a consultant on leave which has resulted in delays in routine appointments. A locum consultant psychiatrist has taken up duty with the Castleknock CAMHS team since 5 February. This will see a return to more normal levels of activity and a reduction in the waiting list. Prior to this date, cover was being provided via an arrangement between existing CAMHS consultants across other CAMHS teams in Dublin north city and county.

I regularly meet with the HSE to review progress on all aspects of CAMHS. In addition, I recently wrote to all executive clinical directors concerning recruitment and retention issues with a view to improving staffing levels on CAMHS teams thus improving access and reducing waiting lists.

**Deputy Jack Chambers:** We have received the classic response that more funding is being allocated. We accept that but one problem is that the Government throws money at issues without getting service delivery. We have the second highest health spending *per capita* in the OECD but what parents and children care about is actual delivery. It is not about how much the Government is allocating or how many more consultants it is talking about, but how people can see a consultant as quickly as possible. The figures are worse, with 193 now versus 186 in November. The Minister of State mentioned a consultant being out and nobody being in an area to cover a population in Dublin 15 that is the size of some cities. There is nobody to see someone and the burden of care is on other consultants who already have significant waiting lists. I am aware of children who have a particular diagnosis, have been referred by general practitioners, GPs, and are told by CAMHS that their diagnosis does not match the level of severity that it can deal with, despite it being within the diagnostic guidelines for its own service delivery. That is a serious issue. If someone presented to an emergency department with a significant acute physical problem-----

**An Leas-Cheann Comhairle:** Go raibh maith agat.

**Deputy Jack Chambers:** -----he or she would not be triaged and turned away on the basis-----

**An Leas-Cheann Comhairle:** We will get an answer. I call the Minister of State to respond.

13 March 2019

**Deputy Jack Chambers:** -----that the issue was not serious enough. We have a deep underlying issue here.

**Deputy Jim Daly:** I am not sure if the Deputy has ever heard me speak on this before because if he had, he would not make some of the statements that he has made. I have always said that throwing money at it is not a solution. It is interesting to hear that from Fianna Fáil because it has always looked for more money in this area and everything else relating to health. I do not agree that additional moneys are required. Additional, real reform is needed. I have a serious issue with the referrals to CAMHS. In many cases, the referrals are not appropriate and I am glad to hear that CAMHS teams are pointing to the fact that they are not appropriate.

If the Deputy does not want to listen, that is fine. He asked the question.

**An Leas-Cheann Comhairle:** We will move on.

**Deputy Jim Daly:** We will move on if the Deputy does not want to listen.

**Deputy Jack Chambers:** With respect, the Minister of State made a political charge in his response relating to a very serious matter, the diagnostic management of patients with severe mental illnesses. As Minister of State with responsibility for mental health, I have heard him talk more about rural taxis and telepsychiatry to get headlines in the *Irish Independent* than I have heard about solutions for mental health services. It is a disgrace that the Minister of State has made a political charge. I was trying to be constructive. I agree that it is not about throwing more money at the HSE. It is about delivering services and that is what the Minister of State is in an executive position for, to deliver mental health services. It is not about making political charges and talking about Fianna Fáil. We are trying to be constructive and to provide solutions, but the Minister of State is not doing that. He is not delivering. He has not made any positive changes relating to CAMHS in my area, where we have seen worsening of waiting lists and where his Government has allowed vacant consultant positions to leave behind children with particular diagnoses. It is the Minister of State's responsibility to act, not to get headlines about Ruxi, coalitions with Sinn Féin or telepsychiatry.

**An Leas-Cheann Comhairle:** I call the Minister of State to respond.

**Deputy Jack Chambers:** The Minister of State should deal with his own responsibilities which he is in government to deal with.

**Deputy Jim Daly:** I would be delighted to answer the Deputy's questions if he is prepared to listen. I was about to inform the Deputy, while I did not realise he was so sensitive to politics, that I have built a lower level of infrastructure across the country over the past 12 months. We have recruited 114 assistant psychologists, 20 psychologists and ten advanced nurse practitioners for young people across the country, including in the area that Deputy Chambers represents. An independent evaluation that was produced by the University of Limerick for me last week has shown that it will reduce the waiting list for primary care psychology by 1,350 young people this year. That is real progress and it is the future. It is not about reacting and throwing more money at CAMHS to deal with waiting lists. Rather, proactive investment in lower-level interventions will prevent people escalating to that level of acuity.

*Questions Nos. 9 to 11, inclusive, replied to with Written Answers.*

## **Hospital Accommodation Provision**

12. **Deputy Jim O'Callaghan** asked the Minister for Health his plans in place to increase capacity at St. Vincent's University Hospital; and if he will make a statement on the matter. [12217/19]

**Deputy Jim O'Callaghan:** My question concerns St. Vincent's University Hospital, which is in my constituency. What are the Minister of State's plans to increase capacity at the hospital in the light of the increase in demand for services there?

**Deputy Jim Daly:** The Minister for Health recognises that hospitals are increasingly operating at or above capacity, with year-round demand pressures that are further challenged in the winter months.

It is against this background that the health service capacity review of 2018 recommended an increase in acute hospitals beds of more than 2,600 by 2031 to support the projected increase in demand for services in the years ahead. The National Development Plan 2018-2027 provides for the full 2,600 beds over its lifetime.

In the past 18 months, an additional 241 beds have been opened, which included 22 acute beds in St. Vincent's University Hospital.

In addition, the national service plan provides for the preparation of 202 additional beds, to be operational in the first quarter of 2020, including 12 inpatient beds in St. Michael's Hospital, Dún Laoghaire, which is part of the St. Vincent's Healthcare Group.

In addition to capacity, the HSE winter plan seeks to ensure that the health system is as prepared as possible for the increase in demand for services in the winter months, within existing capacity and financial parameters.

St. Vincent's was identified as one of nine sites requiring additional focus, investment and support as part of this year's winter plan. Important enhanced measures to be provided include additional home support packages, enhanced access to diagnostic testing and additional bed capacity in St. Vincent's Private Hospital.

**Deputy Jim O'Callaghan:** The Minister of State is correct that St. Vincent's hospital requires additional focus. When one considers the figures for the hospital, however, one can see that it requires much more focus and attention than the Government has given it to date. According to the Irish Nurses and Midwives Organisation, the number of people on trolleys in St. Vincent's hospital in 2018 was 3,773, which was up by 1,276 in comparison with the figures for 2017, or a jump of more than 50% in one year. Some 3,906 people have waited more than a year for outpatient appointments at St. Vincent's hospital, but when the Minister of State's boss, the Minister for Health, took office, the number was just over 1,400.

The Minister recently published a waiting list plan. When will the 215 people on the inpatient day-case list in St. Vincent's be treated? They have been on the list for more than 18 months. While I acknowledge the provision of the 22 acute beds that the Minister of State outlined, further intervention by the Government is required.

**Deputy Jim Daly:** The point I was making was that the need for additional capacity has been recognised and identified and is being addressed, although the speed with which it is being

addressed may not satisfy everyone. Capacity is only one aspect of the waiting lists for people in day care and inpatient care, and there are a number of other issues to be addressed. Delayed discharges, for example, is an area on which we must put increased focus and we have recently carried out a report on the matter. As I noted, an implementation team is being established within the HSE to address delayed discharges and ensure that there are more timely discharges. There is also an increase in the focus on the provision of step-down and transitional care, which will free up many beds at the acute hospitals. In addition to that suite of measures, there has been an increase in the National Treatment Purchase Fund this year, rising to €75 million, which should also help to reduce some of the lists. A cross-suite of initiatives and measures is being introduced, rather than capacity alone being addressed, notwithstanding the Deputy's points.

**Deputy Jim O'Callaghan:** I acknowledge the suite of measures that the Government has introduced but it is clear that it is not sufficient or appropriate for St. Vincent's hospital. The Minister of State referred to 22 acute beds being opened in the past 18 months in St. Vincent's, which is welcome but it does not take into account the extraordinary increase in demand for services at the hospital and the necessity for the Government to ensure that it increases the hospital's capacity.

There are a couple of other points about St. Vincent's that are worthwhile noting. More than 1,000 of people over the age of 75 endured a wait of more than 24 hours in the hospital's emergency department before a decision was taken to admit them. That is not helped by the fact that 11,950 bed days were lost at the hospital owing to heavily delayed discharges. It is important to recognise that there must be an increase in step-down bed capacity at the hospital and throughout south Dublin to deal with capacity. Will the Minister of State do more in respect of St. Vincent's hospital to ensure that the increase in demand is met with an increase in capacity?

**Deputy Jim Daly:** I certainly accept the Deputy's points and will ensure that there is an increased focus on what he seeks for St. Vincent's. I was addressing the matter on a more global scale but the measures, *vis-à-vis* step-down care and transitional care, will also apply to St. Vincent's. I am delighted to hear the Deputy's interest in view of the fact that local Deputies of all parties and none can have a role in ensuring a more proactive approach with their local HSE management teams to provide increases in facilities for step-down care and transitional care beds.

*Question No. 13 replied to with Written Answers.*

### **Child and Adolescent Mental Health Services Staff**

**An Leas-Cheann Comhairle:** Question No. 14 will be taken by Deputy Quinlivan on behalf of Deputy O'Reilly.

14. **Deputy Louise O'Reilly** asked the Minister for Health the staffing levels for CAMHS teams, by community healthcare organisation, CHO, and local health office, LHO; the way in which this compares with the necessary full complement of staff as outlined in A Vision for Change; the number of vacant posts in whole-time equivalent terms in CAMHS, by specialty, by CHO and LHO; and if he will make a statement on the matter. [12175/19]

**Deputy Maurice Quinlivan:** Will the Minister of State provide the staffing levels for CAMHS teams, by CHO and LHO? How do the levels compare with the targets set out in

A Vision for Change? In whole-time equivalent terms, what is the number of vacant posts in CAMHS, by specialty, by CHO and LHO?

**Deputy Jim Daly:** The Government is strongly committed to developing all aspects of HSE mental health services, including CAMHS, as envisaged in A Vision for Change. Significant progress has been made in recent years, underpinned by additional funding since 2012 to develop mental health services overall, which was reflected by an additional €55 million in budget 2019.

Improvements to various aspects of CAMHS are delivered by the HSE under its agreed service plans.

CAMHS have standardised operational procedures to support timely access to services, which is based on professional clinical assessment to address the mental health needs of all children presenting to this specialist service. Despite increasing demands overall on CAMHS, individual cases that are assessed as urgent receive priority, irrespective of the source of referrals.

At present, there is an acknowledged shortage of consultant psychiatrists and allied mental health professionals, including CAMHS. This, rather than funding availability, is the main difficulty facing the HSE, but steady progress has been made in recent years in filling the type of posts needed to modernise the service. There are approximately 600 whole-time equivalent posts approved for CAMHS.

In January 2019, there were a total of 222 CAMHS posts with the HSE national recruitment service at various stages of recruitment. The latest available data from the HSE personnel census indicate that consultant posts have increased nationally by approximately 14 in the past year.

In conjunction with the Department of Health and the HSE, I am progressing various initiatives to enhance CAMHS by alleviating pressures on the specialist CAMHS service. These include maximising the impact of primary care assistant psychologists recruited in 2018 to relieve pressures on CAMHS, the roll-out by the HSE of various e-mental health pilot projects; additional mental health nurse training places coming on stream to help fill existing vacancies, and a review of CAMHS under the refresh of A Vision for Change.

There is also regular monitoring of CAMHS activity and staffing data. In addition, I have held meetings with, and recently sought further information from, the chief officers and executive clinical directors of the community healthcare organisations of the HSE, specifically on CAMHS vacancies. I have received more detailed information from the HSE in respect of this question, which I will furnish directly to the Deputy.

**Deputy Maurice Quinlivan:** CAMHS are in utter disarray. At the end of 2018, approximately 2,560 children and young adults were on the CAMHS waiting list and almost 300 of them had waited for more than a year to be seen. In my CHO area, which includes Limerick, approximately 245 children and young people are on waiting lists for assessments, while 60 of them have waited for more than a year. As the Minister of State will know, early intervention is crucial but early intervention in mental health cases is not possible when there are extensive waiting lists and a sheer lack of capacity within the system. Children and young adults desperately in need of care and help, who are reaching out for same, are not receiving in a timely manner the appropriate support they need.

13 March 2019

The current situation is totally unacceptable. We cannot approach every year in the same vein by paying lip service to mental health services rather than properly funding them or, more crucially, staffing them properly. Will the Minister of State commit to tackling the issue and providing the funding and staffing for CAMHS teams to meet at least the target set out in A Vision for Change?

**Deputy Jim Daly:** The funding for all CAMHS teams is available and, therefore, it is not an issue of funding where there are gaps. I strongly disagree with the Deputy's description of the CAMHS system as being in disarray. That is very disrespectful to those who work in it, those who avail of its services and those we are encouraging to reach out and avail of the system. It is not helpful for someone to make such a statement.

The Deputy referred to 300 people waiting for more than a year to access CAMHS. There are a number of reasons for those 300 people waiting for more than a year. Most of them relate to issues-----

**Deputy Maurice Quinlivan:** There are not enough staff.

**Deputy Jim Daly:** I ask the Deputy to let me finish; this is a two-way thing as far as I know.

**An Leas-Cheann Comhairle:** Allow the Minister of State to speak.

**Deputy Jim Daly:** Much of it relates to people being inappropriately referred. If someone who is acutely sick and is referred to a CAMHS team, no psychiatrist will say they must wait 12 months. They will see people who are seriously ill. Some people with lower levels of illness are left waiting longer. There are gaps in the system and areas where we fail to recruit consultants for myriad different reasons. It goes across all disciplines in health. It is a worldwide issue. I agree with the Deputy that we need a lower level of intervention.

An independent evaluation done by the University of Limerick projects a reduction of 1,350 in the waiting list for primary care psychology as a direct result of the actions I took last year to recruit 114 assistant psychologists, 20 psychologists and ten advanced nurse practitioners, ANPs, into community primary care specifically for younger people. That is the future of CAMHS. We will solve the issue relating to CAMHS by reducing the number of people going up to it. That is a proactive approach that is working.

**An Leas-Cheann Comhairle:** Deputy James Browne is not here.

*Question No. 15 replied to with Written Answers.*

### **Drug and Alcohol Task Forces**

16. **Deputy Louise O'Reilly** asked the Minister for Health his views on whether the funding provided to local and regional drug and alcohol task forces is sufficient to meet the aims of the national drugs strategy; and if he will make a statement on the matter. [12172/19]

**Deputy Maurice Quinlivan:** As the Minister of State knows, funding for local and regional drug and alcohol forums and task forces is vital in the fight against drug and alcohol addiction, which has had a devastating effect in many of our communities. Is the funding provided to these task forces sufficient to meet the aims of the national drugs strategy which we all want to

succeed? I have grave concerns that it will not succeed owing to lack of funding.

**Deputy Jim Daly:** The Department of Health allocated funding of almost €100 million to the HSE for addiction services in 2019. The HSE national service plan for 2019 sets out the type and volume of addiction services to be provided, having regard to the funding allocated.

In addition, the Department provides a further €28 million to drug and alcohol task forces through various channels of funding, including the HSE.

Measuring the overall effectiveness of the response to the drug problem is an important objective of Government policy. To this end, the national drugs strategy commits to operationalising a performance measurement system of drug and alcohol task forces by 2020.

I announced additional funding of €1 million for implementation of the national drugs strategy last week.

The funding, which will be provided on a recurring, multi-annual basis, will address the priorities set down in the strategy including early harm-reduction responses, emerging trends in substance misuse and improving services for at-risk groups.

The funding will complement enhancements in drug and alcohol treatment services relating to mental health and homelessness under the 2019 HSE national service plan.

Working in partnership with statutory, community and voluntary sectors is central to this response. I will be consulting the drug and alcohol task forces and the HSE on how best to target this new funding. I have issued an invitation to the task forces to a meeting in the Department of Health at the end March to begin this process.

**Deputy Maurice Quinlivan:** I thank the Minister of State for his reply. As a member and director of the mid-west region drug and alcohol forum, I appreciate the incredible work done by the groups we support and which are funded by task forces in the mid-west region and across the State. I note the additional funding announced in advance of the motion Sinn Féin tabled last week on the topic, but it is not enough. It only works out at about €41,000 for each of the 21 task forces, which is very little for the incredible work they have to do. I appreciate the invitation the Department made to task forces for a meeting. However, I plead with the Minister of State to make that easier. It was difficult last year when there was a funding announcement. I know it diverts the front-line staff from the work they need to do. Much of the bureaucracy that has come in is bogging them down in what they have to do.

Since 2008 my local task force has experienced cuts of more than 50%. Over the years these cuts have impacted dramatically and prevented the delivery of the urgently needed drug and alcohol services in Limerick and the mid-west region. If funding is not increased substantially, the aims of the national drugs strategy will not be met. Does the Minister of State intend to increase funding for local and regional drug and alcohol forums in addition to what was announced last week?

**Deputy Jim Daly:** I concur with the Deputy on the good work being done within the finite budgets. I thank him for acknowledging exceptional work done by people in his area and throughout the country. I will pass on his concerns and hopes for increased funding in this area to my colleague, the Minister of State, Deputy Catherine Byrne, who has ultimate responsibility for securing that. I will ensure that his views on the issue are made quite clear to her.

13 March 2019

*Question No. 17 replied to with Written Answers.*

### **Mental Health Services**

18. **Deputy James Browne** asked the Minister for Health when the review of A Vision for Change will be published; if the new policy will be costed; and if he will make a statement on the matter. [12199/19]

**Deputy James Browne:** I put the question on the Order Paper to the Minister of State.

**Deputy Jim Daly:** A Vision for Change reached the end of its ten-year term in 2016 and preparations for a review and updating of policy have been under way since early 2016.

As a first step in this process, an expert evidence review was completed in February 2017. This provided both domestic and international evidence to determine the policy direction for a refresh of A Vision for Change.

In October 2017, the Department of Health established an oversight group to review A Vision for Change and to update the existing mental health policy having regard to the expert evidence review. This group is independently chaired by Mr. Hugh Kane.

The group focused on developing measurable outcomes within a patient-centred care framework. It engaged in a major national stakeholder process and collected additional information from stakeholder statements made to the Joint Committee on the Future of Mental Health Care. These national consultations concluded in August 2018.

Additional research was completed and relevant policies from other Departments were coded and incorporated into the refreshed A Vision for Change document.

The oversight group is in the process of editing chapters and it is anticipated that a final draft report will be finalised in the coming weeks. Once the final draft is received by the Department of Health, it will be reviewed and submitted to Government for consideration. There are several proposals recommending additional supports and these will be costed by officials in the Department. The views of other Departments will be taken into consideration prior to submission to Government. It is intended that this process will be completed in the coming months when the revised policy will be launched.

**Deputy James Browne:** We await the review of A Vision for Change that will set out the future direction for our mental health services. A Vision for Change was a very important and progressive document that set out a pathway for providing mental health services. Probably 90% of it is still extremely relevant but it needs to be updated. I look forward to the review.

Obviously many aspects of A Vision for Change have been successfully delivered and in other areas it has under-delivered. In particular, child and adolescent mental health services and mental health services for people with intellectual disabilities are both significantly under-resourced. Will the review have full costings when it is published or will that be left to a future date?

**Deputy Jim Daly:** I concur with the Deputy over the success of the first A Vision for Change document. It was probably one of the most ambitious documents launched in health-

care in modern times. Its success or otherwise can be debated, but it has transformed mental health care. It was an extraordinarily ambitious document published at a time when the country was awash with resources. The country entered into recession during that ten-year period and many challenges arose in implementing some of the ambitions. It may have been overly ambitious, but notwithstanding that it has had incredible achievements to its name over that ten-year period. If Sláintecare, which is also an ambitious ten-year plan, achieves half the success of A Vision for Change we can look forward to enormous successes in healthcare.

I recently met the oversight group for the new vision document. The group is concluding its work. I think it will be a very interesting and welcome document. The costings will not form part of that review; they will be considered by Government on an ongoing basis because some of them will be cross-departmental and cross-sectoral as we go along the way.

**Deputy James Browne:** Is there a timeline for the costings following the review? It will be important to have costings set out so that the document is not purely aspirational. It will have more teeth if costings are provided. Will the review be a follow-on document? In other words will we be able to trace the steps from A Vision for Change into the review document, rather than being a total reset? It would be important to be able to continue to trace the successes and the absence of delivery in different areas in the current A Vision for Change document. Will the Sláintecare report be incorporated into this review?

**Deputy Jim Daly:** The answer to the last two questions is “Yes”. Sláintecare is very much in the background. This document is very much a progression from the first document. The team that is putting it together has an eye to the first document. The members of that team realise that progress has to be made. It is not possible to do costings. Much of this document will be more outcome-orientated and less prescriptive. The last document was very prescriptive. It suggested that there should be a certain number of members on each team, that certain disciplines should be represented on each team and that there should be a certain number of teams. This document does not involve the same level of prescription. It focuses instead on what the outcomes should be. I do not think the costing of those outcomes can be done in a straightforward scientific manner. The best way to do that will have to emerge over time. This document is essentially looking at how we do what we do. It is ensuring best practice is involved all the times. Its predecessor was probably more prescriptive.

**An Leas-Cheann Comhairle:** There are no Members here for Questions Nos. 19 to 31, inclusive. Approval has been given to Deputy Quinlivan to take Question No. 32.

*Questions Nos. 19 to 31, inclusive, replied to with Written Answers.*

### **Hospital Overcrowding**

32. **Deputy Louise O'Reilly** asked the Minister for Health if ward 1A in University Hospital Limerick is to close in a number of weeks, which would result in the loss of 17 inpatient beds and add further pressure to the overcrowding situation in the hospital. [12171/19]

**Deputy Maurice Quinlivan:** This question follows on from Question No. 2, which was taken earlier. Having spoken to nurses' unions, I understand there is a concern that University Hospital Limerick will lose 17 inpatient beds in the coming weeks due to the closure of ward 1A. The Minister of State announced earlier that five additional beds are being provided under

13 March 2019

the winter programme. He also mentioned that 17 beds have opened in another ward. My understanding is that ward 1A is to be closed. The Minister of State might confirm whether this is the case.

**Deputy Jim Daly:** I outlined earlier that “an additional 23 beds have opened in Limerick, including five as part of this year’s winter plan”. As the Deputy has said, 17 beds have been provided outside of that. I do not have the details of the closure to which the Deputy has referred.

**Deputy Maurice Quinlivan:** This question relates to the closure of 17 inpatient beds.

**Deputy Jim Daly:** Is it okay with the Deputy if I come back to him on the particular question he is asking?

**Deputy Maurice Quinlivan:** That is fine.

**An Leas-Cheann Comhairle:** The next available question is Question No. 36, in the name of Deputy Calleary.

*Questions Nos. 33 to 35, inclusive, replied to with Written Answers.*

### **General Practitioner Services Provision**

36. **Deputy Dara Calleary** asked the Minister for Health the measures he will take to secure the viability of rural general practitioner services; and if he will make a statement on the matter. [12204/19]

**Deputy Dara Calleary:** I understand that the Minister of State, Deputy Finian McGrath, is back in his spiritual home of Cuba as we speak. I have spoken to him previously about rural GP services. The Minister of State, Deputy Jim Daly, knows from his local area that the offer has to be changed to make it far more attractive for GPs to come to work in rural areas. We also have to support our existing GPs. Since I raised this issue a few weeks ago, I have been inundated with calls from all over the country from existing GPs who are about to throw in the towel because of the pressure they are under, the lack of backup and the lack of understanding. I ask the Minister of State not to give me the standard answer about the GMS contract because that is not good enough anymore. We need a whole new response and a whole new focus. Perhaps the Minister for Rural and Community Development needs to be involved in this as well.

**Deputy Jim Daly:** I thank the Deputy for the question. I know he does not want the standard answer which mentions that the contract is very central to the future of GP practice. Whether we like it or not, the existing contract has been in place since 1971 or 1972. The renegotiation of that contract is a central aspect of the development of GP practice into the future. In recent years, we have invested in and significantly increased the GP allowance for rural practices. However, such practices continue to face many pressures. I take the Deputy’s point that all these issues will not be solved by contract renewal alone. Much of this relates to the implementation of Sláintecare, a reduction in our reliance on GPs and better management of GP practices. Into the future, initiatives like nurse-led practice and nurses seeing more people will be features of GP practices as we seek to make sure such practices are sustainable. There has been a significant increase in the number of training places for GPs. I think the number has increased to 193 this year. There has been a big percentage increase. I do not have the exact

figure to hand. That will help with availability. Many GPs find it difficult to get replacements when they are under pressure and cannot manage, when they need time off and when they are putting together rotas and rosters.

**Deputy Dara Calleary:** It is absolutely crucial that the discussions are finalised immediately. The Minister of State met 500 GPs outside the gates of Leinster House recently. They are fed up and are about to walk away. While the increase in training places mentioned by the Minister of State is welcome, the irony is that the places being provided are not being taken up. I would love to see the figures. In recent years, there have been vacancies in the west of Ireland training scheme for the first time. A career that used to be seen as a great one is no longer seen in that light. The Government needs to address the core issue of why general practice is not seen as an attractive profession. The Minister of State has spoken about the increased GP allowance, but it has not kept up with costs like insurance and equipment. It has not kept up with the demand on patients. It has not kept up with rural depopulation, which is affecting the ability of GPs to make a sufficient income from their existing lists. The allowance has to be changed. The Government needs to go back to the way things used to be done. It needs to provide surgeries and facilities on an ongoing basis so that people can locate in these areas. The financial model needs to be completely changed. Most of all, the Minister cannot allow the current situation, in which there are no respondents to GP vacancies when they are advertised, to continue. Surely that in itself is a wake-up call for the Government. It shows that there are problems with GP services. The Government needs to act to provide a better on-call service. Rural GPs need better backup for on-call. A range of issues are being put on the long finger while the flight from the profession continues.

**Deputy Jim Daly:** The on-call issue is a significant one for rural GPs. I think it is one of the biggest causes of stress. GPs in more built-up areas do not face the same demand with regard to on-call as GPs in rural areas. The number I have given in respect of training places might not be correct. I will get the correct figure for the Deputy. I have given a number from my head, but I cannot rely on my head. I will come back to the Deputy with the exact figure. There has been a significant increase in the number of training places. I take the Deputy's point that they are not being filled. We have to make sure they are being filled to continue the flow of people. We are aware of the stresses being faced by rural GPs. As the Deputy has acknowledged, I represent a rural area. I know many GPs who have brought these issues to my attention. I am sure our colleagues, Deputies Margaret Murphy O'Mahony and Michael Collins, are well aware of the issues in rural areas as well. There is a significant investment attached to the renegotiation of the rural GP contract. I think that will go a long way towards addressing some of the issues that are significant for GPs. As I have said, work practices have to be looked at. We will do this. We will continue to engage with the representative bodies on the wider range of issues affecting GPs, particularly in rural areas.

**Deputy Dara Calleary:** I appreciate the Minister of State is aware of this issue, but I ask him to do something about it. The contract talks have been going on for longer than the Brexit talks. It seems to be easier to resolve Brexit than to resolve the GP contract. I have mentioned the specific case of Bangor in my constituency. When the position there was advertised previously, there was just one applicant. A local solution has been put forward. We are engaging with the HSE, which will have to engage with the local solution. I ask the Minister of State, who is responsible for primary care, to give his attention to the Bangor situation. All the political representatives from the constituency are working collectively on it. We cannot allow the people of Bangor to be left without a GP again. People must not be allowed to stick their heads

13 March 2019

in the sand when a local solution is on offer. This is an urgent matter. We are losing very good and qualified people to Canada, Australia and the United States because of something small. There are small things that can be done to fix this problem, to make general practice an attractive career again and to provide an essential rural service. We cannot put the contract negotiations on the long finger. They have been delayed for long enough.

**Deputy Jim Daly:** There is nobody who would like to see the contract negotiations brought to a conclusion more than me, the Minister, Deputy Harris, everyone in the Department of Health and the other Ministers on this side of the House. As the Deputy will appreciate, there are two sides involved in the negotiations. It is not just within the Government's remit to end the negotiations. Both sides have to reach satisfaction. The Irish Medical Organisation, which is the representative body of the doctors, must also get agreement from its members up the line. We are very anxious to see this process brought to a conclusion. We are prepared to provide the additional significant resources that are required to bring that about. Many issues are still being teased out by both sides. It takes two to tango, but it takes two to agree as well. Those of us on this side of the House, like the Deputies opposite, really want to see agreement. I do not think there is any political disagreement on this issue. There is no difference between the positions of Deputies across the House on issues like GP contracts and the sustainability of GP services. The primary care sector is an area of medicine that works very well. GP practices are crucial for rural and urban areas. They are delivering superb services. We recognise their value and want to see it recognised. I will take an interest in Deputy Calleary's local area. I am quite happy to see whether anything can be done in the Bangor area, which he has mentioned.

**An Ceann Comhairle:** We will move on to Question No. 39, in the name of Deputy Calleary.

*Question No. 37 replied to with Written Answers.*

*Question No. 38 answered with Question No. 28.*

### **Dental Services Provision**

39. **Deputy Dara Calleary** asked the Minister for Health the initiatives in place to improve dental services in County Mayo; and if he will make a statement on the matter. [12203/19]

**An Ceann Comhairle:** If Deputy Calleary introduces this question briefly, the Minister of State will have time to respond before we move on to Leaders' Questions.

**Deputy Dara Calleary:** I will let the Minister of State respond.

**Deputy Jim Daly:** I do not have the question to hand. I can provide the answers, but not without the questions.

**Deputy Margaret Murphy O'Mahony:** The Minister of State is good, but not that good.

**Deputy Dara Calleary:** Are we on Deputy McLoughlin's question?

**An Ceann Comhairle:** Deputy McLoughlin is not here. The question before the House seeks details of the initiatives in place to improve dental services in County Mayo.

**Deputy Margaret Murphy O'Mahony:** Can the Minister of State answer that one?

**Deputy Jim Daly:** I will have to come back to the Deputy on this matter. I do not have the reply to hand.

**Deputy Dara Calleary:** We have been inundated with representations from constituents, particularly parents of teenagers, who are being made to wait inordinate amounts of time for basic assessments for orthodontic services. Early intervention in this area can prevent a significant amount of physical pain, as well as financial pain down the line. Unfortunately, waiting lists seem to have gone beyond the two-year mark.

We need a specific intervention in the county to reduce those waiting lists. As I stated previously, rather than sticking things into CHO areas, we could instead have a range of professionals who can be moved around to where waiting lists have gone out of sync.

*12 o'clock* We could in that way address waiting lists that are way above the national profile.

Instead of continuing to adhere to geographical rules, let us address where there are specific problems. We have a big problem in Mayo with treatment for dental and orthodontic issues, particularly for those aged under 18 years of age.

**Deputy Jim Daly:** I will come back to Deputy Calleary on this matter.

*Written Answers are published on the Oireachtas website.*

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

**Deputy Micheál Martin:** We all agree the Brexit story is moving fast and furiously. The vote yesterday in the House of Commons brings closer the prospect of a no-deal Brexit scenario. The scale of the rejection of the proposal was significant and weakened, by any objective assessment, the authority of the British Prime Minister and the British Government. I understand that even today's vote on a no-deal Brexit does not necessarily take no deal off of the table, given the formulation of the motion before the UK Parliament and the range of amendments proposed. We have to await the outcome of that parliamentary process in Westminster before we can get a definitive shape of what is to come.

As I said, a no-deal Brexit prospect is closer as a result of yesterday's vote. The announcement of a tariff regime last evening by the British Government has potentially devastating implications for Irish farming and for primary producers in the beef sector, the dairy sector in terms of cheddar, and for poultry, lamb and pork. The impact would be to devastate the rural Irish economy and sectors of our agricultural industry. The cost to the beef sector alone would be more than €800 million if these tariffs were ultimately to apply. The beef sector has been, and continues to be, in real crisis even before Brexit. Prices are well below the cost of production and many beef farmers are at the end of their tethers before any prospect of these tariffs comes into play. Intervention by the Government has been slow and has not been responsive in trying to alleviate this, even through live exports etc. to get some movement.

This tariff regime would wipe out the beef industry. Many primary producers, the beef and suckler farmers, would go to the wall. On that specific issue, has the Government sought emergency aid for the farming sector? Will the Tánaiste indicate whether a specific request has been made to the European Commission under article 219, on market disturbance, and in the context of the current Common Agricultural Policy, CAP, regulations? Will the Tánaiste also give an absolute commitment that, in the context of Brexit, Ireland will not sign off on any increased

beef access from South America into the European Union in the latest Mercosur negotiations? We are in a real crisis now.

More broadly, has the Government any response regarding the British Government's proposals concerning the North-South Border? I refer to it saying simply people can trade across the Border without any checks. Have there been discussions between the Irish Government and the European Commission on what would happen at the Border, from our perspective, on 29 March in the event of a no-deal Brexit? Does the Tánaiste agree, given all of this, an extension is clearly required for everyone to reflect on Brexit and at least avoid Armageddon?

**The Tánaiste:** The proposals released by the British Government this morning relate to a no-deal Brexit scenario, which is by no means certain at this stage I am glad to say. Further votes are scheduled in Westminster today and tomorrow on possible Brexit scenarios. Ireland will respond to these proposals as part of the EU27 and, of course, in partnership with our EU colleagues. Our core objective is, and continues to be, to avoid a hard border on the island of Ireland and to protect the integrity of the Single Market and customs union. That does not change in a no-deal Brexit scenario. As co-guarantors, the two Governments will continue to have obligations under the Good Friday agreement to ensure peace and stability in Northern Ireland. That will be challenging in a no-deal scenario.

The imperative is to work together, and with our EU partners, to ensure we deliver on the shared goal of avoiding a hard border, deal or no deal. Tariffs will have a negative impact on trade and will be damaging to businesses, farmers and consumers in Ireland and the UK. We will study the impact of these proposals carefully, together with our EU partners. We have already had contact this morning. However, it should be stressed that no option, including zero-rate tariffs for some product categories or managed tariff rate quotas, would be as good as what is currently on the table in the withdrawal agreement which provides for no change in the current tariff-free trade between the UK and the EU during a transition period and also a guarantee of avoiding a hard border and protecting an all-island economy. Regarding the Deputy's questions on state aid, the Government is in close contact with the EU Commission on the matter of state aid supports. The Minister for Business, Enterprise and Innovation, Deputy Humphreys, and the Minister for Agriculture, Food and the Marine, Deputy Creed, met with Commissioners Vestager and Hogan to discuss the specific challenges facing Irish businesses.

In February, the EU Commission announced a relaxation of state aid rules regarding supports for farmers. Aid limits per farm were increased from €15,000 to €25,000. Only last week, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, announced an amendment to the rescue and restructuring scheme budget from budget from €20 million to €200 million. This scheme is an important safety net for Irish businesses and the increased budget is prudent as part of the overall contingency plan for Brexit. In the event of a no-deal Brexit, the Government will seek further relaxation of state aid rules and EU support for businesses and agribusiness. In its contingency action plan, the EU Commission noted the specific challenges faced by Irish businesses and committed to helping Ireland find specific solutions. That is exactly what is underway.

I could outline in detail the supports already put in place for agrifood. However, I have done so on many occasions in this House, as has the Minister for Agriculture, Food and the Marine, Deputy Creed. In short, the crisis, the problem and the uncertainty linked to Brexit all emanate from the inability of the British Parliament to give a clear signal, through majority support, on what it is willing to support and ratify. We will continue to advocate for the sensible deal which

emerged after two and a half years of negotiation which solves many of these problems. I hope we will have a clearer picture in the next 48 hours as debates and votes take place in the British Parliament at Westminster.

**Deputy Micheál Martin:** The Tánaiste did not answer my specific questions on specific applications for specific packages for beef farmers, for example. I am reading headlines in which the Tánaiste's colleagues refer to calves now being sold in marts for less than 50 cent as the beef crisis reaches extreme levels. The Tánaiste and the Minister for Agriculture, Food and the Marine, Deputy Creed, know the beef sector is in crisis now. If what happened with Brexit over the last three days had not occurred, my exclusive focus today would have been on the current beef crisis. Brexit, and a no-deal scenario, have come along, however, and this goes to the heart of preparedness.

What package will be on offer to beef farmers if a no-deal Brexit emerges and these tariffs are applied? Can the Tánaiste give us the flesh and bone of such a package? Surely, there have been detailed discussions. We were led to believe the EU Commission has been alerted and that everybody is aware of the challenges. As part of preparedness, surely there have been detailed discussions between the EU Commission and Ireland on what financial and monetary packages would be available, in particular to our beef farmers, in the context of such a tariff regime. The beef sector is in deep crisis now and it will be in a worse crisis in the aftermath of the application of these particular tariffs. We need specific answers on that. This Parliament not be meeting again until three days before Brexit day at the end of March. In the interests of transparency we need to have this fully fleshed out and for greater detail to be provided to the House on issues that are critical for many people.

**The Tánaiste:** First of all, this Parliament will meet if it has to in order to respond to political decisions debated and made in Westminster. That is what we will need to do. Even today a team from the Department of Agriculture, Food and the Marine is meeting with the European Commission on these issues. There have been many meetings and discussions in recent weeks and months on how we can collectively respond to the challenges of a no-deal Brexit. We have more information on how the UK proposes to unilaterally respond after 29 March if it should crash out without a deal. We are studying that. The tariffs the UK is proposing are being looked at in a lot of detail with regard to impact. Undoubtedly, any tariff imposed on agricultural products moving between the UK and Ireland will be very damaging. As a Government, we will need to respond to that appropriately and we will do so. The Deputy certainly does not need to impress on me the importance of this issue or the vulnerability of the agrifood or farming sector, particularly in the beef, pigmeat and dairy markets. We are factoring that in, and we will have a detailed response to that, appropriate to the scale of the challenge. At the start of this week the Minister for Finance, Deputy Donohoe, outlined the financial considerations he will have to factor in should that be necessary. That is the point we are at. We will share those details with the House as they emerge.

**Deputy David Cullinane:** Last night the Westminster Parliament again overwhelmingly rejected the withdrawal agreement agreed between the British Government and the European Union in November. That same withdrawal agreement was adopted and supported by this House. It is regrettable that it was rejected for a second time, but not surprising given the chaos in Westminster and in the British political system. What happened last night heightens the prospect of a no-deal scenario or a crash-out Brexit at the end of the month. Mr. Barnier was right when he tweeted last night:

The impasse can only be solved in the #UK. Our “no-deal” preparations are now more important than ever before.

That is a statement I agree with, and I am sure the Tánaiste does too. The root of the problem is the British Parliament, the hard Brexiteers and the DUP. There is an irony in what the British Government has proposed today. It accepts the logic that there is a need for different rules to apply to the North and that the North needs to be a special case where trade is concerned. At the same time, the British Government is trying to undermine the solution which is on the table, that is, the backstop. Again, we need to ensure that there is absolutely no movement on the backstop. It is the bare minimum necessary to protect the Irish economy, businesses and farmers and to ensure there is no hardening of the Border. The problem is that with every passing day we lurch closer to a hard Brexit. It is a possibility. That will bring chaos at the Border and will create problems for the Good Friday Agreement, economic chaos and problems for citizens in terms of their rights.

As we speak, farmers, businesses and exporters are worried. They need real solutions. The Tánaiste said earlier that the European Union is examining easing state aid rules. We need more than that. We need hard, concrete and practical solutions for businesses, exporters and farmers. We have proposed a Brexit stabilisation fund to be put to use to protect farmers and give them the practical support they need, to protect vulnerable businesses and to protect exporters. Will the Tánaiste agree to such a fund and will the Government establish it? When will the European Commission give the Irish Government the necessary flexibility with state aid rules? There is no point in continuing to make promises when today, given what the British Government has announced, people are concerned and worried. The Tánaiste and the Government have a responsibility to make sure that businesses, farmers and the Irish economy are protected. The Tánaiste, the Government and the European Commission need to step up to the plate. Can the Tánaiste spell out to us exactly what the European Commission says it will put in place to ease state aid rules and what additional supports will be put in place by the Government?

**The Tánaiste:** I thank the Deputy for those questions. As we have been throughout this process, we are very close to the European Union through the Commission, the Barnier task force and the other member states. Along with the Taoiseach and other Ministers, the Minister of State, Deputy Helen McEntee, and I have spent a lot of time building up an understanding among our colleagues and friends across the European Union of the exposure and vulnerability of the Irish economy to a no-deal Brexit or a negotiated Brexit with a bad outcome. That work is now paying off in that the solidarity is clear. There is no pressure on Ireland to change our approach to the withdrawal agreement, the Irish protocol in it or the backstop in all its detail. The pressure is in London. That is where the crisis is emanating from, and that is where we need to see solutions emerge. We want to help in that process. We have always said that. We have shown a willingness to be flexible and to take account of the political challenges facing Westminster, and the need for clarification and reassurance around issues about which it has concerns. The EU has worked with us on that, particularly in recent days, but it has not been enough. That is the reality.

The response from the EU today will be clear. We have gone as far as we can. It is now up to the British political system and the British Government to try to find a way of resolving the UK’s own issues. The proposal that the UK Government published this morning to facilitate trade on the island of Ireland in the context of a no-deal Brexit makes it very clear:

A negotiated settlement is the only means of sustainably guaranteeing no hard border

and protecting businesses in Northern Ireland. This is why we are, first and foremost, still committed to leaving the EU with a deal. In a no deal scenario, the UK government is committed to entering into discussions urgently with the European Commission and the Irish Government to jointly agree long-term measures to avoid a hard border.

In that context, it is important to mention the Commission's response today to that document. It says that the EU remains determined to avoid a hard border, that it will ensure the integrity of the single market and customs union in all circumstances, that it is convinced that since no other solutions have been identified, the backstop is currently the only one available to fully address the challenges of the land border and that it is studying these proposals. In other words, deal or no deal, the principles around the backstop and how it was put together will remain the focus of any negotiation between the Irish Government, the British Government and the European Commission. As I have always said, this will undoubtedly have to happen if a no-deal Brexit looks like it is becoming a likelihood rather than a possibility, which it still is today.

I will come back to Deputy Cullinane on one other issue on which I would like to respond.

**Deputy David Cullinane:** I thank the Tánaiste. He might answer the questions on precisely what the European Commission and the European Union are considering in regard to state aid rules. We have been hearing about this for months and yet we have not seen any practical proposals. For many businesses and farmers the crisis is here and now. I also asked the Tánaiste if the Government would consider a Brexit stabilisation fund. We believe that such a fund is necessary to provide additional financial supports to the businesses that will be most affected by Brexit. Brexit is a massive market distortion, as we know.

The Tánaiste is right in pointing out that the pressure is in London, but London is playing a game of chicken with Dublin and Brussels on who will erect checks at the Border in a no-deal scenario. If we have a no-deal scenario and a hard Brexit, and if the unilateral tariff regime announced by the British Government today is imposed, what will be the response of the Irish Government? What will be the response of the European Commission? That is what people are concerned about. They need to know how the Irish Government and European Union will respond to what I see as a fantasy solution and another attempt by the British Government to put pressure back on the Government and the EU.

**The Tánaiste:** I do not think the British Government sees what it published this morning as a viable solution in the medium to long term. That is why it has described it as a temporary solution, which is clearly inadequate in terms of the longer term. The European Union, understandably, will want to protect the integrity of the Single Market and customs union, as will Ireland, and, at the same time, recognise the commitments to prevent a hard border on the island of Ireland between the two jurisdictions. That will continue to be the case. What I am saying is that we have a deal on the table that solves that problem. It is called the backstop. It is in place as an insurance mechanism. There are alternative arrangements that the EU is happy to consider but they have to stack up. In my view, there is no viable solution that manages sensibly the two obligations we have of preventing border infrastructure and, at the same time, protecting the integrity of both single markets - in the UK and the EU - and which does not involve something that looks like the backstop around regulatory alignments and also the checking systems that are part of that backstop model. That will have to be discussed between the three parties.

I will make one other comment with the facilitation of the Chair. We have very important legislation on fisheries in the Seanad today. I am appealing to both Fianna Fáil and Sinn Féin,

which currently oppose the Bill, to consider what they are doing. We are in the business of preventing border infrastructure, both in the Irish Sea and on land, and we are currently preventing fishing vessels from Northern Ireland accessing our waters within the six-mile limit, which we have done historically under the *voisinage* arrangements. The Minister for Agriculture, Food and the Marine, Deputy Creed, is trying to fix that problem this week and he needs the facilitation and assistance of both parties in the Seanad. I appeal to them to be of assistance in that regard.

**Deputy Brendan Howlin:** There are estimated to be around 10,000 undocumented Irish migrants in the United States and I am sure that when the Taoiseach meets President Trump tomorrow he will raise that issue. He will probably argue rightly that most Irish in America are taxpaying, law-abiding and hard-working people. They have contributed much more to the American economy than they have asked from it. However, because their papers are not in order, they cannot travel or visit relatives. They cannot even come home to attend funerals. Some of them have children who were born into this administrative limbo. Labour Party policy, which I understand is also Government policy, is that these Irish people should have their migrant status regularised. Why can we not do the same for the taxpaying, law-abiding, hard-working people who are undocumented in Ireland? It is estimated that a few thousand adult workers here have irregular status. Will the Government ask the Minister for Justice and Equality, Deputy Flanagan, and the Minister for Business, Enterprise and Innovation, Deputy Humphreys, to work together on a joined-up policy to provide regular migration status to all those workers?

We all know that we currently lack a sufficient, quick and responsive migration system. Some employers can be tempted to cut corners and, therefore, responsible employers will lose out. We have low unemployment, thankfully, and employers in many sectors are crying out for workers. Those workers are already here, working and housed. There is little economic cost and much to be gained by allowing these people to be regularised in the same way we are asking the United States to regularise our people. As the Tánaiste will know, these workers are often the mainstay of the agricultural and hospitality sectors and care work, looking after our vulnerable people. This can be low-paid, precarious work sometimes and those are matters we have to address too. Will the Government, therefore, introduce a scheme with the publication of clear criteria so that workers can get their migration status regularised?

In addition, we have a generation of our own dreamers, to borrow a phrase coined by President Obama, namely, children born or brought up in Ireland, some of whom are now approaching adulthood but who are denied basic rights and opportunities that all citizens of this country take for granted, for example, attending college, because their parents have irregular status. We are talking about a few thousand young people and children. Ireland needs a growing population. There is no economic cost to regularising their current status, only gain and moral good. Will the Government undertake to create a mechanism so that children born and raised here who have gone to school here, and those who were raised here but born abroad, can regularise their status and contribute fully and in safety to this nation?

**The Tánaiste:** On the points the Deputy makes in respect of undocumented Irish, I am sure that is an issue that will be raised by the Taoiseach with the President of the United States tomorrow. It has been raised every year for a number of years. We have been looking for legislative vehicles that could allow that to happen in a way that would protect Irish people in the United States who are undocumented. It is not easy in the current political environment on migration on Capitol Hill, which has led to a very divisive debate between the two parties there. We are

very close to securing agreement on an E3 visa facilitation for Ireland by which unused visas arising from a legal arrangement and relationship between the US and Australia would be used. That measure would have passed if one Senator had not decided to block it. We want to continue to try to find a way of getting that done. That work for Irish America and Irish people in America continues and would also facilitate a new generation of young Irish people who want to be part of the US story to do that in the future in a way that is legal, controlled and managed.

In respect of regularising workers who are undocumented here, we have had a conversation on this matter in Cabinet. This is not an easy thing to get right. It is particularly difficult in the context of agreements and debates that have been had across the European Union where we are trying to get consistency in terms of how we deal with undocumented individuals, asylum seekers and so on. It has to be viewed in that context, rather than Ireland doing its own thing entirely. Having said that, we need to try to be consistent in terms of what we are asking for Irish citizens abroad and the way we treat foreign nationals here in Ireland. We also have to be consistent in terms of how we treat families so that we do not create conditions whereby parents are being asked to leave the country, while their children, in theory, are being allowed to stay and, in doing so, breaking up or separating families. These are not easy issues to resolve, but I take the point the Deputy is making. I reassure him that the Cabinet has had discussions on them in recent months.

**Deputy Brendan Howlin:** I am sure the Tánaiste will agree with me that it would be hypocrisy for the Government to engage in special pleading for Irish people in America - pleading in Congress and to the United States President - while doing little to address exactly the same concerns of migrants to this State whose status is irregular. The notion that we cannot deal with that ourselves is not right. Other nations in the European Union have done so. To be clear, I am asking the Government to establish an administrative scheme, which can be carefully defined and monitored, to allow adult migrant workers to attain the right paperwork to remain here. I am also asking the Government to introduce a fair and transparent mechanism and to set out rules so that children born or brought up in circumstances where they have irregular migration status can have their situation regularised here too. Will the Tánaiste today, before the meeting tomorrow between our representatives and the American Administration, say that he will do that?

**The Tánaiste:** No. I will not say today that I will do that without being able to follow through properly. I have stated that the Government is considering this issue. I take the Deputy's point and do not disagree but amnesties can be a dangerous space.

**Deputy Brendan Howlin:** It is a process of regularisation.

**The Tánaiste:** What is required is to examine ways in which people who are working in, and contributing to, the economy and who want to stay here can potentially find a pathway to legitimising their position with the documentation to back that up. The Minister is willing to look at that but it needs to be managed in a way that does not give the impression that Ireland is looking at amnesties or that creates a potentially unwelcome pull factor of which we need to take account. Having said that, there needs to be consistency between what we ask of other countries in their treatment Irish citizens and how we treat foreign nationals here who are part of our society and the economy.

**Deputy Michael Healy-Rae:** First, I want to register what could be perceived as a conflict of interest, as always, in matters such as this. I wish to highlight a local and national issue. A

very respectable family left Ballinskelligs in south Kerry, went to America and worked very hard, became successful employers who created valued and great employment for people who left our shores and went to America. That family wanted to do something good for Kerry and their country. They owned a small place called Cable O'Leary's, a lovely public house and restaurant. They wanted to demolish it and build a modest, 45-bedroom hotel in its place. It was a well thought out hotel in a nice location. Kerry County Council, which I could not support more, and our excellent planners looked at what was proposed in the plans and, in their wisdom, said yes. This was good for the area of south Kerry, for Kerry and for Ireland. This family was not going to be borrowing money. They did not want anything from Government; they wanted nothing from no one. All they wanted was the right to build and develop a good quality hotel where people from the locality and around the country could go to have weddings, funeral parties, christenings and a great focal point in Ballinskelligs. They got their planning permission and, lo and behold, there was an objection. That objection went to An Bord Pleanála. For the sake of €200 - a miserable, rotten price - the objectors were able to take this respectable family to An Bord Pleanála which, in its infinite wisdom, took away the planning permission that was thoughtfully granted by Kerry County Council. It has robbed the community of employment, a focal point and a place for people to go to. This has happened many times throughout the country.

Apple did not invest €850 million in Athenry. Everything was going smoothly for that investment of almost €1 billion. What happened? Apple was hunted out of Athenry, Galway and Ireland because of objectors. The Tánaiste will know these things in his heart and soul. It is good to be asking questions of a person of substance and ability who can answer. He knows my feelings on that. I am glad to see the Tánaiste sitting there and the longer he sits there the better it might be. In the name of God, what action is going to be taken to deal with the planning process? How are we going to root out these serial objectors, these do-gooders who are good for nothing? These people never did anything or created anything in their lives, only wrote a stupid piece of paper and gave €20 to a local authority or €200 to An Bord Pleanála. There are people in An Bord Pleanála who will go against everything - Government policy, local authority policy, elected Members and members of our county councils who are democratically elected. These people will throw all that out the window and rob us.

**The Tánaiste:** I thank the Deputy for the compliment.

**Deputy Jim Daly:** Flattery gets one everywhere.

**The Tánaiste:** I sense a honeytrap there.

**Deputy Micheál Martin:** We will spare the Tánaiste that.

**The Tánaiste:** Please do. It would be inappropriate for me to comment on any decision of An Bord Pleanála in this House. It is an independent agency which makes decisions every day that we need to respect.

**Deputy Brendan Howlin:** It is a matter for the High Court.

**The Tánaiste:** The only mechanism that can question those decisions is the court system if someone chooses to test such a decision through judicial review of the process by which a decision is made as opposed to the actual planning decision itself.

One of the issues that arose during the work on the Project Ireland 2040 plan, which I was

very involved in, arose from the learnings from the Athenry data centre case to which the Deputy referred. There is a need to make sure that our planning laws are as robust and speedy as possible in order to ensure that our infrastructure investment programme, as well as that of the private sector, can be delivered as efficiently as possible and does not suffer undue or unreasonable delay. In that context, the Minister for Housing, Planning and Local Government established a working group last year to examine the scope for improvements in, and the streamlining of, the planning legislation so that important projects can progress more speedily through the process. Further to the working group's deliberations, the Minister, Deputy Eoghan Murphy, intends to submit proposals for a new planning and development amendment Bill in the next month or so, focusing particularly on the reform of the judicial review process I referred to in respect of planning cases and further streamlining the strategic infrastructure development provisions so that decisions can be made in a more timely manner.

The 2040 plan envisages that half of Ireland's population growth in the next two decades will happen across rural towns and villages, and indeed rural Ireland outside of Dublin. If we are going to facilitate that kind of population growth, and we are anticipating that Ireland's population will grow by over 1 million people in that period, we need to ensure we have a planning system that is fit for purpose. Our planning system is a good one but there are things about it that could be improved. The Deputy will have an opportunity, during the passing of the legislation in this House, to put his perspective on that debate.

**Deputy Michael Healy-Rae:** My mother, the late Julie Healy-Rae, always said that if An Taisce in its present format existed in the 1940s and 1950s, we would have no rural electrification because it would have objected to the poles going up to run the wires into people's homes in the countryside. That is a fact and she was right. There would be no light in rural Ireland if the people who are around today were around then.

An Bord Pleanála is an out of control monster in the decisions it is making. An Taisce was formed in 1948 as a national trust and association for the preservation of places of interest and beauty in Ireland. That was a good reason to form An Taisce but it is also now an out of control monster. The people in these organisations need to be reined in. How could anybody classify it as normal behaviour for one individual to have 20 or 30 objections lodged with any local authority at the same time, objecting to young people who want to build family homes in the countryside? It is not normal, natural behaviour for any person to be sitting at home with a dirty, poisoned pen, writing horrible letters about young people.

I cite one place in south Kerry with the permission of the families involved. I will not name the families but I will name the townland and anybody who knows anything about planning in Kerry will know exactly the cases I am talking about. The area to which I refer is Tomies, just outside Killarney. There was torture, mental anguish and disruption to family lives. The Members here might not know the people but they know what I am talking about. Each Member has a version of Tomies in their backyard. They have had cases wherein fine, respectful people wanted to build a family home and were denied the right to do so. There are also politicians who object to planning permission in their constituencies at a time when we are looking for more homes.

**An Ceann Comhairle:** The Deputy is over time and I am going to have to object to that.

**Deputy Michael Healy-Rae:** I thank the Ceann Comhairle for allowing me because he knows this is also a very important issue outside his own door.

13 March 2019

**The Tánaiste:** Our role as politicians and policymakers needs to be around how we debate, prepare for and implement legislation and policy. We should not get into the realm of individual planning decisions. That is what planners are there for in terms of the professionalism they show at local authority level and, ultimately, at An Bord Pleanála level should appeals be taken. I caution against this. There are many public representatives involved in objecting to certain planning decisions but we should leave planning decisions to planners. Of course, we need to ensure the legislation and policy direction they get is appropriate to the challenges we face in rural and urban Ireland and we are trying to do this now. The approach towards policy on height in Dublin and other cities is changing appropriately to the challenges of a modern, sustainable and growing city. Likewise in rural Ireland, we need to make sure the balance right between the capacity and ability of individuals who have concerns and objections to be able to voice them and for them to be fairly considered but also to ensure we can allow the right type of development to proceed in a timely manner.

**An Ceann Comhairle:** Thank you, Tánaiste.

**The Tánaiste:** At the moment, the balance is pretty close to being right but new legislation is being brought forward that I hope will add to the discussion and improve the legislation even further.

### **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**Deputy Micheál Martin:** This week, Ministers are travelling the globe promoting Ireland and, in particular, promoting Irish tourism. I want to bring to the Tánaiste's attention a contradiction in that Dublin Port Company is developing a policy that will substantially reduce the number of cruise liners coming into the country. The cruise liner business is worth €50 million in revenue. It brings revenue to the retail and hospitality sectors, particularly in Dublin, Cork and Belfast. Other areas, such as Galway, are also anxious to develop it. If the capital is not on the itinerary these other locations will lose out significantly. Dublin Port has said it intends to reduce the number of ships allowed into Dublin from 160 this year to 80 in 2021. It is not good enough for the Government to say it is a matter for the port company. There has to be a cross-sectoral approach to policy for promoting tourism. We have Ministers all over the world asking people to come to Ireland but at the very same time a company of the State-----

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Micheál Martin:** -----is saying essentially it will not happen and it is going to undermine it. There is a way out of this-----

**An Ceann Comhairle:** The time is up, Deputy.

**Deputy Micheál Martin:** -----but the Government must take a hand in it.

**An Ceann Comhairle:** I call the Tánaiste.

**Deputy Micheál Martin:** I am asking, in the context of the programme for Government, what the Government's response to this will be.

**The Tánaiste:** I am very familiar with this issue. It has been raised with me by multiple sources. We have managed to build a cruise liner tourism product in Ireland that has resulted

in significant expansion in recent years. We have invested in smaller harbours, such as Killybegs and Dingle, and have attracted a lot of interest from cruise liner traffic in recent years. As Deputy Martin knows, Cork will probably have more than 100 cruise liners this year. Last year, I believe 167,000 people visited the Cork area from cruise liners and we had all the crew on top of this. The figure last year was approximately 80 ships. It is true to say other ports, whether Belfast, Cork, Killybegs, Dingle or wherever, are reliant on Dublin being a significant draw as a capital city and the cruise liners then move to other cities and ports around the island of Ireland. The indication from Dublin Port that it is looking to limit cruise liner traffic in the years ahead is a big worry in terms of the overall strategy on cruise liner tourism. It is something I will raise with the Minister for Transport, Tourism and Sport.

**Deputy Dara Calleary:** Does he know where Dublin Port is?

**The Tánaiste:** I do not want to speak for Dublin Port Company because it needs to make commercial decisions itself.

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

**The Tánaiste:** It has pressures it is responding to and, in the context of Brexit, doing so in an extraordinarily efficient way. It had capacity issues it needs to take into account.

**An Ceann Comhairle:** Sorry Tánaiste, the time is up.

**The Tánaiste:** In this context, as a shareholder of Dublin Port Company, there does need to be a conversation.

**Deputy Micheál Martin:** More than a conversation.

**Deputy David Cullinane:** Earlier, I asked whether the Government is considering establishing a Brexit stabilisation fund and I want to ask the question again. It is important that we use all available resources of the State to ensure we protect the Irish economy and ensure businesses, exporters and farmers are protected. We have called for a €2 billion Brexit stabilisation fund and we state it should come from the Irish Strategic Investment Fund and the rainy day fund. Some trade unions and others have called for a similar fund. It is necessary to ensure additional financial supports are put in place to support sectors of the economy that are vulnerable to Brexit. Two things are needed. The Government must step up to the plate financially with a Brexit stabilisation fund and the European Union needs to complement this with additional financial supports and an easing of state aid rules. The Tánaiste did not answer these questions earlier. Will he commit to the establishment of such a fund in the State? Will he outline to the House precisely what the European Commission is looking at with regard to additional supports and state aid?

**The Tánaiste:** The question probably needs a more detailed answer than I will be allowed to give now. At the start of the week, the Minister, Deputy Donohoe, gave a very detailed statement on the predicted financial impact on the Irish Exchequer of a no-deal Brexit. What he clearly indicated is we will need to borrow money in that instance. We may well have to dip into a rainy day fund and we will have to work in partnership with the European Commission to protect vulnerable sectors that are exposed in the context of a no-deal Brexit and the type of tariff regime that could be imposed, as we saw this morning.

To simplify this into a Brexit stabilisation fund out of which all of those sectors will pull is

probably to oversimplify it. What will happen instead is the Department of Public Expenditure and Reform will negotiate with the key Departments packages that are necessary for their sectors, particularly agriculture. The Minister, Deputy Creed, is sitting beside me and I know the Department of Agriculture, Food and the Marine has, for a number of weeks, been engaging with the Department of Public Expenditure and Reform on how this would work.

**An Ceann Comhairle:** I thank the Tánaiste.

**The Tánaiste:** I reassure the Deputy and many of the vulnerable sectors this is something the Government has put a lot of thought into and we will turn it into action. It will cost money and it may well result in Ireland going back into deficit rather than staying in surplus should that be necessary but it would be wrong at this stage to raise expectations in terms of the amount of money we are speaking about.

**An Ceann Comhairle:** I thank the Tánaiste.

**The Tánaiste:** It is a significant challenge but a challenge it will be necessary to follow through on.

**An Ceann Comhairle:** We will not get through everyone if we do not stick to the one minute allowed.

**Deputy Brendan Howlin:** In the past, I advised the establishment of a retired pensioners' alliance that would feed into public sector pay talks. This would bring together retired pensioners from throughout the Civil Service and public service. When public sector pay talks and negotiations take place there is no formal input by retired pensioners. In fact, trade unions do not normally represent them. Anomalies have arisen for various public sector pensioners in the context of the round of pay restoration and the most recent FEMPI legislation and this inequity needs to be addressed. In the context of the public sector pay stability agreement expiring at the end of next year, will the Government give access to the Alliance of Retired Public Servants to future pay talks? More pressingly, will the Tánaiste raise with the Minister for Public Expenditure and Reform the need to address now with the alliance anomalies that most people in the House would like to see addressed?

**The Tánaiste:** I hear what the Deputy is saying but because there is no trade union representation it is difficult to facilitate a structured engagement that would be equivalent to that which existing recognised trade unions have. There are other mechanisms to allow sectors that do not have trade union representation to input into the process in parallel with the formal negotiations that go on. Whether this is a way to facilitate what the Deputy is looking for I am not quite sure. I would like the Minister, Deputy Donohoe, to address this in a bit more detail rather than me winging it here. Having been in the Department of Defence I know there are other mechanisms through which interests can be represented in the context of public sector pay negotiations and considerations. I will ask the Minister to revert to the Deputy with more detail in that regard.

**Deputy Bríd Smith:** I understand that the Residential Tenancies (Amendment) (No. 2) Bill which will soon move to Committee Stage has the aim of affording extra protection to tenants in private rental accommodation. In Inchicore today, up to 32 families are facing eviction from Emmet House and Emmet Manor, two apartment blocks that are being refurbished. These are very vulnerable and frightened families. They have been told they must leave their homes but they are not being provided with an alternative place to reside while the refurbishment takes

place. They have nowhere to go. The Tánaiste will acknowledge that the current legislation does not afford sufficient protection to tenants in private rental properties. Will he ensure that the Government amends the legislation stringently and sufficiently to protect tenants? Will the Government accept amendments to the Bill that would allow extension of the Tyrrellstown amendment to cover refurbishment and force landlords to guarantee alternatives in such cases?

**The Tánaiste:** The legislation is due to be progressed shortly and there will be an opportunity to debate these issues with the Minister for Housing, Planning and Local Government, Deputy Murphy, on Committee Stage of the Bill.

**Deputy Michael Healy-Rae:** Income received from carer's allowance is disregarded in medical card applications. However, the issue is that if a person applies for carer's allowance and a medical card at the same time, a decision is not made on the medical card until a decision is made on the carer's allowance even though that income is disregarded. As the Tánaiste is aware, a decision on carer's allowance takes up to five months. Therefore, a person must wait up to five months before a decision on a medical card can be made even though the income from carer's allowance is disregarded. This is causing big problems. It is a very straightforward issue. I ask the Minister of State, Deputy Daly, to, please, deal with it because it is a big problem for constituents of every Member of the House.

**Minister of State at the Department of Health (Deputy Jim Daly):** Although I do not doubt the Deputy's bona fides, I would be surprised if the Department makes a judgment based on-----

**Deputy Eamon Scanlon:** That is the case.

**Deputy Michael Collins:** It is.

**Deputy Michael Healy-Rae:** The Minister of State can hear the echoes. It is the case.

**Deputy Jim Daly:** I will look into the matter because it is difficult to understand how a judgment or assessment would be made based on something that might happen in the future. I would have thought applications would be assessed based on the situation here and now, rather than on something that may be granted in the future. I will look into the matter and revert to the Deputy. I thank him for highlighting it.

**Deputy Pat Buckley:** The programme for Government makes reference to the mother and baby homes commission of investigation. Are the relevant Ministers aware that demolition works were carried out on the Bessborough site in Cork this week without the knowledge of Cork City Council? A building known as the little folly has been used as a place of reflection and commemoration by survivors in recent years. I discovered this morning that an enforcement order has been put on that building. My information is that the commission was informed that repair works would be carried out on it. It may seem a minor issue, but the survivors of the mother and baby home in Bessborough are angered and anguished that developers have moved onto the site and begun knocking buildings without it being public knowledge or a geophysical radar scan having been carried out. These events are atrocious. I would love to get an answer on this issue.

**The Tánaiste:** It is difficult for me to comment without knowing the detail of what is happening. If the Deputy sends me a file on this issue, I will make sure it gets to the right person.

**Deputy Pat Buckley:** I certainly will.

**Deputy Danny Healy-Rae:** There is uproar in County Kerry about new regulations or laws being brought in by the Department of Housing, Planning and Local Government relating to short-term lettings. The Minister stated that it will not affect County Kerry. The local authority there has been given no direction. The Minister of State, Deputy Griffin, was asked on Kerry radio what was happening and stated that he was waiting for instructions from the Department of Housing, Planning and Local Government.

**Deputy Michael Healy-Rae:** He does nothing anyway.

**Deputy Danny Healy-Rae:** People need clarity. They are very concerned. This could adversely affect the self-catering industry in Kerry, which is a tourist county. What is happening? What is the Department doing to people? People are very upset and anxious. There will be a meeting tonight in Listowel on this issue and another in the coming days in Killarney. All around the county, people are organising and asking what is happening. Will the Department of Housing, Planning and Local Government and the Tánaiste tell us what is happening and what the Government is doing on this issue?

**The Tánaiste:** I might ask the Minister of State, Deputy Griffin, who knows County Kerry better than anybody, to revert to the Deputy on this issue.

**Deputy Michael Healy-Rae:** He knows nothing.

**Deputy Eugene Murphy:** I seek clarification from the Tánaiste on the issue of driving licences in the event of a Brexit scenario. I acknowledge I have raised this issue previously. There seems to be some confusion. I understand that people driving on British licences may change to Irish licences. However, some people driving a commercial vehicle or minibus are being told that they will not be covered and may have to resit a test. I am unsure of the position and am urgently seeking clarification. This matter is of concern. I am sure the Tánaiste realises that thousands of people in the State drive on British licences. I have received two different answers on this issue and do not know which to believe. I ask the Tánaiste to clarify the issue or ask one of his officials to do so.

**The Tánaiste:** I ask the Deputy to send me any specific question he has regarding different categories of licences and I will ensure that I get a detailed and accurate answer for him.

**Deputy Charlie McConalogue:** Following on from the contribution of the leader of Fianna Fáil, Deputy Micheál Martin, on Leaders' Questions, I ask the Minister for Agriculture, Food and the Marine, Deputy Creed, for clarity regarding the plans he has in place, if any, to properly support the agriculture sector in the event of a hard Brexit. Yesterday, the British Government published the types of tariffs it will put in place in the event of a hard Brexit. With two weeks to go to Brexit, it is time for clarity from the Minister regarding the supports that will be available to the agriculture sector. As the Minister is aware, the sector is currently under significant pressure and in crisis. It is simply unacceptable that it is totally in the dark as to what the response and support from the Government and the European Commission will be if the worst comes to pass in terms of a hard Brexit in two weeks.

**An Ceann Comhairle:** I call Deputy Martin Kenny on the same matter.

**Deputy Martin Kenny:** This morning, the British Government announced tariffs relating

to a range of agricultural produce. Although most Members recognise that much of this is play-acting and that the British Government is not really serious about this, with it being regarded as a temporary tariff situation, if there is a crash-out at some point, as is likely in the coming three or four months if not within the next two weeks, we will have to deal with those tariffs. The only workable option I can see is for the European Union to provide a fund to assist to pay the tariffs. I refer to Irish beef in particular, a significant proportion of which is sent to the UK and which simply cannot be put into intervention or stored. There is no option other than to provide it to the market that wants it and try to cover the tariffs until alternative markets can be found. Is the Minister looking at that option?

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank the Deputies for their questions. As they will be aware, some time ago my Department quantified that the additional cost to our exports to the UK if it decided to apply the full WTO tariff would be in the region of €1.7 billion. The UK Government this morning proposed a unique and bespoke approach to tariffs, as it is entitled to do in the context of its trade with the European Union. We are carrying out a detailed analysis of those proposals. For example, the equivalent of the full WTO tariff is proposed for some commodities, whereas for other commodities it is half or less than half the full WTO tariff. A broad selection of options has been laid out by the UK. As the Deputies are aware, the Government has been engaged with the Commission. In fact, even today a senior team from my Department is in negotiations with the Commission on all of these issues and the interventions that may be necessary. However, we can only respond when an action is implemented. The British Government has put forward a proposal regarding what would happen in the event of a no-deal Brexit. However, as the Deputies are aware, there will be a vote this evening in the House of Commons which could take a no-deal Brexit off the agenda. I assure the Deputies, farmers and the agrifood industry generally that there is a commitment to intervene at Commission or Exchequer level to provide the supports that may be necessary in the case of a no-deal Brexit.

**Deputy Michael Moynihan:** This morning in the AV room, Dementia Ireland gave an in-depth presentation and provided very thoughtful insight into living with dementia. This issue is being dealt with right across the country. Dementia Ireland stated there are but eight dementia advisers in the country who liaise with dementia sufferers and their families. It stated the service is completely under-resourced. What intention has the Government to consider the real issues facing people with dementia? A considerable number of individuals have dementia. Dementia advisers comprise an important part of allowing them to live lives that are as normal as possible. Has the Government any intention to appoint additional dementia advisers to help to address these issues?

**The Tánaiste:** There is a clear national dementia strategy and the Government is seeking to implement it. This has involved increased resources. With regard to the specific questions asked by the Deputy, I would like to obtain more accurate answers. If he writes to me with the questions or directly to the Minister concerned, he will get a more accurate answer than I can give him now.

**Deputy Robert Troy:** The previous Government established Irish Water. Since its establishment, the quality of the service has diminished in certain locations. In Athlone, there has been a considerable increase in the frequency of water outages in the past 12 months, quite often without any notification and sometimes with inadequate notification. Are there protocols to ensure adequate notification when scheduled works are to take place and contingency arrangements to assist businesses, particularly in the hospitality sector, when there is an emergency

outage? Could the Tánaiste revert to me at a later stage on when the planned upgrade of water infrastructure in Athlone will be carried out? Ultimately, this will be the best solution to prevent water outages.

**Deputy Eamon Scanlon:** On the same issue, in the south Sligo area there is cryptosporidium in the water. A boil-water notice has been in force for practically 18 months. This is very difficult for businesses and families. Irish Water has applied for planning permission. The application is in the planning process but unfortunately it has to be sanctioned under IROPI legislation. I do not believe this legislation has been enforced in this country before but the application is complete and has been sent to the office of the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan. Will the Tánaiste speak to her to have this matter resolved so the necessary works on the water supply may be carried out immediately?

**The Tánaiste:** Irish Water has been asked to upgrade the water network across the country and has been doing so in a very efficient way. It has been investing considerable funds in making our supply safer and to understand what exactly is in it. There used to be 35 local authorities doing their own thing and that resulted in a significant and very dangerous deterioration in water infrastructure across the country. Irish Water has exposed a lot of that ugliness and danger but, in doing so, it has created a lot of inconvenience because once a problem is exposed, it has to be fixed. Irish Water is setting about doing that.

From my experience, while there are some exceptions, Irish Water has been pretty good about notifying not only local businesses but also local public representatives.

If there are issues in Athlone, as there clearly are, I will try to obtain specific answers. With regard to Sligo, I was there recently and this issue was raised with me directly. Reference was made to the length of time for which boil-water notices have been in force and the number of people affected. To be fair, planning delays are as frustrating to Irish Water as to those involved in any other project being developed.

**Deputy Michael Collins:** On page 47 of the programme for Government, under the heading of tourism, the Government promised to work towards achieving ambitious tourism policy goals by 2025. In Kinsale, which is one of Ireland's main tourism destinations, there is a planning application for a 65-acre mussel farm, requiring bottom dredging, off Kinsale Harbour. The people of Kinsale and I have serious environmental and tourism-related concerns. Kinsale is the starting point of the Wild Atlantic Way. The Minister will say he cannot comment on planning issues but the Government can wake up and draw up new planning guidelines immediately to prevent the development of a 65-acre mussel farm off Kinsale Harbour or hundreds of acres of kelp harvesting off Bantry. This would protect sensitive areas that depend so much on tourism.

**Deputy Michael Creed:** It is quite an interesting point to raise in the context of the representations made by Deputy Danny Healy-Rae on the planning process. Deputy Michael Collins is objecting to the possible granting of planning permission and Deputy Danny Healy-Rae is objecting to the-----

**Deputy Michael Collins:** I asked about a mussel farm off Kinsale.

**Deputy Michael Creed:** -----development. I hear the Deputy. I am not aware of the specific project but in light of the fact there is a planning application under consideration by my Department, it would not be appropriate to comment further.

**Deputy Michael Collins:** Planning guidelines.

**Deputy Niall Collins:** I have been asked by the family of a constituent, Ms Ruth Morrissey, to raise her case. Unfortunately, she has cervical cancer and was failed by the State and HSE in the cervical cancer screening programme. Last May, the Taoiseach said the following on “Six One News” regarding people who have to go to court to seek damages and all the trauma that goes with that: “What we propose to do is to offer mediation in every case so that women can avoid having to go to court and the trauma of a court hearing.” He went on to say:

What we will do in this situation is the State will settle and pursue the lab later. So, essentially the State will be on the side of the plaintiff, on the side of the woman.

Late on Monday, Ruth Morrissey was summoned to the High Court for a hearing yesterday, at which point she was subjected to a pretty robust and traumatising cross-examination by counsel for the HSE. Her family is quite upset about it. It calls into question the commitment given to the women by the Taoiseach, namely, that mediation would be offered. Is the Tánaiste happy that the mediation process that the Attorney General was supposed to counsel the State Claims Agency to enter into in a meaningful way is being engaged in? Is he satisfied the women who have been failed are being treated sensitively and properly by the State Claims Agency and that a proper mediation processes is being engaged in?

**The Tánaiste:** I acknowledge the difficulty and heartache Ruth Morrissey and her family have had to go through in the context of the CervicalCheck scandal. There are many other victims and families in this category also. The State’s only objective is to try to support those affected as best it can, to try to keep people out of court and to ensure fair settlements for the women and families involved. That is why I announced yesterday during Leader’s Questions the detail of the *ex gratia* scheme that is now being set up under the chairmanship of a retired High Court judge. The scheme is to ensure families and victims get the support the State wants to make available to them.

I do not have the exact details on the legal arguments associated with the case in question. I am slow to comment on a court case. I know, however, that the policy direction of the Government to the State Claims Agency is very clear: we want to try to keep these cases out of court so people do not have to go through an adversarial court system in regard to assessing the extent of claims and compensation.

**Deputy Peter Fitzpatrick:** Irish fishing vessels cannot fish within 12 miles of the Isle of Man and are excluded from fishing inside the six-mile exclusion zone around the entire British coast but the Minister wants to allow UK vessels access to Ireland’s six-mile fisheries exclusion zone. This is unacceptable to the Irish fishing industry. The Minister also stated that all Irish-registered fishing vessels of 18 m and over will be excluded from fishing inside Ireland’s six-mile fishery limit from 2021 onwards, yet the Government is attempting to fast-track legislation that will allow vessels from Northern Ireland to fish inside Ireland’s six-mile fishery zone. The UK has already stated that it is leaving the London Fisheries Convention, severing the existing arrangements which allow for access to inshore waters between neighbouring member states. Irish fishing organisations and fishermen are totally frustrated. It is hoped that the Bill is at least delayed until the outcome of the Brexit negotiations is known, and there is time for proper consultation with stakeholders.

**Deputy Michael Creed:** It is important to put on record what exactly we propose to do,

which is to reinstate a reciprocal arrangement that existed long before the London convention was agreed in the early 1960s, which recognised that there were established fishing patterns in play. What happened in October 2016 is the Supreme Court found that our arrangements were struck down in that context. Fishermen in the Republic of Ireland still enjoy a right and entitlement to fish in the Northern Ireland inshore sector. We are merely proposing to reinstate by legislation an arrangement that existed up to then.

**An Ceann Comhairle:** There are three Deputies offering. I will take 30 second questions from each of them.

**Deputy Imelda Munster:** There are more than 4,500 people on the housing waiting list in County Louth. The Rebuilding Ireland targets are to deliver just 1,074 homes between now and 2021. That leaves a shortfall of more than 75% without even taking into account those families who will come onto the housing list between now and 2021. Despite the Government's protestations, Rebuilding Ireland is clearly not working because the figures are there to prove that. Does the Tánaiste accept that only the roll-out of a policy to provide public housing on public lands with public finances will solve this crisis?

**Deputy Brian Stanley:** I wish to raise a separate issue.

**An Ceann Comhairle:** I know that.

**Deputy Brian Stanley:** My question relates to page 3 of the programme for Government, which relates to reducing waiting lists in emergency departments to less than six hours. I wish to raise that in the context of Portlaoise hospital. A consultation process was announced for the hospital at the end of 2017. When we met the Minister for Health he said there would be a consultation process with local stakeholders, which he promised would be speedy but the process has not started yet. At the time I asked if it would be used to just to kick the can down the road and 16 months later that is exactly what has happened. I asked the Minister numerous times in this Chamber when the consultation process would start and I was told before Christmas that a facilitator would be appointed soon. Then, hey presto, I got an answer this morning from the Minister which said consideration is being given to appointing an independent external facilitator for the consultation process.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Brian Stanley:** This is a step backwards.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Brian Stanley:** This is causing major uncertainty about the emergency department in Portlaoise hospital.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Brian Stanley:** It is causing problems for the recruitment of staff because the hospital is over dependent on temporary staff.

**An Ceann Comhairle:** Does the Deputy have a question?

**Deputy Brian Stanley:** The issue is going around in circles.

**An Ceann Comhairle:** Deputy Stanley is going around in circles.

**Deputy Brian Stanley:** When will the consultation process on Portlaoise hospital start?

**An Ceann Comhairle:** Will the Deputy resume his seat?

**Deputy Brian Stanley:** When will the facilitator for the consultation process be put in place?

**Deputy Michael Fitzmaurice:** In the programme for Government a commitment was made that within the first three months an application would be made by the Government to the EU for the western arc to be included in TEN-T funding. The commitment has not been honoured by the Government. I do not know where the Minister for Transport, Tourism and Sport has gone but he does not seem to realise that with Brexit going on it is now more important than ever for counties along the west coast, from Donegal down, to be included in core TEN-T funding. Will the Tánaiste and Minister for Foreign Affairs and Trade take an interest in the matter and get it delivered, in conjunction with the Minister for Transport, Tourism and Sport because he does not seem to have an interest in it?

**The Tánaiste:** I will give three fairly concise answers. First, in response to Deputy Munster, her party, along with other parties on the all-party committee that was set up to look at housing and social housing, set targets with which Rebuilding Ireland is consistent, in terms of delivering an extra 50,000 social housing units.

**Deputy Imelda Munster:** The targets are not working.

**The Tánaiste:** That is because this is a five-year strategy. It will not work in year one or year two on its own. One can only measure the delivery of social housing on the basis of increasing output over a five-year period, which is exactly what is happening.

**Deputy Imelda Munster:** The Tánaiste is eight years in government.

**The Tánaiste:** We are meeting the figures to which Deputy Munster's party signed up in the context of the original Rebuilding Ireland document and the all-party committee. In fact, the figures from the point of view of Rebuilding Ireland have been upgraded since then to 50,000 from approximately 47,000 extra social housing units.

I will get the Minister to respond directly to Deputy Stanley. I will raise the issue with him and outline the frustrations expressed by the Deputy today.

In relation to TEN-T funding, I do not think the Government could be accused of not investing in transport infrastructure in the west given some of the recent announcements in terms of road developments there. I will raise the question Deputy Fitzmaurice asked about TEN-T funding with the Minister for Transport, Tourism and Sport, Deputy Ross, and ask him where that specific issue is at, and the qualification criteria.

## **Gnó na Dála - Business of Dáil**

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I move:

That notwithstanding anything in Standing Orders or the Order of Business of 12 March 2019, first, the rota for Private Members' business in accordance with Standing Order 143F shall be amended by way of the following temporary sequence: Solidarity-People Before

13 March 2019

Profit shall take the slot on 26 March and the Social Democrats-Green Party group shall take the slot on 17 April, and the rota shall otherwise be unchanged; second, No. 16*b*, motion re special committee on climate action on today's supplementary Order Paper shall be taken now, without debate, and any division demanded thereon, shall be taken immediately.

Question put and agreed to.

### **Special Joint Committee on Climate Action: Motion**

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I move:

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

(a) the Order of 3rd July, 2018 appointing the Committee (as amended by Order of the Dáil of 28th February, 2019) is amended by the substitution of '28th March, 2019' for '14th March, 2019;

and

(b) notwithstanding the Order of the Dáil of 28th February, 2019, having reported to both Houses of the Oireachtas on or before 28th March, 2019, the Committee shall, not more than two weeks thereafter, report to both Houses recommending revised draft orders of reference for the Committee."

Question put and agreed to.

### **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy James Browne - to discuss with the IDA the provision of additional jobs and further investment in County Wexford; (2) Deputy Eamon Scanlon - to discuss provision of an emergency ambulance service in the north west; (3) Deputy John Brassil - to discuss the allocation of residential services for people with disabilities in Cork Kerry community healthcare and nationwide; (4) Deputy John Curran - to discuss the lack of primary school places in Rathcoole; (5) Deputy Shane Cassells - to discuss development of the new St. Mary's special school in Navan; (6) Deputies Eoin Ó Broin and Thomas P. Broughan - to discuss developments on the proposed cannabis access programme; (7) Deputy Mick Wallace - to discuss EU intervention for an end of the US sanctions in Venezuela; (8) Deputy Fergus O'Dowd - to discuss the allocation of home care hours from the HSE, for persons in the CHO 8 area; (9) Deputy Frank O'Rourke - to discuss improvements in public transport for north Kildare, particularly in Celbridge; (10) Deputy Dara Calleary - to discuss the impact of the decision of the Commission for Regulation of Utilities in relation to the Mayo Power project; (11) Deputy Niall Collins - to discuss a review of the Prohibition on Incitement to Hatred Act 1989 and racism here; (12) Deputy Jim O'Callaghan - to discuss support for all victims of terrorism and violence on the island of Ireland and the United Kingdom; (13) Deputy Pat Buckley - to discuss closure of respite beds at Midleton hospital; and (14) Deputy Robert Troy - to discuss the potential impact of Brexit on Ireland's cruise ship and tourism industry.

The matters raised by Deputies Shane Cassells, Pat Buckley and Dara Calleary have been selected for discussion.

*Sitting suspended at 1.20 p.m. and resumed at 2.20 p.m.*

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

### **Schools Building Projects Status**

**Deputy Shane Cassells:** I thank the Ceann Comhairle's office for the sensitivity in choosing this matter because the progression of the project relating to St. Mary's special school in Navan, County Meath, means a great deal to many parents and students across the county. I understand the Minister for Education and Skills is delayed in the Seanad but the Minister of State, Deputy Jim Daly, is well apprised of this issue. I hope he will address the issue of the logjam in progressing this project which was promised over seven years ago. I also hope he will have information in respect of the commencement of the construction process because parents have been left frustrated with endless tales of architects working on the tender process. As the parents have listened to information about tendering and other aspects of the construction process, they have seen two brand new schools built on the same educational campus where St. Mary's has had a site reserved. These two schools are a much needed primary school, St. Stephen's, and a secondary school, Coláiste na Mí, for the large residential area of Johnstown in Navan. However, all three were announced together for this campus and the only one that has not been delivered is St. Mary's special school.

At Christmas in 2013, I sat in the hall of the new primary school and looked at the plans for the proposed St. Mary's special school. I also listened to affirmations that construction would be under way soon. What has frustrated the parents greatly is the fact that there has been such a delay while the other two schools progressed. They were completed on time on the campus while no work commenced on St. Mary's. The parents have been left in the dark about where their school actually stands and whether there was going to be any progress in building it.

I know the Department receives many requests for the advancement of schools. None is more deserving than St. Mary's special school in Navan. It is led superbly by the principal, Maria Corredor, and the chairman of the board of management, Bob O'Callaghan, as well as the team of dedicated staff who accommodate individual learning styles to ensure all students may experience success. The school has been in existence for over 42 years and caters for nearly 90 students from all across counties Meath, Cavan, Louth and Dublin. This week I met parents of students from Oldcastle in north County Meath, besides the Cavan border, whose children must get up at 6 a.m. to travel to this school. Some 60 km away in Ballinabrackey, at the far end of the county where one can puck a ball into Offaly, there are children doing the same thing. These children, some with acute special needs, are spending an hour and a half on a bus to get to school. While they are grateful there is a school to go to, they would like the new school promised to them on several occasions. They want a school that is not just surviving in an adapted and antiquated building where some students have to attend in a different HSE-owned building a mile down the road because there is not enough room on the site.

Last summer, the then Minister, Deputy Bruton, visited the school along with three fellow

Ministers from Meath. The *Meath Chronicle* did not buy the photo shoot moment and captured the mood perfectly when it ran a front page the following week with the headline, “Build Our School Now Minister” and stated, “Despite the visit of four Government Ministers last week, staff and parents of 90 pupils of St Mary’s special school in Navan look set to wait another 18 months before work starts on their new building promised seven years ago.”

The parents I met from the school this week want to know why there has been such a delay, what is the logjam and when will a shovel actually go into the ground for construction to start. One mother I met this week, Tracey Holsgrove - she said she could be named in the Chamber - wanted to know when would her little girl, Fionnula, get the same facilities and opportunity afforded to the rest of the children currently on the new educational campus. Her daughter leaves Oldcastle at 7.30 a.m. in order to get to school in Navan at 9 a.m. because the latter is the only school she can attend. Fionnula has done this commute since she was five years of age; she is 12 now. If Tracey knew that when Fionnula got to school that she had a dedicated purpose-built soft play room to enjoy, then she would have a weight lifted from her shoulders.

Many parents have seen their children progress through these outdated facilities over the past four decades. They are now fighting for the current crop of students and staff of the school. Perhaps they might get to enjoy the planned new school and have the dignity they deserve in receiving their education. I hope the Minister of State will have some positive news on when the school will commence.

**Minister of State at the Department of Health (Deputy Jim Daly):** I apologise for the Minister not being present. He is in the Seanad dealing with the Brexit emergency legislation.

I thank the Deputy for raising this matter as it provides me with the opportunity to outline the current position on the major building project for St. Mary’s special school, Navan. This project is included in the 2016 to 2021 six-year construction programme, announced on 17 November 2015, to go to tender and construction. St. Mary’s special school will be part of a shared campus with Coláiste na Mí. The building project will deliver a phase 2 extension for Coláiste na Mí and a new school building for St. Mary’s special school. The new building for St. Mary’s will provide an area of 3,746 sq. m with 11 classrooms and associated ancillary accommodation to cater for pupils with a range of learning disabilities. In December 2018, the project completed stage 2(a), developed design stage, and has been authorised to proceed to stage 2(b), detailed design, which includes the applications for planning permission, fire certificate and disability access certificate, as well as the preparation of tender documents.

Planning permission for this particular project was sought earlier than usual in the architectural planning process, during stage 2(a), as a means to identify any potential issues which might arise. All statutory approvals for St. Mary’s are now secured and the project design team is working on the completion of the stage 2(b) submission and bringing the project to tender ready stage. This will include the pre-qualification of contractors for the main contract and reserved specialist contracts, as well as compiling a shortlist of contractors. Upon receipt and review of the stage 2(b) submission, the project will then be authorised to commence the pre-qualification of contractors. Pre-qualification normally takes between eight and 12 weeks to complete. When pre-qualification is complete, the project will then be progressed to tender stage. A tender stage normally takes between seven and eight months to complete.

**Deputy Shane Cassells:** I thank the Minister of State for his reply but I would have hoped for a firmer and more detailed timeframe for the commencement of the building work. The

parents have been listening to how long a tender process takes for the past several years. The Minister of State indicated that the school project is included in the 2016 to 2021 building programme. However, it was announced by the previous Government seven years ago. What frustrates the parents is that there were no qualified remarks when the project was announced seven years ago. The projects relating to the other two schools on the campus flew through the planning process, the approval stages in Tullamore and have been built. The only project that has not progressed is that relating to St. Mary's special school.

Why has there been such a logjam? Will the Minister of State ask the Department why there has been such a delay? Of all the students on the campus in question, those in St. Mary's special school are the ones who need the most up-to-date facilities. For the past 42 years, the school's students have been in two separate temporary antiquated facilities. The hope afforded those students seven years ago when the new school campus was announced was amazing. The frustration now is that another generation of students will go through it and not see the realisation of that dream. The parents who had children in the school are now fighting for the current generation because these children deserve the best. I know the Minister of State, due to his brief, will appreciate that and back those parents' sentiments.

The parents have heard the outlines for the tender process before. Will there be a shovel-ready site in January 2020 or will it be delayed even further? Will the Department come back with a definitive date as to when we can expect construction to start?

**Deputy Jim Daly:** The Deputy's frustration with the delays to date and his passion to see this project over the line are obvious. Nobody in the Department or the Minister wants to delay this project any further.

Planning permission had been granted earlier in the process but issues with traffic management arose on stage 2(a). That necessitated several meetings with Meath County Council which caused delays. We would prefer if these issues did not arise but it is a fact of real life when one is dealing with large-scale projects such as these. The Deputy acknowledged that two other projects in the town went through the planning and building processes well. However, not every project will sail through. We all have these issues in our constituencies, as well as the frustrations with projects which take extra time to deliver. It is not the political system, political will or finances that is holding it back, it is just that it is undergoing the different processes. St. Mary's special school has passed all the major hurdles, including one of the biggest hurdles which is getting on the plan. There are schools in my constituency which cannot get onto the next plan, although they are trying desperately to do so. The school has planning permission, which is a great achievement. It has been through the design process, that is, the 2a stage, which is where the issues arose, and has now gone to 2b which is the final stage of design and which involves firming up some minor changes that have arisen as a result of the issues around traffic. That has to be approved by the Department and then the pre-qualification stage which is narrowing down the list of contractors and going to tender. I cannot give the Deputy a date here and I would be loath to do so even if I could because that can build expectation and disappointment but this is on track and progressing well. I outlined the timelines, namely, six to seven months for the tendering process, having gone through the pre-qualification stage and 2b stage relating to details. However, both of those processes typically take weeks rather than months.

13 March 2019

## Respite Care Services Provision

**Deputy Pat Buckley:** I welcome the opportunity to speak on this issue and thank the Minister of State for taking it. I raise the threat of closure, which is hanging over Midleton Community Hospital respite unit and which is causing fear. One of my party's local councillors has been working on this and I will quote from a recent article on the subject:

Concerns have been heightened an elderly care unit in east Cork will be closed for good.

The respite unit in Midleton was closed last December by the Health Information and Quality Authority, HIQA, over fire and safety concerns at the community hospital.

The health watch dog found the internal doors were too narrow at the former 19th century workhouse.

The community facility that currently caters for 53 elderly was required to widen the entrance door to the respite unit for clients with walking aids and the wheelchair bound.

The article continued that the work was carried out soon after, but a follow-up inspection required additional double doors fitted in order to access the lift.

In a statement to the *East Cork Journal* the Health Service Executive said that it was committed to reopening the beds at Midleton Community Hospital as soon as possible and that it hoped to do so within a matter of weeks. While the HSE said the closure of the unit was a temporary measure, Sinn Féin Councillor Danielle Twomey said health officials fear HIQA will not allow the eight bed ward to reopen. She said uncertainty is part of the problem, fearing HIQA does not understand the devastating effect a permanent closure of the unit would have. The unit has given carers much-needed breaks from caring and elderly to socialise, which has been lost since December. Closing the short break unit permanently would pile even more pressure on already stressed cares of the elderly.

This relates to 53 elderly patients but there is also a knock-on effect on their families. This is a vital service. The Committee on Future of Mental Health Care discussed how we must keep families in their local areas and support local services for local people as did the Sláintecare report. I seek clarity on this as sometimes the left hand does not know what the right hand is doing. This is a fabulous community-based service which does great work and whose benefits to the elderly are incalculable. It is unimaginable that it might close over a couple of technicalities. It would devastate Midleton and the surrounding east Cork area.

In 2017 I tabled a parliamentary question for response by the Minister for Health, Deputy Harris. Under the residential care centres capital plan for 2016-2021, it was proposed to spend €10.3 million on a 50-bed community nursing unit within the grounds of Midleton Community Hospital, which was to be completed by 2021. I have seen no progress on this. I am worried about HIQA shutting down a centre that caters for 53 patients. It is necessary for that centre to remain open. On the other hand, the HSE and the Minister for Health have said they think it is appropriate to invest over €10 million in the same area for a 50-bed unit. I cannot understand what is being lost. I seek clarity and assurance for the people and service users in Midleton Community Hospital and the wider area generally that the unit will not close and that in coming years, we will see the new 50-bed community unit.

**Deputy Jim Daly:** The Government's core stated objective is to promote care in the com-

munity so that people can continue to live with confidence, security and dignity in their own homes and communities for as long as possible. This is clearly what older people and everybody in this House wants. We also have patients who are in genuine need of residential care either on a long-stay or short-stay basis and their safety and well-being is of paramount concern.

Residential care is provided through a mix of public, voluntary and private provision. It is worth highlighting that the budget for long-term residential care in 2019 is €985 million and over 23,000 clients on average at any one time will be in receipt of financial support.

Midleton Community Hospital is a 53-bed facility predominantly for the care of older persons. The current bed profile is 45 beds for continuing care, one for chronic young sick, five respite beds and two for community support. The hospital, which has access to a visiting consultant, provides 24-hour nursing care through a team of doctors, managers, staff nurses, multi-task attendants and other staff members.

As the Deputy is aware, community hospitals like Midleton are an essential part of our national infrastructure and we are determined to maintain our public stock. However, many public units are housed in buildings that are less than ideal in the modern context. It is important to note that, notwithstanding this, the care delivered to residents is generally of a very high standard. Without these units, many older people would not have access to the care that they need. On that basis, we need to upgrade our public bed stock and this is the aim of the capital investment programme for community nursing units. This programme includes a number of facilities in Cork, including Midleton Community Hospital.

Pending the building of the new facility in Midleton, we have to ensure that the highest standards of care are provided to all current residents in a safe and secure environment. On that basis, important upgrade works at the hospital are underway. These will be completed in a number of weeks. Once completed, the seven beds in St. Mary's ward which unfortunately had to be temporarily closed will be reopened.

The HSE recognises the value and importance of respite care, and sincerely regrets that these beds had to be temporarily closed. However, there was no other way to undertake these important upgrade and fire renovation works.

As well as essential fire upgrade works, some improvements are being made at the hospital, including a new shower room, better storage facilities and an upgrade to a ward kitchenette. These works will be of huge benefit to residents and will enhance privacy and dignity for them.

Management at the hospital worked with public health nursing staff, who co-ordinate respite admissions to Midleton. I understand that every effort was made to keep families informed, to provide alternative arrangements where possible or to reschedule the admission dates for respite. Some clients have been facilitated in Youghal Community Hospital and others have been facilitated in nursing homes in the Midleton and Cork city areas.

The HSE has advised that it is committed to reopening the beds as soon as possible, and it is expected that this will be done in a matter of weeks.

**Deputy Pat Buckley:** I am delighted with the Minister of State's reply. It will give the people of Midleton and the surrounding east Cork area some solace that there is a full commitment to the unit. I also welcome what he said about the pending building facilities. The Minister of State said that some of the clients were facilitated in Youghal Community Hospital. The

13 March 2019

capital projects plan proposes spending €2.67 million on a 32-bed refurbishment there which I look forward to seeing in place. I welcome that the first line of the Minister of State's response referred to care in the community. I thank him for his response which has clarified a great deal. There can be fear in communities when rumours start and then snowball, especially when people are already in a distressed state worrying about elderly parents or loved ones. They need clarity so I thank the Minister of State for his response.

**Deputy Jim Daly:** It is always good to have the opportunity to clarify matters where there concerns have been raised in a community. That is one of our responsibilities as public representatives. I visited Midleton Community Hospital some time ago with my colleague, the Minister of State, Deputy Stanton. It is a wonderful facility which is exceptionally well regarded by the local community. Its respite service is of equal importance to the families who depend on it as those who are staying there long term. The Minister of State, Deputy Stanton, keeps pressure on me to update him regularly on the future development of the project. A project advisory team and a technical advisory team have been appointed for the hospital's redevelopment at the site at the back of the hospital. Indeed, my good friend and colleague, who I am sure was a former colleague of Deputy Buckley, Councillor Noel Collins, whom I sat alongside for many a happy day in County Hall in Cork when I was on the local authority, writes to me fairly often about Midleton Community Hospital as well to ensure that its future is secure. I am glad to be able to confirm all of that for the good people of Midleton who Deputy Buckley, the Minister of State, Deputy Stanton, and Councillor Collins have the honour to represent.

### **Commission for Regulation of Utilities**

**Deputy Dara Calleary:** I thank the Leas-Cheann Comhairle and the Ceann Comhairle for allowing me raise this issue and I particularly thank the Minister for taking it.

The Minister will be more than familiar with the Mayo renewable power project which is located in the former Asahi plant just outside Killala in County Mayo. This project will give 42 MW of combined heat and power, CHP, which will greatly aid us in attaining our national targets in this area. At its peak, it could create over 300 construction jobs and, potentially, 130 full-time positions when it is up and running.

It has had a chequered history, however. The plant received, in 2012, a CHP plant certificate under the refit scheme at a 100% rate. On that basis, it proceeded to construction, involving expenditure to date of €95 million, and the sod was turned by the former Taoiseach, Deputy Enda Kenny, with much publicity.

In 2016, there were changes in the structure and the financing of the company. It was then required to resubmit for permissions, which it received very efficiently and expeditiously from Mayo County Council and from the Environmental Protection Agency.

However, the grant of the 100% rate, which had been given in 2012, was reapplied for and on this occasion to the Commission for the Regulation of Utilities of water and electricity. That application has taken eight months to decide on. Instead of 100%, it came back with an 18% approval which has completely changed the viability of the project. The project itself has not changed. The environmental impact of the project has not changed since 2012. Nothing has changed in this project since 2012 except this analysis. The application for the re-analysis was made, not on the back of an envelope but by internationally renowned companies with expertise

in this area which dealt with all of the issues and presented all of the challenges that were given. This project is now under threat. The job potential, the energy potential and the contribution to Ireland's carbon targets are all under threat.

I understand and appreciate that the Minister cannot intervene in the Commission for the Regulation of Utilities, CRU. However, that cannot make it unaccountable. As a former Minister of State at the Department of Enterprise, Trade and Employment, I ask is it acceptable that investors are allowed to proceed with expenditure of €95 million on the basis of all of these permissions being in place and then, effectively, on the basis of a change of mind, that investment is left in the ground? Is it appropriate that a community, which was given this offer of significant job creation and potential in terms of further energy, is left hanging and without any information today as to where it can go? Is it appropriate that there is no avenue of appeal, bar a judicial review which is enormously expensive for any business to take? What has changed since 2012 in terms of the make-up of the project that has made CRU issue such a different decision today?

I am aware that the Minister cannot interfere but we need answers. One cannot have unaccountable Government bodies going around making decisions like this. I would appreciate if the Minister could offer some pathway by which we can remedy this and address it quickly because we have already lost eight months in their analysis, and so that we can give assurance that Ireland, and Mayo, is a place that one can invest in, that one can be confident about such investment and that we are interested as a country in proceeding with this kind of project.

**Minister for Communications, Climate Action and Environment (Deputy Richard Bruton):** I acknowledge that Deputy Calleary and indeed Senator Mulherin have been in touch with me on a number of occasions about this. There is a great degree of concern in Mayo about this project and I fully acknowledge that.

Deputy Calleary acknowledges in his comments that this is an entirely independent regulator and it is independent under EU legislation. That is the essence of the approach.

What is at stake here is a decision on the level of effective subsidy that would be provided for a plant on the basis that it achieves certain desirable features that were set out in the programme agreed at EU level. It requires the regulator to evaluate any project that comes before it and look at matters such as its electrical, thermal and overall efficiency, its power-to-heat ratios, the electricity from combined heat and power, the amount of fossil fuel displaced and all the other issues that are set out and the CRU has set that out clearly for any investor to evaluate.

The decision in respect of its evaluation, which the Deputy acknowledged has seen a much lower certification of combined heat and power than was originally given, is a matter for the CRU.

The question of accountability of the regulator is one not to the Minister but to the Oireachtas committee. It is open to the Oireachtas committee to invite the regulator to attend and explain the approach that it takes, but I have full confidence in the regulator's fairness of approach in these matters. Indeed, not so long ago, the OECD conducted an evaluation of the CRU's procedures and practices and found it to operate in a strong manner. There is not any question that the CRU does not conduct its affairs in the fairest possible way.

There may be some issues of misunderstanding. The CRU is always open to meet the sponsors to clarify any issues that may need explanation or if there are issues of clarity. There was - I

understand this was partly the delay - quite an amount of information acquired and exchanged and to my knowledge, considerable care has been taken over this decision.

I cannot intervene, as the Deputy has indicated, in a decision such as this. However, I can point to the fact that it is open to the company to meet the regulator and seek explanations or engagement on some of the assessment that has been carried out. The assessment is done against an objective set of criteria. The regulator has assessed many other projects in similar ways and I understand many have been well short of the 100% allocation in terms of the certification of combined heat and power.

The two avenues I mentioned are the only avenues open: from the Oireachtas point of view, the CRU may be invited to the committee and from the company's point of view it can of course seek clarification of the basis of the decision that has been made. It is not open to me to intervene in a case where an independent regulator evaluates the extent to which an application meets important criteria that must be met under this state aid provision.

**Deputy Dara Calleary:** The independent evaluator already assessed this project in 2012 and gave it 100% certification. The project has not changed. The regulator reassessed it and then reduced 100% certification to 18%. We must be able to get answers in that regard.

I accept the regulator's independence. The Minister used the word, "misunderstanding." There is a lot of misunderstanding in a reduction from 100% to 18%. Either the misunderstanding was in the first place in giving it 100% certification which then allowed a pathway of €95 million worth of investment or the misunderstanding is in this phase in bringing it to 18%.

I certainly will pursue with the committee Chairman, Deputy Hildegard Naughton, bringing the regulator before the committee, and I understand Senator Mulherin will do the same. However, as the Minister with responsibility for climate action, Deputy Bruton must also be satisfied that we have this kind of pipeline of projects to assist us to meet our targets. Surely the Minister should look at this project from a departmental point of view, without interfering in the CRU, to see whether the project is adding up in terms of the refit and whether it is adding to the kind of targets the Minister needs to meet for the country. As a former Minister of State with responsibility for enterprise, I reiterate that it is not good enough for the Minister to be sitting on the fence in respect of this project, leaving 130 jobs in abeyance and €95 million of investment literally in the ground. It is a project in respect of which many people were very happy to have their pictures taken. The project is needed for regional development and national targets in the area. I accept the independence of the regulator but it cannot be unaccountable either. I will pursue its appearance before an Oireachtas committee but the Minister's Department should engage and see if our pathway to reaching national targets in combined heat and power are being affected by the way the regulator does its business.

**Deputy Richard Bruton:** Under this scheme, we give a premium payment on the basis that high-efficiency combined heat and power is delivered. A biomass combustion generating electricity would get a much lower rate of electricity pricing if it did not meet certain criteria setting it aside as high-efficiency combined heat and power, displacing fossil fuels and so on. That is the basis on which the premium is payable and the state aid rules underpinning that are approved by the European Union. When it comes to the interpretation of whether a project has met those standards, it must be done independently of the Government. Those are the established rules of the renewable energy feed-in tariff, REFIT, 3 scheme. Somebody must independently assess each project to see if it is delivering efficiencies, carbon reductions, fossil fuel replace-

ment and so on that were intended by giving this additional state aid to it. The CRU does that.

I am fully confident the commission does this in a fair and objective way. I have not seen the papers surrounding this and it would have been improper if I had seen them as it is entirely a matter for the CRU. Every project that comes in is fairly evaluated against these rules. Many projects have come in and been evaluated and not all are getting 100% certification. The Deputy has correctly said we must be attentive in achieving our climate targets, and I am determined to step up the pace of achievement for those targets, but it does not mean a Minister will interfere in the way in which existing rules or new rules developed to promote decarbonisation will be applied. This must be independent of the Government, and that is what the CRU is doing.

I know the Deputy wants more of an explanation but I can only offer the information I gave already. Either the company should approach the CRU or the Oireachtas could ask the CRU to explain how it handles these applications.

### **Business Insurance: Motion [Private Members]**

**Deputy Michael McGrath:** I move:

“That Dáil Éireann recognises that:

— micro-, small- and medium-sized enterprises currently employ over one million people in Ireland according to the Central Statistics Office (CSO);

— the cost of employer liability insurance and public liability insurance is a direct threat to the competitiveness and sustainability of many businesses throughout the country, including, micro-, small- and medium-sized enterprises, sports clubs and facilities, charities, community and voluntary organisations, play centres, livestock marts, pubs and bars;

— the National Competitiveness Council has cited the cost of doing business in Ireland as a major concern, and that hidden costs such as insurance remain a pressure point for businesses;

— the Report on the Cost of Doing Business from the Joint Committee on Business, Enterprise and Innovation placed insurance front and centre as an issue for ‘most business organisations’;

— many businesses are reporting large increases in employer and public liability insurance premiums, many more cannot even obtain a quote, forcing them to self-insure, which puts both businesses and claimants at risk, and large increases in insurance excess and a greater use of insurance exclusions have also been reported;

— the Personal Injuries Commission (PIC) has confirmed that the data shows personal injury claims in Ireland are out-of-sync with other jurisdictions;

— the PIC recommended that corrective action is required to bring personal injury damages back in line with other jurisdictions, that the Judicial Council Bill 2017 be progressed through the Houses of the Oireachtas as quickly as possible and that a judicial council should bring forward guidance on the level of personal injury damages;

13 March 2019

— the Personal Injuries Assessment Board (PIAB) was established in 2004 to provide an alternative dispute resolution mechanism to assess personal injury claims to often costly adversarial court proceedings;

— 33,114 applications were received in 2017 by PIAB, only 6,788 awards out of 12,663 made were accepted, and the remaining cases were dealt with outside the PIAB process;

— there is currently no data collected tracking the changes in premiums for employer liability and public liability, which means the problem remains under the surface;

— insurance fraud is one of the many reasons why insurance premiums are high, and there is currently no data collected on insurance fraud, be it from the Garda PULSE insurance fraud statistics or from the Courts Service;

— the insurance fraud database has yet to be established, the original deadline has been missed, and no new deadline has been put in place;

— in many instances, insurance companies are not challenging claims they believe to be dubious and potentially fraudulent; and

— insurance companies use non-disclosure at the point of a claim rather than at the policy proposal stage in order to avoid the payment of a claim;

and calls on the Government to:

— fully establish without delay the national claims information database inclusive of public liability and employer liability and an integrated insurance fraud database which includes the number of complaints made to An Garda Síochána, the number of cases brought by the Director of Public Prosecutions (DPP), the number of convictions made at both District and Circuit Court level, and the penalties and the sentences handed down;

— legally oblige insurance companies to notify policyholders of claims made against them as claims are made, to inform policyholders of the amount a claim was settled for and the reasons why the claim was settled, and to provide a breakdown of the premium;

— outline a timeline for the implementation of each of the 14 recommendations made by the PIC regarding personal injury awards;

— immediately commence recent legislative proposals passed by the Oireachtas which will require that PIAB update the Book of Quantum every three years or sooner;

— apply pressure to the insurance industry to be forthcoming with data in order for the Department of Finance to complete a key information report on public liability and employer liability insurance claims;

— urgently advance the Judicial Council Bill 2017 to establish a judicial council and establish an interim framework, inclusive of PIAB, to enable the judiciary to complete guidelines in advance of the establishment of the judicial council;

— fully fund and resource a dedicated Garda fraud unit, facilitate the passage through the Oireachtas of the Civil Liability and Courts (Amendment) Bill 2018, so that fraudulent or exaggerated claims are reported to the DPP and bring in tougher penalties for

such claims;

— undertake analysis on the potential options for micro-, small-, and medium-sized enterprises which cannot obtain public liability or employer liability insurance from any company operating in Ireland;

— urgently work with the CSO to bring forward an objective measure of the level of public liability and employer liability insurance;

— urgently tackle the 18 outstanding action points in the Cost of the Insurance Working Group's Reports on Motor Insurance and Employer and Public Liability Insurance, including the action points marked 'Concluded (for CIWG)'; and

— work towards creating a single European market for insurance to better enable businesses to shop around for employer and public liability insurance."

I will share this speaking slot with six Deputies. I will take seven to eight minutes and they will take approximately two minutes each.

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

**Deputy Michael McGrath:** Before getting to the subject matter at hand, I warmly welcome students and staff from St. Peter's community school in Passage West, County Cork. It is the school I attended so I am delighted they are here in Dáil Éireann and able to witness this debate. I wish them well.

**An Leas-Cheann Comhairle:** Cuirim fáilte rompu.

**Deputy Michael McGrath:** The focus of this motion is employer liability and public liability insurance. It is not that everything is fine in the area of motor insurance, as it certainly is not, but the focus of the motion is in respect of employer and public liability. For businesses, voluntary organisations, community groups, sporting bodies, livestock marts, festivals and so on, there is a real crisis regarding this matter. I welcome to the Gallery many people directly involved in those sectors, including proprietors of play centres, pubs, nightclubs and hotels. They have taken time from their own businesses to be here because of the importance of this matter. We are at a crisis point.

Any business with a significant public footfall, whether it is a pub, a nightclub, a hotel, a children's play centre or a leisure centre, is experiencing very significant increases in the cost of insurance. The reality is that the cost of insurance has closed businesses and it has done so repeatedly. I know three centres have closed in the past month, with the cost of insurance being the main factor. I can give one example of a play centre that has not yet closed but that will do so unless something changes. Its renewal is in March every year. In 2016, the cost of insurance for this business was €3,500; in 2017 it was €5,500; in March 2018 it was just under €10,000; and it has just received a renewal notice in the post for €18,500 for insurance for the next 12 months. If nothing changes within days for that business, it will close with the loss of employment and a vital amenity within the community. We cannot allow that to happen.

This is not about preventing legitimate claims from being dealt with and of course legitimate claims must be processed on a fair and even-handed basis. We are really lacking certainty when it comes to awards, however, as there is a lack in consistency. In July, the Personal Injuries Commission published a final report and its central recommendation was that there should

be a judicial council established that could issue guidelines for appropriate damages in respect of personal injuries. It demonstrated through empirical evidence that with respect to soft tissue claims, including whiplash, the award levels in Ireland are 4.4 times the levels in England and Wales. The average awards are over €17,000 here against approximately €3,800 in England and Wales. We have the hard evidence now.

Where is the process now of setting up that judicial council? The Bill to establish that judicial council was brought forward in 2017 but it seems to be stuck in the mud somewhere since November of that year. We need to deal with the fact that award levels in Ireland are significantly out of line with other jurisdictions. Is it the case that the Minister's colleague, the Minister for Transport, Tourism and Sport, Deputy Ross, is preventing the Bill from being brought forward in the Seanad because of the delay with the Judicial Appointments Commission Bill? We deserve straight answers as to whether that is the case. I cannot explain to the people contacting me why the Bill has not been progressed despite dealing with the central issue of award levels, which must be dealt with as a priority.

Where a claim is made against a business, it is hampered in its ability to defend the claim. Somebody can rock up as many as two years after an alleged event took place to submit a claim. On the other hand, the Data Protection Commissioner confirmed to us today that the business should only keep closed-circuit television, CCTV, records for 30 days. If somebody comes in on the eve of the second anniversary of an alleged incident saying he or she fell in the bathroom of the premises on a certain date, there would be no CCTV footage for the dance floor, the entrance to a facility, the playing area and so on. The business would be unable to defend itself, which is a key matter to be addressed.

Insurance companies are not providing information to policyholders in respect of claims being made against them. That issue must be dealt with and people should have the right to know when a claim is made against their policy. They should be given information about the settlement process and where awards have been made. It is not being done, and we have seen evidence of that for many cases.

There is also the matter of fraudulent and exaggerated claims. This is a serious problem and it must be addressed. We still do not have an insurance fraud database, which had been promised, and over two years ago a Garda insurance fraud unit was recommended but I am not sure what happened since. There was a debate for approximately two years as to whether the insurance industry should fund it but we now know it will not do so because the Garda Commissioner does not want it funded that way. Where is it and will it happen? We cannot even get information about the number of prosecutions brought in this State in respect of fraudulent insurance claims. Neither the Courts Service nor the Garda can tell us; there are no records and no information is being made available.

I suspect it is because very few cases, if any, are being brought. We have brought forward our own legislation, the Civil Liability and Courts (Amendment) Bill, which provides that when fraudulent claims are taken, the file is immediately referred to the DPP. I will bring forward another Bill when the House returns to provide that the costs of all such cases will rest with the plaintiff and not with the defendant.

We have no data regarding the cost of employer liability and public liability insurance. The CSO published data on motor insurance costs but there is no such data about employer and public liability insurance costs so we are really in the dark. This might allow the Minister of

State to say that the problem is not as bad as I am saying it is and to claim that we are exaggerating the extent of the problem. We need that data. We need firm empirical data on this issue.

Fianna Fáil has offered the Minister of State and this Government its complete support in respect of any measure they wish to bring forward to tackle high insurance costs so there can be no excuse about this being a minority Government or about a lack of political support. No initiative that the Minister of State or the Government has brought forward has been blocked. We have offered our full support to all measures to deal with this issue. I will be straight with the Minister of State. I think he is doing his best and is genuinely interested in this issue. I hear no other Government Minister talking about the costs of insurance, which is simply not good enough. Of course, insurance companies have questions to answer. I cannot hold them to account here today but I can hold the Minister of State and the Government to account. I will deal with insurance companies, the legal profession and others when we get the appropriate opportunity.

There is a significant risk that many sectors are relying exclusively on one insurance provider to extend cover. If that insurance provider withdraws from the Irish market, the reality is that those businesses will go overnight. People are lying awake at night worrying about the costs of insurance and how much longer their business can stand up against the onslaught of rising insurance costs.

**Deputy Marc MacSharry:** I welcome the members of the Alliance for Insurance Reform in the Public Gallery, particularly Peter Boland and Linda Murray, who have done a lot of work in this area. I know the Minister of State personally. We spent two years locked in the banking inquiry and got to know each other very well. I do not doubt his personal *3 o'clock* commitment to the task at hand but the issue is timing. My first question is whether the Minister of State has enough staff. I know he has the political will. Are his colleagues blocking his progress? Is the Minister for Transport, Tourism and Sport blocking what the Minister of State wants to do because we have working on this in the House for three years? Fianna Fáil has put down a number of motions and proposed changes to legislation. As Deputy Michael McGrath rightly highlighted, it seems as though one Bill is being stalled, which is unacceptable. We have yet to establish a national claims information database, tackle insurance fraud, establish a judicial council to compile guidelines for general damages, establish a publicly funded anti-fraud unit in An Garda Síochána, establish a business insurance premium index or take any action in stabilising personal injury claims. The stones on the road know what needs to happen. The group in the Public Gallery has done great work but there have been many groups before it that have highlighted this. We need to take tangible action. I want the Minister of State to be honest with the House, as Deputy Michael McGrath said. He should tell us whether he is being blocked by senior Ministers. Does the Government lack the will to do this? If it does not lack the will, what is the problem? We have been at it for three years. Make the necessary changes and introduce the tangible improvements that we need so that businesses can, in the first instance, set up and, second, survive.

**Deputy John Curran:** The Government is well aware of the significant increases in motor, public liability and employer insurance. The Minister of State commissioned two reports, the latest of which was published a year ago and dealt with employer and public liability insurance. The reality is that many small businesses are not in a position to pass on the increased charges they face and that calls into question their very viability and sustainability and puts them at risk. The fact that the Minister of State has published two reports is very interesting. We have seen reductions in the cost of motor insurance, where we have some specific data. However, it is not

enough. The problem with employer liability insurance is that we have anecdotal evidence and individual cases such as those read into the record of the House by Deputy Michael McGrath but the statistics do not seem to be available in the same way as the CSO figures for motor insurance are.

Having tackled motor insurance, we now see very significant increases in employer and public liability insurance. Have the insurance companies moved their target and focus from one range of insurance policies to another? I would nearly go so far as to ask whether they are working together and whether anti-competitive practices are in place. We need to look at this. It is very interesting because answering a question on the floor of the House yesterday, the Minister of State indicated that three insurance companies between them returned a profit of over €200 million at a time when we are seeing exorbitant and unsustainable increases in the cost of insurance.

The Judicial Council Bill, which was referred to by Deputy Michael McGrath, is quite urgent. I heard the Minister of State ask yesterday whether we could facilitate it. Park the other Bill and move on. This side of the House has facilitated the Government on a number of occasions, particularly around the Brexit legislation in committee, on the floor of this House or in the Seanad. We are telling the Minister of State that the vanity project of the Minister for Transport, Tourism and Sport should not stand in the way of the Judicial Council Bill. We are asking the Government to park it and move with what is important for all of us.

**Deputy Michael Moynihan:** I thank Deputy Michael McGrath for the work he is doing regarding the insurance industry. There is no doubt that there is a chronic crisis regarding insurance. I work with the Business Insurance Reform Group. This group came together three years ago and highlighted the crisis that exists in terms of businesses obtaining insurance. The likes of Michael Horgan in Newmarket and Declan Ryan have put an awful lot of work into trying to get groups together. They came here 12 months ago with the earnest belief that the Government would do something about the insurance crisis. There is no doubt about it. The latest excuse we get from Government is that the Judicial Council Bill is being held up by the Minister for Transport, Tourism and Sport's vanity project. Not alone is the Minister for Transport, Tourism and Sport stopping every other development around the country, he is now stopping developments regarding insurance.

We must accept that there is a real crisis across the country. Many genuine business people tell us that unless we get on top of the spiralling cost of insurance, we will close the country down. Many businesses are considering whether they will go without insurance. They are taking €10,000 or the first claim. If something is not done and if the Government does not commit to tackling it realistically and doing something genuine, we will close the country down because of the insurance crisis.

**Deputy Dara Calleary:** I commend Deputy Michael McGrath on all his work on this issue. One of the difficulties of the Minister of State's position is that he is not attached to the Department of Justice and Equality. We need a Minister of real presence in that Department to deal with insurance reform, move on with the Judicial Council Bill and make sure that the relevant Garda unit is established. In the past number of months, I have noticed much increased media coverage of claims that are failing in the courts but we never see any of these claimants being prosecuted for perjury or any action taken against them despite of the ridiculousness of their claims. Work needs to be done there.

There are communities that will not have a St. Patrick's Day parade this weekend because of the cost of insurance. There are communities that will not have a festival this summer because of the cost of insurance. The business people who are here today do not need to be here and should not be here but they are looking enviously at hundreds of millions of euro in profits for insurance companies while their businesses are going to the wall and their employees are being laid off in order to pay for that. We need action. We do not have the luxury of putting this off. We need the Minister of State to continue his work and to make sure that he brings the Government with him and deals with the issue once and for all.

**Deputy Barry Cowen:** I add my voice to those of others in trying to impress on the Government the need to act on the commitment it gave three years ago. We want the judicial council to be set up and the Garda fraud unit put in place. We want the Minister of State to honour that commitment. We are not prepared to listen any longer to the lame excuses regarding the Minister for Transport, Tourism and Sport. To say the least, that is lazy and tardy and shows a blatant disregard for us and the people we represent who expect the Government to be in a position to act on the commitment it gave. While the Government dithers, delays and procrastinates, their businesses go to the wall and their amenities, services, facilities and jobs are no longer available in our communities. That is the real effect of this.

It is not as if it can be left to the market or that the Government can allow the market to determine matters. The tools and the opportunity are there and the legislation is possible. A commitment given by the Government can no longer be disregarded. I talk to people who are canvassing for the local elections. It is not only health, housing, broadband and a disregard for some regions that are being left behind. There is now a clear and definite wish being expressed by those we meet while knocking on doors regarding not only car insurance, but also insurance for the businesses that have been mentioned and that are here with us today. It is high time the Minister of State acted on the commitment he gave and put his money where his mouth is with this legislation and not be using the Minister, Deputy Ross, as an excuse for everything. It might well be appropriate to use him as an excuse when it comes to other issues, but certainly not this one.

**Deputy Robert Troy:** I acknowledge the people in the Gallery. The number of them and indeed the number of people who wish to contribute to the debate signify just how serious is this issue. The people in the Gallery are captains of industry, people who have invested in, created and generated employment in the regions.

The Minister of State facilitated a deputation for me on this very issue a number of weeks ago. He replied in a comprehensive letter. He outlined that the cost of the working group was established in July 2016, almost three years ago. He signified that he had produced two reports. However, the key point in the letter is that he said - I do not for a minute question his sincerity and commitment to this issue - that undoubtedly, one of the key areas raised by the various stakeholders to this group is the level of awards in this country compared with elsewhere. He reported in September 2016 and concluded that the payouts on soft tissue injuries are significantly higher than in the UK and the recommended action was the establishment of a judicial council. There should be no reason this has not been established. The only reason it has not been established is that there is one man who is fortunate enough to have been elected to this House and to sit at the Cabinet table who has never created one job in his long life. He is delaying the establishment of the judicial council. That must be called out, and that man is the Minister, Deputy Ross. It is high time that the Government stood up to the Minister and told him that he can no longer prolong and delay the critical reforms that are necessary just so he can pursue a

vanity project regarding the way in which judges are appointed. It is time he was called out and time his colleagues in government did so and held him to account. The Judicial Appointments Commission Bill going through the Seanad is the reason and the rationale given for bringing in this crucial legislation that will help save jobs. If that man, who is fortunate enough to serve in government, is serious about supporting jobs and supporting industry, that is what needs to happen, the Judicial Council Bill needs to advance at a rapid pace in the Seanad and the law needs to be enacted to ensure that people such as those in the Gallery get the rewards they deserve.

**An Leas-Cheann Comhairle:** I thank all the Deputies for observing the time. I call the Minister of State. There are ten minutes in the Government slot.

**Minister of State at the Department of Finance (Deputy Michael D’Arcy):** I thank Deputy Michael McGrath for bringing this issue forward. I am very pleased he has done so. I thank every Member of the House who has helped and supported me and the Government in passing legislation. This time last year we did not have the Insurance (Amendment) Bill, the Central Bank (National Claims Information Database) Bill or the PIAB Bill passed. Those three important pieces of legislation have been concluded through both Houses with Members’ help and co-operation. I thank Members for that and I hope and expect such co-operation will continue. I thank Deputy Michael McGrath in particular. He has been essential and helpful to these three pieces of legislation.

I say to everyone who talked about the Minister, Deputy Ross, that he is not blocking anything. I want to correct Deputy Troy on the period that has passed since the launch of the Personal Injuries Commission report. It was launched in September 2018, not July 2016, so it is seven months old. I did not anticipate that the Judicial Appointments Commission Bill would get stuck behind the filibustering in the Seanad. I do not think anyone else anticipated that either. My expectation was that the Bill would be finished by the end of last year.

**Deputy Michael McGrath:** That does not prevent the Government bringing in the Judicial Council Bill.

**Deputy Michael D’Arcy:** I have put this on the record of the House many times.

**Deputy Michael McGrath:** That does not block the Government bringing in the Bill.

**Deputy Michael D’Arcy:** When it became obvious to me-----

**Deputy Michael Moynihan:** That is unfair.

**Deputy Michael D’Arcy:** -----that it was being delayed, I moved for an interim council, which was not acceded to. I moved to an *ad hoc* council, and that was not agreed to.

**Deputy Dara Calleary:** By whom? Who blocked it?

**Deputy Michael D’Arcy:** I then went back to the Minister for Justice and Equality. I am not sure who talked about going to the Minister for Justice and Equality. It is his side of the Government. The Minister will move the Judicial Council Bill in Seanad Éireann before the end of the month. I hope and anticipate-----

**Deputy Michael Moynihan:** Why was that not done six months ago?

**Deputy Michael D’Arcy:** -----everyone will be as supportive of that legislation-----

**Deputy Michael McGrath:** It was moved in November 2017.

**Deputy Michael D’Arcy:** -----in order that it be concluded as quickly as possible and passed from the Seanad into this House so we can finish the legislation.

**Deputy Michael McGrath:** The Government will go to Committee Stage within the month then.

**Deputy Michael D’Arcy:** Before the end of this month.

**Deputy Michael McGrath:** Before the end of next month.

**Deputy Michael D’Arcy:** This month. That is the time schedule.

**Deputy Michael Moynihan:** There are three sitting days left this month.

**An Leas-Cheann Comhairle:** The Minister of State must be allowed to continue.

**Deputy Michael McGrath:** The Bill will proceed to Committee Stage before the end of this month, even if the other Bill is still being debated.

**Deputy Michael D’Arcy:** That is correct. Again, I want-----

**Deputy Michael McGrath:** The Judicial Appointments Commission Bill was not blocking it then.

**An Leas-Cheann Comhairle:** The Minister of State has clarified the position.

**Deputy Michael D’Arcy:** The matter had nothing to do with the Minister, Deputy Ross, as I said at the outset.

**Deputy Michael Moynihan:** Is that the point the Minister of State made on “Prime Time”?

**Deputy Michael D’Arcy:** I wish to put on the record that I accept that the State has a significant role in providing and implementing a roadmap for all stakeholders regarding insurance and the level of awards. However, I also believe that the insurance industry needs to reflect on its current position, which in a period of buoyant profitability - three major firms made combined profits of almost €200 million last year - seems to involve them increasing premiums very significantly in certain sectors of the market, or else withdrawing from these markets altogether. In my view, insurers are being selective about the risks they will cover and are picking, choosing and pricing in such a way as to maximise their profits at the expense of small businesses in particular. I believe, and I think most people in the House will agree, that it is very difficult to justify such behaviour in an environment in which significant profits are being made.

What is most frustrating about the industry position is that its previous loss-making position was caused by its underpricing in order to try to capture market share. While I fully understand that this position became untenable and that pricing had to increase, the extreme ways in which many insurers have responded does not reflect well on them. In my view, we need a much more balanced and measured response from insurers: otherwise, they risk closing down many businesses, with major consequences for much of civil society as we know it.

I also agree that insurers are benefiting from changes in the market brought in by the Government and it is time for policyholders to be given a break. For instance, in putting in place

13 March 2019

the necessary legislation for the Setanta liquidation, namely the Insurance (Amendment) Act 2018, the Government took on board the views of insurers and the industry overall. Moreover, important changes have just been made to the personal injury litigation framework through amendments to sections 8 and 14 of the Civil Liability and Courts Act 2004, which provides for an earlier notification of claims to defendants. This will result in it being easier to challenge questionable claims. I also believe that the recently agreed protocol between insurers and the Garda, which was facilitated through the Department's fraud round table, is a significant move forward in enabling insurers to adopt a much more robust approach to questionable claims. I acknowledge that more work needs to be done. However, it appears to me that the industry wants to have its cake and eat it at the expense of policyholders, consumers and business people. They have become too risk-averse and seem only to wish to take on risks where there is the absolute minimum likelihood of a claim. While they rightfully argue that they are profit-making businesses and not charities, they also have a fundamental social responsibility to provide the service they have been licensed to operate in as fair and equitable a way as possible while obviously being conscious of the need to make a profit. I do not think they are currently doing this. I will touch upon some other areas. My time is short.

I have stated publicly on a number of occasions that the single biggest issue is the levels of award. In this regard, the Personal Injuries Commission reported, as I said, in September of last year. The outcome of this exercise was to highlight the award levels in Ireland. Payouts on soft tissue injuries are 4.4 times those in England and Wales. The Personal Injuries Commission, PIC, specifically recommended that action be taken to address this disparity through the establishment of the judicial council, and I have addressed that. The Judicial Council Bill, I expect, will be in the Seanad on Committee Stage before the end of this month. While the Bill has not progressed as rapidly as the Government would have liked, it will progress now. On tackling fraud, I met the Garda Commissioner, Drew Harris, on 9 December following full consideration of a proposal that the insurance industry fund a dedicated insurance fraud unit within An Garda Síochána. The Commissioner concluded he is not in a position to approve such an initiative as he believes An Garda Síochána should only be funded from the Exchequer. I pushed strongly for the establishment of an insurance fraud section within the Garda National Economic Crime Bureau, GNECB. I have requested that this be considered and it is being considered. I have been in contact with the Garda on a number of occasions and even rang the Commissioner's office this morning. I do not have a response yet. I will pursue the matter because it does not really matter if the section is funded from inside or outside of the GNECB, provided we have a Garda insurance fraud section.

On an insurance fraud database, work is ongoing by the relevant subgroup within the Department of Justice and Equality with the aim of establishing an appropriate mechanism whereby insurance companies can detect patterns to assist in the combating of fraud. Data protection related issues, however, have dominated this group's deliberations and ultimately made it impossible to establish the database by the end of 2018. Work continues in this regard.

I note the motion calls on the Government to facilitate the passage of Deputy Kelleher's Civil Liability and Courts (Amendment) Bill 2018, which is on Second Stage. The Government stated that the objective of the Bill in seeking to deal with insurance fraud is acknowledged and, on this basis, the Bill was not being opposed. This approach was taken, however, on the basis that substantial amendments to the Bill will be required. These will be proposed by the Government on Committee Stage.

I will conclude as I have only a minute and a half remaining. I accept everybody's bona

fides on this matter and I believe most people accept mine. I am doing everything I can to try to ensure that the provision of insurance for businesses and people is being conducted in a fair and equitable way. I am not satisfied with the conduct of the insurance companies. As I stated earlier, these companies are having their cake and eating it. All of us have put our shoulders to the wheel to pass legislation and try to ensure we are putting a proper sustainable structure in place. We know from data that insurance costs have come down by 23%. The insurance companies, however, are increasing profits by repeatedly loading premiums on companies. That is not playing fair by any manner or means and I am not prepared to stand for it.

We have the opportunity in the Consumer Insurance Contracts Bill 2017, that I am highlighting today, where we can, with the co-operation of the House, put in place a much stronger structure so clients of insurance companies are protected more substantially than they are now. I refer to those companies from which consumers buy their products. It is not good enough and I am not satisfied with the insurance companies, three of which have announced profits of more than €200 million. Between them, eight insurance companies have between 89% and 92% of the market. Those figures are based on a seven-year average of market share of the eight companies in question. They are doing well and do not have to increase premiums on businesses annually in the way they are doing. That is not acceptable. Resolving this issue requires a carrot and a stick approach. I have tried very strongly to use the carrot approach, with the support of this House, for which I thank Deputies. If, however, that approach does not work, I will use the stick.

**An Leas-Cheann Comhairle:** We now move to the Sinn Féin Party and I understand that Deputy Quinlivan is sharing time.

**Deputy Maurice Quinlivan:** I move amendment No. 1:

To insert the following after “to shop around for employer and public liability insurance”:

“—secure a commitment from insurance companies to reduce premiums in conjunction with reforms being introduced.”

I thank Deputy Michael McGrath for putting forward this motion on business insurance. I will be the lead speaker on this motion on behalf of Sinn Féin as my colleague, Deputy Pearse Doherty, is away. My party is happy to lend its support to the motion as we believe much more needs to be done to tackle the major problem of high insurance costs. It is now so bad that it has resulted in business closures and job losses. It is almost a year since we last debated a motion on insurance in this Chamber and, unfortunately, the Government has made little to no progress since then. Sinn Féin has put forward one minor amendment to the motion, calling on the Government to secure a commitment from insurance companies to reduce premiums in conjunction with reforms being introduced. This is an important point, as reforms being sought in this area, including tackling fraud and updating the book of quantum, will benefit insurers. It is imperative that the benefits are also passed on to consumers. I hope the House will support the amendment.

Sinn Féin met the Alliance for Insurance Reform again recently. The organisation is working hard to lobby for action on the insurance premiums that are crippling businesses. It informed us that insurers are refusing to insure entire sectors of industry, such as play centres. This leaves businesses facing a choice between closing their doors or the high-risk option of

self-insurance. A direct result of high insurance costs has been the closure of businesses. This is a serious problem, which is spreading like wildfire to other sectors, including charities, sports clubs, festivals, voluntary groups, playgrounds and local authorities. The Government must commit to taking serious action to help businesses that cannot get insurance cover.

The insurance system in Ireland is broken. It is possible to take the mistaken view that insurance companies are struggling to operate in the Irish market due to the much cited excuse of fraud and the high cost of claims but the reality is very different. The *laissez-faire* approach of the Government to regulating the insurance market is a jackpot for insurance companies, and it shows. In recent weeks alone, Aviva Ireland posted profits of €113 million, an increase of €14 million on 2017. RSA Insurance announced profits of €35 million last year, while FBD Insurance reported a profit of €50 million.

At the same time, businesses are closing down due to ridiculously high premiums and young people are practically banned from the roads because they cannot pay €4,000 or €5,000 for one year's car insurance. Insurance companies are posting profits of hundreds of millions of euro. This is scandalous but not surprising given that Fine Gael is at the helm. Insurance companies play a major role in the economy as they provide services that citizens and businesses are required to purchase, whether that is motor, home or public liability insurance. This prominent and important position ensures that insurance companies are not comparable with other undertakings. They should, therefore, be required to be much more transparent about their premiums and, in particular, their profits. Insurance companies are, however, operating on their own terms and in a cloud of secrecy. They are often charging premiums that make no sense whatsoever and have no correlation with the risk or the claims. It seems the Government is unwilling to challenge this. Big business always comes first where Fine Gael is concerned.

The Government can take a much tougher stance in respect of insurance companies. I raised this issue with the Competition and Consumer Protection Commission, which is engaged in an ongoing investigation into insurance companies. The Government's approach has been described as "death by a thousand consultations". That is an accurate portrayal of what is happening. It is ridiculous that all the Government can cite when asked about insurance is the cost of insurance working group. We need action and new laws. The industry needs to be challenged on its behaviour. We do not need report after report. We need tangible action.

Sinn Féin has been made aware of another concerning issue, namely, the way in which the Central Statistics Office, CSO, collects data on insurance premiums. The CSO has confirmed that when gathering data on the price of insurance, its staff identify themselves to the companies. This is a completely unsatisfactory way to collect what are supposed to be objective data. The CSO data, which supposedly indicate insurance premiums have been falling in recent years, have been widely disputed by businesses and motorists who argue they show the complete opposite of the reality on the ground. Figures from the CSO from January 2018, for example, showed a drop of 11.7% in year-on-year motor insurance costs and a decline of 6% in January 2019. If motorists were told they had experienced an almost 18% drop in their motor premiums over the past three years, they would laugh because these figures do not reflect the reality on the ground. The CSO data are then cited by Ministers as proof that the Government's countless reports are impacting on the insurance industry. Our concern is that since staff from the CSO identify themselves, it is possible that some insurance companies would provide lower quotes than they would to ordinary consumers. Unfortunately, this possibility calls into question the accuracy of the data. A better way of collecting data is urgently needed.

The Joint Committee on Business, Enterprise and Innovation, of which I am a member, undertook an extensive examination of the costs of doing business in Ireland last year. A large number of business stakeholders appeared before the committee and almost every single representative of every commercial group cited insurance costs as a threat to the growth and viability of businesses. The Irish Small and Medium Enterprises Association, ISME, noted not only that insurance costs are high but that they are threatening enterprises in areas such as hospitality, distribution and retail. The association went on to say that the solutions to its members' insurance problems are remarkably simple but politically challenging. They require facing down vested interests that view insurance reforms as costly to their livelihoods. The Small Firms Association stated that small businesses are facing an insurance costs crisis, with 81% of members experiencing a rise in premiums since last year. IBEC's submission stated that the recent upward trend in annual premiums is proving unsustainable for low margin businesses, particularly those impacted by Brexit.

The Government needs to get on top of this and start making tangible changes. Opposition parties, business groups and citizens have been plaguing the Government for years to do something about the rotten insurance system in this State, but very little has changed. The broken insurance system is bleeding ordinary motorists dry with ridiculous motor insurance premiums. The situation has become so bad that businesses are closing down due to rising premiums, with increases of 300% or 400% in some cases. This is pure greed on the part of insurance companies, which make hundreds of millions of euro in profit. They are being allowed to get away with this by the Fine Gael-led Government. I thank Deputy Michael McGrath for tabling this important motion and I reiterate Sinn Féin's support for it.

**Deputy Pat Buckley:** I welcome the opportunity to speak on this Private Members' motion and I commend Deputy Michael McGrath and Fianna Fáil on bringing it forward. I hope Fianna Fáil will support the Sinn Féin amendment to strengthen the motion. We have all heard about the issue this country has with insurance. I will give a couple of examples. Insurance costs are crippling businesses, sports clubs, charities and non-governmental organisations, NGOs. The issue of insurance is creeping into housing estates, including voluntary housing estates, complicating even the simple act of cutting and maintaining grass. People living in rural areas cannot afford public liability insurance. There is a knock-on effect.

One of my constituents raised the issue of regulation. We have a law requiring anybody who operates a motor vehicle to have insurance, but we do not have a law that requires insurance companies to be prudent in how they work. I will raise a couple of issues to show what I mean by "prudent". Insurance companies often settle motor accident claims out of court. Let us suppose that two people are involved in a motor accident, An Garda Síochána is called and it is reported to the insurance company. The purported perpetrator is often left out of the equation and the case is settled between the Garda and the insurance company. The individual in question will have his or her insurance payment increase without any representation. That is another issue that has to be addressed. Surely it is not legal for insurance customers to pay premiums and not have representation.

Sinn Féin is not against insurance companies. However, they have had a free run. The three main insurance companies mentioned in this debate made profits of €99 million last year. A young fellow with a credit union loan who has just bought a new car because he has a job can be asked to spend between €4,000 and €5,000 a year to drive to work. He will not have much left by the time he pays his premium and credit union loan and supports his family. This is having a detrimental effect on young people. It is not just a rural issue. Premiums are extortionate

no matter where one lives and there is no justification for them. I cannot understand why we cannot have a Government-led fund. That is another idea to think about.

On flood insurance, I live in Midleton in east Cork. We experienced flooding in one area, but that is a different issue. Many constituents have told me that insurance companies will not give them a quotation. One particular constituent lives on Forest Hill, Midleton, which is an estate built on a hill. The insurance company told him it could not give him a quote because his property was a flood risk. The only way the estate could be flooded would be for the water works at the back of the hill to burst. If there was flooding on the other side of the hill, the whole town would be flooded. Insurance companies have a free run and this is abuse on their part. We must regulate them properly and fairly. I do not know how we could do that but perhaps premiums should be tied to the consumer price index.

We have a large number of young people and small businesses to consider. There are charities and organisations that will not even hold a fundraising event because the cost of public liability insurance will shut them down. I will give another example. I was involved in an event for suicide prevention. We had to pay €700 for liability insurance beforehand for a two-hour event in a cul-de-sac. That is how criminal this can be.

I welcome the motion, on which I congratulate Fianna Fáil, and call on that party to support our amendment to strengthen it.

**Deputy Martin Kenny:** I thank Deputy Michael McGrath for introducing the motion. I also acknowledge the role of the Minister of State, Deputy Michael D'Arcy. I have had many conversations with him about insurance over the past year or more, and in my view he has always done his best to resolve this matter. The difficulty is that, by and large, the insurance companies are in the driving seat. There seems to be nothing to stop or constrain them in deciding how to act.

The main issue is business insurance. The reason we have insurance is to compensate members of the public, persons in a workplace and so on who are unfortunate enough to get injured or hurt. In such circumstances, a person is entitled to compensation. A culture appears to be creeping in whereby people who have an accident are afraid to make a claim. It has almost reached that stage. There is nothing wrong with making a claim and people who are injured are entitled to and should do so. That is entirely different from making fraudulent claims. One type of fraudulent claim I have recently come across concerns defamation. It involves people entering a shop and wandering around. A shopkeeper watching them will then suspect they have stolen items and if he or she challenges them, they take a defamation claim against the shopkeeper. Another person comes along and films the exchange on a mobile phone, capturing the shopkeeper asking if the persons have taken something or what is in their bags. The insurance company often settles with these people without informing the retailer. This goes on in many sectors, including retail, the leisure industry and pubs and it has an effect. This type of claim is made, the insurance company settles - too easily in my view - and as a result, premiums go up and businesses cannot survive. Business owners know they cannot survive because the activities of the insurance companies are pushing up premiums.

The legislation passed in the past year or thereabouts, which the Minister of State mentioned, is not having an impact on the ground. The other evening I spoke to the manager of a business about what he pays for insurance. His costs have gone up by 45% since last year. The legislation passed in the last year did not matter. When he asked his insurance provider

why premiums went up, the company referred to international markets as insurance premiums are apparently increasing everywhere. This is the story the insurance firms spin. When the manager shops around among various insurance companies, they all tell the same story. It is as if they operate a cosy cartel. They agree to push premiums up by a certain amount now and a couple of months later they push them up another bit to see what they can get away with. That is the experience of businesses in this country.

I acknowledge that the Minister of State is trying to do his best, but somehow that does not seem to be enough. He mentioned that we have tried to use the carrot and we may need to use the stick. It is long past time for the stick to be used to deal with some of these insurance companies given the way they are behaving, particularly towards young people. I come from a rural constituency. A young person who gets a job will be unable to get motor insurance. We need to find a solution to that problem. There is always a solution if people are forced to sit down and work one out. That is what must happen. Insurance companies, which are making substantial profits, must be forced to act. There must be a means of bringing them into line. At the end of the day, the reason they are making such profits is that we have a law which forces everybody to have insurance. Motorists must have car insurance. We need to regulate the insurance industry, which requires that we show a firm hand. I appeal to the Minister of State to drive home this message and make these changes happen. I thank Fianna Fáil for bringing the motion forward and I seek its members' support for our amendment.

**Deputy Jan O'Sullivan:** I would like to give two minutes of my time to Deputy Kelleher.

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

**Deputy Jan O'Sullivan:** I commend Deputy Michael McGrath on bringing this motion before the House. Previous speakers have criticised the insurance companies and described the huge profits they are making, and I agree with them. However, we have to control what those companies do. In any other area of public life, action is taken if something is being done that is contrary to the common good. What we need to do is not just criticise them but take the actions that are necessary to control what they do. A number of those actions are listed in the motion but we need the Minister of State to progress the Bill in the Seanad as soon as possible. I heard him state on a radio programme some weeks ago that he could not move forward his Bill because of the other legislation that is the subject of a filibuster in the Upper House, although the Senators involved would not state that they are filibustering. In any event, it has been held up in the Seanad for a long time. There are many Bills from the Department of Justice and Equality waiting to be dealt with so I do not understand why it has to be sequential. The Minister of State has acknowledged that he can reintroduce his Bill without necessarily waiting for the conclusion of the Bill proposed by the Minister for Transport, Tourism and Sport. We need to see that Bill. I accept it is not specifically the Minister of State's Bill; it is in the Department of Justice and Equality. I have never understood why both Bills could not be taken at the same time. There are Ministers of State in the Department of Justice and Equality who could progress one Bill while the debate on the other is ongoing. I have never understood that argument for the delay in bringing forward the legislation in the Seanad. I welcome the clarity the Minister of State has provided. We will all be watching the timetable to ensure that it is complied with because this is one of the important measures that is required.

The other area on which I wish to focus is insurance fraud and the database relating to the latter and referred to in the motion. In particular, I support the section of the motion that calls on the Government to "legally oblige insurance companies to notify policyholders of claims

13 March 2019

made against them as claims are made, to inform policyholders of the amount a claim was settled for and the reasons why the claim was settled, and to provide a breakdown of the premium". Transparency is one of the big issues in this regard. One of the major frustrations for businesses, those with motor insurance or whatever is that they are not told what is going on. As a result, there is great frustration and a major cost to businesses. Retailers estimate that for every €1 allocated in respect of an insurance claim, the business has to make €100 in sales in order to recoup it. This is causing businesses to close down.

I am particularly concerned about play centres, parades and all the other areas affected. I am aware of play centres in my constituency that have invested large amounts of money in equipment. Families get a great deal of pleasure from going to those centres, especially with the weather we have in Ireland. The idea that all that investment is put in to these centres, which are a positive experience for families, but that they have to close down because of insurance costs is something over which we cannot stand. We have to take action. It is not just those centres that are affected. Many other kinds of businesses are affected also but that is one about which I feel particularly strongly.

I refer to the Civil Liability and Courts Act of 2004 and the issue of fraudulent claims. Sections 22 and 26 of the Act permit a court to refer the determination that the claim is fraudulent to the Director of Public Prosecutions, DPP. I do not believe that happens very often but I understand from my legal friend, Deputy Penrose, that it is in the legislation. The Minister might want to clarify that. In any event, there has to be a way in which fraudulent claims can be challenged because we hear of more and more being made.

I am a member of the cross-party retail support group, as are a number of other Members, and we have heard from businesses about the extraordinary activities of people who make fraudulent claims. A couple of them will get together, one will distract and another will pretend to fall over or whatever. It is a common practice. It is pushing up the cost of premiums and, therefore, hurting ordinary people who are trying to run businesses. In terms of the difficulty of running small businesses, one of the big costs is that relating to insurance.

Deputy Buckley referred to flooding. I, too, know many people in my constituency who cannot get home insurance because of threats of flooding, even where mitigation measures are either in place or about to be put in place. They are still being told that they cannot get house insurance, which has very serious implications for those families. I realise that is not specifically what we are discussing today but it is certainly related.

I support the motion. I hope the Minister of State will be able to progress various things. I refer, for example, to all of the recommendations of the cost of insurance working group and the actions of the Personal Injuries Commission. All of these need to be implemented. In some ways, it is very easy to criticise the insurance companies - and we rightly criticise them - but, as legislators, we need to do something about it and ensure they cannot do what they are currently doing.

I want to make one other point which will probably be considered irrelevant. I am the only female who has participated in this debate so far. There is a debate following this one on period poverty and I hope at least some of the men in the Chamber will stay to participate.

**An Leas-Cheann Comhairle:** By agreement, Deputy Jan O'Sullivan has ceded her remaining time to Deputy Kelleher.

**Deputy Billy Kelleher:** I thank Deputy Jan O'Sullivan. I compliment Deputy Michael McGrath on bringing forward this motion. It is timely because this is one of the issues that is continually discussed when one meets business advocacy groups and individuals. They consistently highlight the fact that the cost of business - and, in particular, the cost of insurance to business - is creating a very negative impact across the broader economy.

In its report on the cost of doing business, the Joint Committee on Business, Enterprise and Innovation, of which I am a member, indicated that this was the issue most highlighted by all the witnesses that came before it. Employer liability and public liability were the two key issues raised on a continual basis. There is no point in pretending that we have prioritised this matter. The fact is that we have been lethargic in addressing it. The Minister of State set up working groups to examine the cost of motor insurance and he has set up another group to examine the cost of business and public liability. However, we have not moved at a pace that would satisfy the demands of those in the business community.

Deputy Michael McGrath's motion does not involve reinventing the wheel; it merely highlights the issue and calls for what everyone in this House and at the various fora have agreed is needed to address the cost of insurance. I refer, for example, to a fraud insurance squad and addressing the issue relating to the Civil Liability and Courts Act 2004 in order to ensure that there is a full referral of fraudulent claims to the DPP. Those two matters could be addressed immediately. We accept that the Judicial Council Bill is delaying the implementation of the book of quantum from the PIAB in conjunction with the judicial council. There are a number of key issues the Minister of State could address very quickly.

I want to speak about insurance fraud. Such fraud saps the morale of decent, hard-working people. I refer to those who get up in the morning, pay their taxes and all the other service charges and who are employing people across this country. A chancer or a fraudster can come onto one of their premises, fall in the toilet and then make a fraudulent claim knowing that there will be no sanction whatsoever for doing so. If the same person goes in, jumps over the counter and takes money out of the till, there will be a criminal investigation. There could be a criminal sanction but if someone goes in and falls, makes a fraudulent claim and it is proven in a court of law to be fraudulent, there is no down side. That is a shameful indictment of this Parliament and the Government because we are not sending out a message that people in business should at least be afforded the basic protections of the State in ensuring their businesses can operate and be protected against the actions of chancers, fraudsters and criminals. That is one issue the Minister of State could take action on quickly. I ask him to progress the Civil Liability and Courts (Amendment) Bill to the next Stage.

**An Leas-Cheann Comhairle:** The next slot is for Independents 4 Change. I call Deputy Broughan.

**Deputy Thomas P. Broughan:** I support this motion and commend Deputy Michael McGrath on bringing it forward. Anybody who has served as a director of a company, particularly in the past ten or 15 years, knows the way insurance costs have escalated and made it more difficult for us to employ people and to defray the kind of basic costs of running any kind of business in the community or in the commercial sector.

The objectives of the motion are particularly noteworthy. I refer to: the national claims information database inclusive of public liability and employer liability; legally obliging insurance companies to notify policyholders of claims made against them as claims are made - one

would think that would have been standard and in statute for a long time; the PIAB updating the book of quantum - we have had many discussions about the book of quantum; a dedicated Garda fraud unit; and an insurance fraud unit funded by this Oireachtas through the budget. Those objectives and the other aims in Deputy Michael McGrath's motion should be implemented. I also commend Sinn Féin on its amendment which asks insurance companies to reduce premiums in conjunction with the reforms being introduced.

The Minister of State was speaking about this matter yesterday and it is almost like Groundhog Day in this Dáil when it comes to insurance. On 21 March last year, almost exactly a year ago, we debated a Fianna Fáil motion and Sinn Féin amendment which called for the implementation of the 15 action points in the report of the cost of insurance working group on employer and public liability insurance. That would have obliged insurers to provide a breakdown of the premium cost to the business, give us more information and ensure that the book of quantum of the Personal Injuries Assessment Board, PIAB, would, at long last, be updated at least once every three years. We are going around in circles with this Government.

Last year's motion also called for the deadline for the feasibility study on including employer liability and public liability data on the national claims information database to be brought forward from the fourth quarter of 2019. Perhaps the Minister of State will address that specific point and provide an update, although perhaps he did already because I missed his introductory speech.

We should work towards creating a single European market. We have just had a discussion with the European Commission in the Committee on Budgetary Oversight on the European semester. It has often been asked by all sides of the House why, when we get some of the downsides of European membership, we do not get more of the upsides. Deputy Michael McGrath has consistently highlighted issues around interest rates and mortgage rates but there are also issues relating to insurance.

We called, exactly a year ago, for the Department of Finance and the CSO to report on the creation of a price index for employer and public liability insurance premiums and my colleagues spoke very eloquently about that earlier. Why has another year gone by and insurance costs keep escalating? There are issues to do with databases, books of quantum, fraud and so on. Why has the Government not addressed them? It is a particular hallmark of this Government that Ministers - for example, Deputies Eoghan Murphy and Bruton - announce grandiose plans for climate change, housing, education and so on, but there is no action or delivery of the first necessary action. It would be better to take one or two of the measures the motion calls for and actually progress them.

The Government should be working with Fianna Fáil to bring forward real action on this. The whole House is *ad idem* that we need to address these problems in the insurance industry and particularly how they impact our constituents.

Towards the end of 2016, there were reports that insurance fraudsters from the UK were coming to Ireland to cheat the system because they get much higher payouts than in the UK. Colleagues have rightly referred to this. There was a particular case in that era when the book of quantum payment in Ireland for a broken femur was over 300% higher than the UK award. In the book of quantum, the awards for minor whiplash injuries can be anything from €16,000 to €20,000; for moderate injuries, the figure is €20,000 to €30,000; for moderately severe, the figure is €30,000 to €52,000; and severe and permanent whiplash injuries command awards of

between €44,000 and €78,000. It is quite clear that the book of quantum has to be addressed and that is something many Deputies have been saying for years.

There is very little appetite in the legal profession to introduce and implement the reforms needed. It could be said that some close friends of the legal profession in Seanad Éireann are holding up much-needed reform of the judicial appointments system. The legal costs associated with claims is a particular problem. We need urgent reform in this area.

The profitability of insurance companies is very high. At the beginning of March this year, it was reported that the main insurance companies in the country made more than €200 million in profit. Chambers Ireland, which regularly briefs us about business matters, published a cost of insurance survey in August-September 2017 which showed that 43% of respondents had an increase of between 5% and 20% in their premiums, some reported increases of 50% to 100% and others said they had increases of more than 100%. These are the actual bills that a business owner is faced with from his or her accountant or auditor, year on year, and it is a significant deterrent to having an efficient and progressive business. The brokers justified those increases at the time, according to Chambers Ireland, by referring to market conditions and an overall increase in claims but there is a dearth of information. The information gap in this sector upsets people most of all. There are some valuable data available from the CSO and PIAB which deduced that, between January 2011 and July 2016, insurance costs generally rose by 57% and that approximately 42% of non-motor PIAB applications relate to employer liability and public liability insurance, with increases of 15% and 20%, respectively, at a time when Ireland was in a severe recession.

**An Leas-Cheann Comhairle:** I am sorry to interrupt Deputy Broughan but his group had agreed to give Deputy Fitzmaurice two minutes.

**Deputy Thomas P. Broughan:** That is grand. I was not aware of that but I am delighted. I will just say that I warmly support the motion and amendment.

**Deputy Michael Fitzmaurice:** I support the motion. We can kick Ministers all we want but we need to acknowledge that the Minister of State, Deputy D'Arcy, has brought in a few Bills to try to resolve the situation. Some Bills are being held up at the moment but the Minister of State should try to gazump the Judicial Appointments Commission Bill which will be held up for a while because of the person who is trying to bring it in.

The problem all around the country, as everyone knows, is that payouts are on one side of the equation and businesses and everyone else with insurance are on the other side. The amounts of money thrown to people are astronomical at times. People with genuine complaints have to be looked after but some of the payouts are ferocious.

On the other side are cases where someone tries to slip on a floor or whatever and the claims are crippling. In fairness to all politicians in the House, no one is against trying to make changes in the insurance sector. The Minister of State will be supported in any Bill he brings in. The quicker we do this and sort out the book of quantum and provide realistic targets and not these astronomical awards the better.

The Minister of State can correct me if I am wrong but I think there is a Bill that deals with the amount of profits insurance companies are making, even though they are crying about the weather, or whatever. If one looks at the profit that three or four of the insurance companies have made this year, it is clear that they need to be hauled in.

13 March 2019

There is a bit of payback in all this and the insurance companies have to do their bit. We have to do it through legislation. The number of claims has to be reduced.

**An Leas-Cheann Comhairle:** I received a text from Deputy Boyd Barrett who was caught in traffic. With the agreement of the House, he will speak now.

**Deputy Richard Boyd Barrett:** I was caught up in committee.

**An Leas-Cheann Comhairle:** Does Deputy Boyd Barrett agree?

**Deputy Richard Boyd Barrett:** I do.

**An Leas-Cheann Comhairle:** Of course he does. Deputy Boyd Barrett has nine minutes but he does not have to take all nine.

**Deputy Michael McGrath:** Deputy Boyd Barrett will try to take ten.

**Deputy Richard Boyd Barrett:** I thank Fianna Fáil for the motion. I agree with the overall thrust of it and the various measures proposed to try to deal with high insurance costs. Costs have tailed off a bit for motorists but are still significantly impacting home insurance, business insurance, public liability insurance and so on where insurance premium increases have been very dramatic and punitive for some customers.

Following on from the last speaker, the elephant in the room in all this is the profit taking of the insurance companies themselves. There should be more emphasis on that in the Fianna Fáil motion, much as I welcome many of the measures proposed relating to the book of quantum, the PIAB, addressing insurance fraud and so on.

The evidence of the significant increase in profits for some of the biggest insurers shows that even if reforms are brought in to address these areas, the insurance companies do not pass it on in the form of lower premiums.

They just take the profits and run. These measures on their own may not ultimately lead to more affordable insurance or prevent significant hikes in insurance premiums because there is no compulsion on the insurance companies to pass on the benefits of reform in the form of lower premiums. This is the issue that has to be addressed. From my point of view, the way to do this is to have a public insurance company. I doubt very much that Fine Gael will go for this but it is what should happen. In previous debates on this issue I pointed out that it has been done elsewhere. One of the best examples I have read about is in Manitoba in Canada where there were significant increases in car insurance of the sort we saw over recent years. As I said, I acknowledge they have tailed off somewhat. Against this background, and it can happen at any time that they just jack up premiums, Manitoba set up a public insurance company that provided basic insurance with third-party cover and personal injury cover at extremely affordable levels. It was a not-for-profit insurance company set up by the state. One does not have to be a socialist to subscribe to the view it would be of benefit to drivers, businesses and homeowners. I do not really see why the Government would set its face against it but certainly to date it has done so.

The other particular group I would like to shout out for with regard to insurance, and notwithstanding there has been some tailing off of the dramatic increases in car insurance which I acknowledge, is that there should be a specific regime for taxi drivers. The increases we have seen in recent years, even if they have tailed off, mean the level of insurance that taxi driv-

ers must pay is extremely high. If they lose their no claims bonus they can be in very serious trouble as to the viability of operating as taxi drivers. We should recognise that taxi drivers are an important part of the public transport system, that we need them and that insurance costs can be a real struggle for them. This is something a public insurance company could do, or the Government could take measures to provide a special affordable category of insurance for taxi drivers.

The main message I want to give to the Government is it has to do something about profiteering by insurance companies. If we do not do something, all the reforms and the completion of the various measures from the working group that have not yet been done, even if they do come through and make a difference, will not be passed on to policyholders in the form of cheaper premiums.

**Deputy Michael Collins:** Rising insurance costs affect everyone across the board. We have been told time and again these increased premiums are highly linked to insurance fraud. At present, no data are collected on insurance fraud. The insurance fraud database was to be set up but the original deadline was missed and no new deadline has been put in place. This is a disgrace. Fraudulent and exaggerated claims need to be clamped down on. There should be zero tolerance for all these types of claims and we need to ensure they are pursued and tackled more aggressively by the Office of the Director of Public Prosecutions and insurance companies. We need to prioritise getting the fraud database set up. Otherwise, insurance premiums will only rise further.

I am very concerned, with Brexit on the horizon, about the green card that will be issued for motorists if there is a no-deal Brexit. This green card will be to prove the insurance company is valid in Northern Ireland and the Republic. There is a huge lack of certainty about how the green card will operate and the general public is concerned. My office is inundated with people coming to us in fear of what will happen when Brexit hits. Some insurance companies have stated they will start to use the green card after 29 March but what will happen to motorists on 30 March who do not have a green card on time? Will they be at risk of having their cars impounded? These questions need answering.

We also need to address the problem of motor insurance for people returning home to Ireland after living abroad. These people are being quoted extremely high premiums, having left this country and worked abroad for many years. In many cases they are bringing employment back to their own country but they are being absolutely messed about by insurance companies. We should welcome back these people who have decided to return home and ensure they are not priced out of the market.

While speaking about insurance, I cannot forget the businesses in rural Ireland that are struggling to pay extremely high employer and public liability insurance premiums. I have given the example of West Cork Secret, a garden in Kilbrittain that offers an excellent amenity to the area but suffers crippling insurance costs. I have heard that amenities and playgrounds run by local communities are no longer being quoted for insurance. This is a new difficulty for community voluntary organisations.

How is any business meant to survive or grow with huge obstacles such as excessive insurance premiums landing in their way? In recent weeks, we have heard that insurance companies are making incredible profits of millions of euros. Do they have any scruples or moral conscience whereby they might consider giving them back to their customers who have been loyal

13 March 2019

to them over the years and are being fleeced left, right and centre? Is there any control over these insurance companies? It is time public representatives took back some control. Shops, pubs and nightclubs are all under increased pressure to keep their doors open, as are garages. We are grey in the face from speaking to people. We have spent enough time discussing the rising costs of insurance and it is high time we saw real action. We want to see the insurance policies of the people of Ireland reducing and not going the way they have over recent years.

**Deputy Danny Healy-Rae:** I thank Deputy Michael McGrath and Fianna Fáil for giving us this opportunity to speak on this very important motion on insurance costs. Every one of us is affected by the cost of insurance. Public liability and employers liability insurance are very difficult to obtain because of the rising costs.

No thanks to the Minister, Deputy Ross, or to everyone in the Government and many in the House for supporting him, pubs are closing as it is and are finding it hard enough to stay open. On top of this, the cost of insurance is increasing. Between rates, levies and the rising cost of insurance, restaurants, clubs, guesthouses and bed and breakfasts are being hit. They employ people, they pay for us in here and they pay for the services of the country, including medical cards and all the grants. They are paying for the whole lot and they are being hit with the rising costs of insurance.

The Ministers and the Government have been at it for the past three years and nothing has improved. It is actually getting worse. The days are running out and the Government's time is running out and if it does not do something in the time it has left it will be remembered forever for doing nothing about the rising cost of insurance. Many communities and small parishes throughout the country run a fair day, a carnival or a music event to retain their identity. For example, Scartaglin has a world fiddle day. The one day in the year for which all these show committees and agricultural committees work is being hit with the crippling costs of insurance but nothing is being done for them.

With regard to playgrounds for children and vintage rallies, voluntary organisations are finding it very difficult to keep going. Civil contractors, agricultural contractors, plant hire companies and other companies are also finding it so difficult to keep going with the rising and crippling costs of insurance. Garages are being hit. Marts are being hit and are finding it very difficult to remain open. One of the biggest marts in the country has closed.

The claim culture is responsible for much of the problem. How is an injury to a person's neck in Ireland so different to an injury to a person's neck in England? The most one will receive as compensation for a whiplash injury in the UK is £7,600. In Ireland, a person may receive anything from €19,000 to €77,000 for a similar injury. What is wrong there? Why is that not being examined? Why is the Government not discussing the matter with the Judiciary? Where is the Minister for Justice and Equality, Deputy Flanagan? What is he doing about this? Why is he not talking to the Judiciary? What is being done? Nothing has been done thus far. A person was awarded €77,000 compensation for having a finger caught in a door, with legal costs accounting for 47%. Solicitors are advertising for claims. They tell people to claim and that they will not be charged if the case is not successful - no foal, no fee. That practice is wrong. It should be stopped because it is the height of blackguarding.

There is so much wrong. The young drivers in rural Ireland who are very important to us and need their cars to go to college, work, apprenticeships and so on have also been affected. Now that they are not allowed to drive without passing their test or being accompanied by a

qualified driver, their insurance should decrease, but it is increasing. They are being quoted figures such as €3,500, €4,500 or even €5,000 for insurance to get on the road. What does the Government have against our young people? Why is it trying to keep them off the road? It is bad enough that they must wait six, seven or eight months for a driving test. Why is the Government trying so hard to keep them off the road?

Taxi drivers are paying anything from €13,000 to €17,000 or €18,000 for insurance. Driving is their livelihood. They need to stay on the road to earn a living. Hauliers are being hit with increases in public liability and employer liability insurance as well as vehicle insurance. They are receiving savagely high quotes and are under serious pressure to stay in business.

The Minister of State, Deputy D'Arcy, is representing the Government on this motion. It is up to the Government to do something. It is no good for him to tell the House that the Government cannot interfere with the Central Bank. If it cannot, who can? If the Minister of State and the Taoiseach cannot do something about this issue, they might as well own up to that and admit that it is time for them to get out of here. A salutary lesson can be learned from the Government's handling of the issue of the cost of insurance.

**An Ceann Comhairle:** Deputy Breathnach is sharing time with Deputies Aylward, Lisa Chambers, Browne and Murphy O'Mahony.

**Deputy Declan Breathnach:** I wish to start where the Minister of State left off. He stated that a carrot-and-stick approach is being taken. That is a fine idiom, but the stick is only as good as the jockey who is holding it. I will be holding the Minister of State to account regarding the usage of that stick.

The motion clearly focuses on the crisis facing businesses, sporting clubs and community organisations across the country as a result of increases in the cost of employer and public liability insurance. I have previously stated in the House during debates on this issue that not alone are insurance costs putting people out of business, there will come a time when voluntary organisations, particularly those in leadership roles in such organisations, will no longer wish to offer their services.

Last week, I was fortunate to attend the local enterprise awards of Louth County Council which made clear the efforts being made by businesses to employ people. We, as legislators, need to assist those small businesses by reducing insurance costs. I have received representations from several businesses which are facing closure, as have many other Members of this House. The owner of a processing business contacted me with a specific problem. He was dealing with a local broker, but was precluded from dealing with an alternative broker or directly with a large insurer because his initial broker had received a quote for his company. He was stuck and not allowed to shop around for that reason.

I have been informed that many insurance companies now use large call centres which deal with many of the largest players in the industry. The call centre staff can see previous quotes given to customers and are offering quotes based thereon. If that is not a cartel, I do not know what is.

A responsible employer notified his insurance company because one of his staff cut a finger and went to an accident and emergency department. The staff member had no intention of claiming but the employer made sure to notify his insurance company. His premium increased by €2,000 that year. No claim was ever lodged and no money was ever paid out. This issue is

crippling businesses and local organisations. We need to get to grips with it.

**Deputy Bobby Aylward:** Fianna Fáil has long called for reform of the insurance market. It put forward this motion to highlight the unsustainable increases in business insurance. Small businesses across the country have been crippled by significant increases in insurance costs. Pubs, farms and marts have all seen their premiums rise by thousands of euro in recent years. Sadly, many such companies are no more, while the future is uncertain for many others.

Many of my Fianna Fáil colleagues have rightly pointed to the fact that the Minister of State has shown the political will to tackle this issue, but we rarely hear a whisper on it from his Government colleagues. Shame on them. Fianna Fáil has consistently raised this issue over the past three years and has tabled motion after motion which have effectively been ignored. We introduced Bills aimed at tackling this issue but they have been stalled, as highlighted by my colleague, Deputy Michael McGrath. There has been zero progress on the national claims information database and little or no progress on tackling insurance fraud. There is no sign of a publicly funded anti-fraud unit in the Garda and no action has been taken to tackle fraudulent insurance claims. Those are all achievable steps which the Government has failed to take on behalf of small and medium-sized enterprises around the country.

The Government has been similarly inactive on the issue of motor insurance. Current motor insurance premiums are 32% higher than those charged in 2014, representing an average annual increase of 6.4%. Young drivers, returning emigrants and drivers of old cars continue to be unfairly treated by a dysfunctional market. Why are judges in this country handing out payments of up to €20,000 for minor whiplash claims, or up to 400% higher than the average payout for similar injuries in the UK?

SMEs are also dealing with significant increases in commercial rates which are crippling towns and villages across Ireland. The ordinary men and women of this country have been fleeced by insurance companies for years and action by this Government is badly needed to tackle the insurance industry which has mistreated them. I ask the Minister of State to wake up and do something about insurance costs for the people of this country once and for all.

**Deputy Lisa Chambers:** I commend my colleague, Deputy Michael McGrath, on his work to try to tackle what is essentially the robbery of our citizens through excessive business and car insurance premiums. The cost of public and employer liability insurance is out of control and closing down businesses. The Government has paid this issue a lot of lip service but failed to address it, while ignoring businesses time and again to the point where many are now closing. The personal injuries commission reported nine months ago, but no action has been taken by the Government.

We know that we need to tackle the high cost of whiplash claims and establish a judicial council to compile guidelines on appropriate damages. It is very easy to blame lawyers, but insurance companies are not even engaging with the judicial process. Instead, they are paying out on many claims and informing their business clients of that afterwards. The businesses ultimately pay the cost through higher insurance premiums thereafter. Two minor claims were paid out on by the insurance company of a business in my town of Castlebar, County Mayo, without consulting the business owner. That business has closed. It was a profitable business and a local employer. Insurance premiums are going sky high. They are closing businesses and increasing every year. The Government needs to do something about this immediately.

**Deputy James Browne:** I commend Deputy Michael McGrath on tabling the motion. Employer liability insurance, public liability insurance and even motor insurance have reached unsustainable levels. In spite of that fact, little is being done about it. As the Minister of State is aware, businesses throughout County Wexford, in places such as Gorey, Enniscorthy, Wexford town, New Ross, Ferns and Bunclody, have seen their insurance premiums rise significantly. Sports clubs, community groups, charities, crèches, play zones and other organisations are all being hit hard.

I wish to mention taxis in particular, because many people, especially those in the disability sector, are dependent on taxis to bring them from A to B. However, taxi drivers have experienced massive increases in insurance costs which are causing them significant difficulties. Actions have been set out by the cost of insurance working group at the Oireachtas finance committee and by Deputy Michael McGrath in respect of what can be done, yet we have seen a litany of Government failures to take those necessary actions. It has yet to establish a national claims information database to track the level of claims, tackle insurance fraud, establish the judicial council, establish a publicly funded anti-fraud unit within An Garda Síochána, set up a business insurance premium index that would track prices, and take action on stabilising personal injury claims. Meanwhile, the European Commission and Competition and Consumer Protection Commission continue to investigate here. Ordinary, decent people are setting up businesses and going out of business. Jobs are being lost. Community services and public schemes are being lost. Everybody is suffering as a result of the claims.

If steps are taken to reduce the overall cost of claims, steps also need to be taken to ensure the savings are passed on to those taking out insurance. There should not simply be necessary actions to reduce the cost of insurance claims if insurance is not made more affordable.

**Deputy Margaret Murphy O'Mahony:** I, too, commend my colleague Deputy Michael McGrath on introducing this motion. We in Fianna Fáil do not just talk the talk; we actually walk the walk. This motion is to highlight the unsustainable increases in the cost of business insurance. The Ministers of State must remember all the businesses create employment and thus help local economies. The insurance cost of West Cork Secret, which is in Kilbritten in west Cork, has risen from €7,500 to €25,000 this year despite the company having no claims. This cannot be justified.

Over the past few days, I have had calls from the organisers of St. Patrick's Day parades right across west Cork. The insurance costs of all of them have gone up by several hundred euro. The committees involved work voluntarily trying to promote west Cork for St. Patrick's Day, yet they now have to find the money to pay the increased cost of insurance.

Another topic I wish to raise is the lack of flood insurance. In many towns across west Cork where flood relief work has been carried out, businesses are failing to obtain any flood insurance cover. This is wrong. I ask the Minister of State, Deputy D'Arcy, to support the motion.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I wish to share my time with the Minister of State, Deputy Michael D'Arcy.

I thank the Deputies for their contributions on the motion, which was introduced by Fianna Fáil. I thank Deputy Michael McGrath, in particular. The Government, and the Minister in particular, is aware that the issue of the cost and availability of business insurance, particularly employer and public liability insurance, is an important one for large and small businesses and

13 March 2019

community organisations in all counties. The contributions made today are acknowledged by the Minister of State, Deputy D'Arcy, who is the chairman of the cost of insurance working group. He is doing everything in his power to try to address the concerns, which I too have raised with him on many occasions. Many of my colleagues, both Ministers and Deputies, have raised these concerns across the board.

A number of questions were asked. Deputies Jan O'Sullivan, Broughan, Lisa Chambers and others asked about policyholders notifying insurance companies. Insurance companies should notify policyholders of claims made before settlement, the amount a claim is settled for and the reason the claim is settled. The Government is fully aware of the negative impact that a lack of appropriate communication in this regard can have on a business. We have heard about this from many Deputies. This exact issue forms the basis of recommendation 10 in the report on the cost of employer and public liability insurance. In addition, a similar recommendation in respect of motor insurance policyholders was included in the motor report. Having been unable to reach agreement with Insurance Ireland on a new set of guidelines based on those drawn up by IBEC and the Irish Insurance Federation in 2012, the Department of Finance is considering the merits of addressing this through primary legislation, specifically by an amendment to a Private Members' Bill on consumer insurance contracts.

A question was asked about the timeline for a recommendation made in the employer public liability report, namely, that the Central Bank conduct an analysis of the feasibility and merit of extending the database to employer and public liability insurance. I am informed that this will most likely be considered in the second half of 2019. That is the most likely time.

Let me touch on the Minister's powers. While the Minister for Finance is not in a position to direct insurers to provide cover or provide it at a particular price, he does have a role in setting out a roadmap for reform of the sector as a whole. That is exactly what he is doing. The recommendations in both the motor report and employer and public liability report are designed to do this. Ultimately, the overarching aim of the working group's reports is to make insurance more affordable and accessible to consumers, businesses and community organisations.

It is clear from the difficulties that small leisure-based businesses face in getting insurance that the Irish employer and public liability insurance market is not considered an attractive one for existing insurers or potential entrants. That is reflected in the very limited selection of insurers available to provide cover to them. In some instances, there is just one company and the companies are often based outside the State. As a consequence of this lack of competition, the price of cover being charged is in some cases exorbitant and it is not possible for businesses to pay. They have no choice but to accept the high costs or, as we have heard in many instances, go out of business. I have met many affected companies in my constituency, Meath East, and elsewhere in Meath, some of whose representatives are in the Visitors Gallery. They include play centres and businesses providing local employment and services for local people. Committees of parades that are to take place across the county this weekend have all faced increases in costs. This is not acceptable. I do not agree with it, nor does the Minister. Many have mentioned the awards and number of claims here by comparison with other jurisdictions. While it is hard to have much sympathy for the insurance companies when they made large profits last year, they feel they have to withdraw from areas they regard as loss-making. As we know, however, this is not the case.

The Minister is trying to create an environment in which the market is considered more attractive to new entrants. If this is accomplished, there will be more capacity in the market,

which in turn means the risk will be distributed more widely across a larger number of companies, resulting in more competition and more affordable pricing. The problem is that once companies start to withdraw from a sector, it creates more exposure for those remaining, resulting in higher prices due to the greater concentration of risk on their books. We now see the higher prices and the limited scope in the market for so many who need insurance to provide services. It is important that we address this problem.

To make the Irish market more attractive, we must bring personal injuries awards more into line with awards elsewhere. The Personal Injuries Commission report has been very helpful in pointing out the disparity with England and Wales. If we achieve our objective, insurers will have greater certainty and predictability in regard to reserving. This type of stability should encourage more companies, domestic and from outside the State, back into the market and should be reflected in more competitive pricing. There is an onus on the insurance industry and legal profession to play their parts in changing things for the better.

The insurance industry is now once again highly profitable. While we want new entrants to the market, we need to see the current players displaying greater willingness to re-engage with areas of the economy where it has not been possible to obtain cover at a reasonable cost. The legal profession needs to acknowledge that a small number of solicitor firms seem, as a matter of practice, to advise their clients not to accept PIAB awards and that this type of conduct in many respects exacerbates the problem in an already difficult personal injuries environment.

I acknowledge that we have seen some tangible progress in addressing the cost of motor insurance, in no small part due to the Minister of State and support and collaboration from this Chamber and the Seanad. The increases seen prior to the reports' publication have ceased, and there appears to have been greater stability in that market over recent months. While we do not have similar data with regard to business insurance, including small business insurance, the reforms that are being made with regard to motor insurance, taken together with those contained in the employer and public liability report, complement each other. Their implementation should have a positive impact on the cost of insurance cover in the longer term. I am concerned about small businesses and those who face a deadline at the moment, who do not have the ability to cover the increasing costs they are facing. That is the reason we must conclude the Judicial Council Bill so that we can recalibrate the book of quantum and address this issue and that the Minister and everybody in this Chamber can ensure the businesses that support local industry and employment can continue to prosper in their respective communities.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I thank everybody who participated in this debate. We all have a single objective, namely, to reduce the cost of insurance for businesses so that people are not impacted by the higher premium that is being charged.

I am not afraid to challenge the vested interests. I am not afraid to challenge the Garda if the Garda is not doing its job in pursuing fraudulent claims that have been presented in civil courts. I am not afraid to challenge the Judiciary if the level of awards is too high. The level of awards in the State is far too high, in particular for the lower levels of claim, namely, claims below €30,000 and between €30,000 and €50,000. Three bodies of work have shown the compensation here is multiples of what is paid in England and Wales. I am not afraid to take on other vested interests such as the insurance companies themselves. Eight companies have between 89% and 92% of this market, which is a decent market that is profitable right now. I am not afraid to take on anyone else in relation to these matters.

Likewise, I am not afraid to challenge myself in this Chamber to ensure that we conclude the Judicial Council Bill. Neither am I afraid to challenge each and every person here to help me to try to ensure that we get the Judicial Council Bill finished before the summer break. I asked Deputy Michael McGrath last year to assist me in ensuring the Insurance (Amendment) Bill was completed as soon as possible. His help was crucial to ensure that happened, which it did, and the Bill was enacted. I challenge this House and the other House as well to do the same for the Judicial Council Bill, to ensure that it is finished so that members of the Judiciary can do their work over the summer in an expedient manner in terms of reforming the guidelines for the book of quantum. I have been asked what will happen and why premiums for employers' liability and public liability have not decreased. It is because we have not reduced the awards and we must do that. If we do not do that, everything else will amount to nothing. Legislation to protect consumers in the insurance sector must also be pursued in order to protect the clients of insurance companies because the insurance companies are big fish who are there to make profit. I want to recalibrate their mindset to ensure that the most important people for them are their clients. They will not exist without there being clients to buy their product. I thank Members for the constructive nature of the debate. No mud has been thrown across the Chamber, for which I am grateful. We can all work together to achieve better for consumers.

**Deputy Shane Cassells:** I wish to share time with Deputies O'Rourke, Scanlon and Michael McGrath.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Shane Cassells:** I thank the Minister of State, Deputy D'Arcy. I welcome all the businesses that are present and the members of the Alliance for Insurance Reform who are in the Public Gallery for the debate this afternoon. I pay tribute to Deputy Michael McGrath for all his work on this issue and for tabling the motion today. From his extensive work in the Department, the Minister of State, Deputy D'Arcy knows what a significant issue this is for so many businesses in this country, to the extent that the issue arises as to whether they can survive in business in the first place.

When I was a member of a local authority I recall that the most burdensome cost facing most businesses was commercial rates charged by councils, but they pale into insignificance compared with the crucifying cost of insurance, which is affecting existing businesses and is also having a negative effect on the spirit of entrepreneurship. When young entrepreneurs look at the potential costs they are totally disheartened. One such young entrepreneur from my home town of Navan is sitting in the Public Gallery, Linda Murray. She is here with the Alliance for Insurance Reform, including Peter Boland, Stephen Carthy from Clonmel and Stephanie Reid from Galway. Linda's business in Navan is a play centre called Huckleberry's Den. Her leisure activity centre, The Zone, won a national award this week. She has brought employment and value to the town. Her premium has gone from €2,500 when she opened six years ago to approximately €16,500 and now she cannot even get a quote because of the way insurance companies consider the market in this country. Some 20,000 children went through her centre without incident last year. Deputy Kelleher put it best when he spoke about the pace at which we are attempting to tackle this issue. Everyone accepts the Minister of State's genuinely positive attitude in tackling this issue and his acknowledgement of Deputy Michael McGrath's work, but the Government as a whole must advance the legislative issues highlighted this afternoon in the debate because the axe is falling on Linda's business and so many others because of the gouging that is going on in the insurance industry.

**Deputy Frank O'Rourke:** I welcome the opportunity to contribute to the debate this evening on the rising cost of business insurance. I thank my colleague, Deputy Michael McGrath, for tabling the motion this evening as well as for many other positive measures in this area to try to alleviate the problems that arise.

Just like motor insurance and home insurance, business insurance is getting out of control and we have had many contributions on that in the debate thus far. However, increased business insurance is another added cost for businesses, like so many other costs that are crippling the SME sector, which is the lifeblood of the economy. SMEs make such a contribution to the economy but increased business insurance is adding to the other increased costs they have encountered in recent years, having emerged from a very difficult time.

As we heard in the course of the debate, businesses are closing down and some businesses are operating without the appropriate insurance cover because they cannot afford it. When a business closes down because it cannot afford insurance, that means there are job losses. Like my colleague, Deputy Cassells, I have spoken to businesses, in my case to members of Kildare Chamber of Commerce, and they told me the insurance premiums for some of their members have increased by a multiple of eight. That is completely unacceptable and is not sustainable. That is what is crippling businesses at the moment. The reason the situation is out of control is due to the lack of delivery by the Government, not by the Minister of State, Deputy D'Arcy, as an individual, as we know he is fully committed to the recommendations made by the working group and the Oireachtas committee.

After so many years, what is preventing reductions in business insurance in addition to home insurance and motor insurance? There has been no real reduction, although the Minister of State, Deputy McEntee, said there has been some levelling out. Some of the businesses have indicated to Kildare Chamber of Commerce that the reason they have been given increased premiums relates to Storm Emma. This is a significant problem and there is no rationale for it. What is the cause of the delay in the Government reacting to the issue and delivering a solution, which we need?

**Deputy Eamon Scanlon:** Like other speakers, I thank Deputy Michael McGrath for bringing this motion before the House today. I do not doubt the sincerity of the Minister of State, Deputy D'Arcy, but there are a few things we could do to try to get the issue resolved. The first is to tackle insurance fraud. There are no significant penalties for fraudsters. We see cases thrown out every week but, unfortunately, those cases cost €50,000 or €60,000 and nobody is responsible other than the insurance company or the State. We must also establish a judicial council to compile guidelines for general damages relating to personal injuries. That should be done straight away.

We should also establish a publicly funded anti-fraud unit in An Garda Síochána. In addition, we should set up a business insurance premium index that would track prices over time and see exactly what is happening. There is no proof, as we cannot access figures and we do not know what is going on.

Another con job is ongoing that we should be able to deal with concerning returning emigrants. Last week somebody came to my office who had a full licence and a no-claims bonus in this country for 13 years. The person went to England for six years and had a no-claims bonus there during that time but was told they must start at the very top of the scale again. The quote they received for motor insurance was €4,500. That is happening every day and affects many

people. We want people to come back to create employment and such people are being affected in that way all the time.

The Personal Injuries Assessment Board, PIAB, was set up in 2008 by Fianna Fáil and at the time it made a lot of difference. Insurance costs came down as a result of it, but over time the effect has worn off. The legal profession did not encourage it at the time. Previously, up to 80% of insurance cases were dealt with by the board but I understand the rate has reduced to approximately 30%. We need to give PIAB more teeth, power and resources to deal with insurance cases.

**Deputy Michael McGrath:** I thank all Deputies who contributed to the debate. The debate is not what is important. What is important is what follows. I want the Minister of State to use this debate as leverage to get more support and more movement on some of the key issues involved. It is a concern that there were no Ministers from the Departments of Justice and Equality or Business, Enterprise and Innovation. Only the Minister of State, Deputy McEntee, spoke, while Deputy Neville was here for some of the debate. There was little evidence of the Minister of State's Government colleagues from the key Departments that he needs on board to bring about these reforms.

Getting down to brass tacks, what the Minister of State said about the Judicial Council Bill is new and I welcome that it will go to Committee Stage in the Seanad by the end of this month. He challenged all of us to have the Bill enacted by the summer. We will certainly play our part on this side of the House.

The Minister of State's speech, which was circulated to Members earlier, does not inspire me with confidence. It states:

Legislative proposals in relation to this matter are at an early stage of development and when that developmental work has been finalised, it is envisaged that any resulting amendments will be the subject of consultation with the Judiciary in keeping with the collaborative approach which has marked the development of the Judicial Council Bill.

Will we get this done by the summer? We have to because we have no choice.

These guidelines which will eventually emerge cannot be too loose. If they are not tight, then this will not work. One person, who happens to be in the Gallery this afternoon, told me that going before the Judiciary to defend a personal injury claim is like a lucky dip. That is not good enough. If these guidelines are too loose, then this simply will not work. They have to be tight in respect of their scope and application. We will work with the Minister of State to get that done. We will not accept any further delay in dealing with that.

The Minister of State did not have any good news on insurance fraud and the establishment of a Garda fraud unit. I know the Garda is operationally independent. However, the Minister for Justice and Equality needs to engage with An Garda Síochána to establish its views on this issue. It is not good enough that we cannot get information on whether files relating to alleged insurance fraud go to the Director of Public Prosecutions, whether any prosecutions are taken or whether convictions occur. No reports are provided in this regard. That is not good enough and this information must be made available.

There are people in the Gallery, as well as others at home and at work, who are facing the closure of their businesses. I am as able to criticise insurance companies as anybody else. It is

justified in many instances. However, there is a problem when none of the insurance companies operating in Ireland is willing to provide cover in certain sectors. We have play centres reliant on Axa XL and nightclubs reliant on Lloyds in the UK. These areas are particularly exposed because there is only one insurance company, UK-based, providing cover. As these businesses face closure, will the Minister of State seek to engage directly with these insurance firms? It is a small number of firms but they have significant sway in respect of the continuation of insurance cover at reasonable rates for these sectors. I will work with the Minister of State in doing that but we need to engage with those insurance firms immediately. Otherwise, inherently good, profitable and viable businesses will be shut down as a result of the cost of insurance. None of us wants that. We must use this debate to bring about change. The sense of urgency cannot be lost. The fact some businesses have closed is regrettable. Many more will follow. We need to deal with this issue.

Amendment agreed to.

Motion, as amended, agreed to.

### **Period Poverty: Motion**

**Deputy Catherine Martin:** I move:

That Dáil Éireann:

notes that:

— the average woman, or anyone who experiences periods, will have 507 periods from age 12 to 51, for roughly 39 years of her life;

— in Ireland, sanitary products can cost from €2 to €6 per pack, with the average pack containing 10 to 15 pads or tampons, and that a 12 pack of pain relief tablets costs between €6 and €10;

— most women and girls will have 13 periods a year, with some using up to 22 tampons and/or towels per cycle leading to an estimated annual cost of €208 for sanitary products and pain relief, costing €8,100 over a lifetime;

— access to affordable sanitary products and menstrual education should be viewed in a human rights context, as according to the World Health Organisation's constitution '...the highest attainable standard of health as a fundamental right of every human being';

— the United Nations (UN) Human Rights Council Resolution 33/10 on 29th September, 2016 states that lack of menstrual health management and stigma associated with menstruation both have a negative impact on gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to health;

— the UN Committee on Rights of the Child's General comment No. 20 (2016) on implementation of the rights of the child during adolescence has stated that 'All adolescents should have access to free, confidential, adolescent-responsive and non-discriminatory sexual and reproductive health services, information and education... [including

on] menstrual hygiene’;

— according to a survey of more than 1,100 young girls and women aged between 12 and 19 years by Plan International Ireland, nearly 50 per cent of Irish teenage girls find it difficult to afford sanitary products;

— some 109 of the young women who participated in the survey said they were forced to use a ‘less suitable sanitary product’ because of the high monthly cost involved;

— nearly 60 per cent, or one in two, of young women and girls said school does not inform them adequately about periods;

— six out of ten young women reported feeling shame and embarrassment about their period, 61 per cent miss school on their period and more than 80 per cent said they did not feel comfortable talking about their periods with their father or a teacher; and

— nearly 70 per cent of young women take some form of pain relief during menstruation;

acknowledges that:

— tampons and sanitary towels are not subject to Value Added Tax (VAT) in Ireland, which has a zero rate treatment on women’s sanitary products, but new period products that may better suit some women, girls and the environment, are still taxed at the highest rate of tax at 23 per cent;

— due to the high cost of these products women and girls in period poverty are resorting to unsuitable options such as newspaper, toilet paper or unwashed clothing;

— girls and young women who suffer shame and embarrassment surrounding their period are more likely to use unsuitable options rather than approach family members or their teacher;

— in September 2018, Dublin City Council announced it will provide free sanitary products in its buildings, such as community centres, swimming pools and libraries;

— the advances being made in other countries, such as the success of a six month pilot in Aberdeen to provide free products in all schools funded by the Scottish Government;

and

— the work of organisations such as Plan International Ireland and The Homeless Period to alleviate the stress and financial burden placed on women and girls due to period poverty; and

calls on the Government to:

— provide a range of free, adequate, safe and suitable sanitary products and comprehensive, objective menstrual education information distributed through all public buildings, including schools, universities, direct provision centres, refuges, homeless services, Garda stations, hospitals, maternity hospitals, prisons, detention centres and rehabilitation centres so as to tackle period poverty and de-stigmatise and normalise

menstruation;

— ensure all menstrual products available in Ireland are safe, through regulation and quality checks;

— ensure young women, girls and people of other genders can learn about their periods and menstrual hygiene in a normalising and safe environment, including online by providing a State-run website with objective information, and ensure girls, boys and people of other genders have access to education about menstruation integrated into the school curriculum;

— ensure improved access to hygienic facilities and sanitary products that are affordable and meet individual needs;

— work with other countries across the European Union to remove VAT on all sanitary products, including healthy and environmentally-friendly sanitary products such as cups and period-proof underwear; and

— prioritise the issue of menstrual equity for girls and children’s rights as central to Irish Aid’s work overseas in line with the UN’s Sustainable Development Goal 5 on achieving gender equality and empowering all women and girls, and Goal 6 which calls for universal and equitable access to adequate and equitable sanitation and hygiene for all by 2030.

I am sharing time with the Deputy Chairperson of the Oireachtas Women’s Parliamentary Caucus, Deputy Corcoran Kennedy.

Is onóir í dom an rún seo a mholadh ar son chácas na mban san Oireachtas. Lá stairiúil is ea an lá seo do Dháil Éireann, agus mná ar fud an speictream polaitiúil ag teacht le chéile ar an rún ar bhochtanas míostraithe. Táim bródúil go bhfuil cácas na mban ag obair chun an cheist seo a shoiléiriú tríd an rún seo a mholadh. Agus muid ag obair le chéile agus ag cur polaitíocht na bpáirtithe ar leataobh, táimid ábalta éifeacht dhearfach a bhaint amach do mhná agus cailíní na tíre seo. Níl sa rún seo ach tús le cácas na mban san Oireachtas. Tá sé ar intinn againn níos mó reachtaíochta a chur chun cinn amach anseo chun dul i ngleic le réimse leathan ábhar a bhaineann le mná. Is iomaí agus is coimpléascaí na bacanna ar chomhionannas a bhaint amach. Le chéile, mar mhná, is fórsa éifeachtach muid chun athruithe dearfacha a bhaint amach.

According to research conducted by Plan International Ireland, 50% of women between the ages of 12 and 19 struggle to afford sanitary products. Can one imagine that roughly half of young women in Ireland cannot afford a basic product? This seems like an issue about which we should all be talking if not shouting. It might surprise some Members that up until this moment the word “menstruation” has appeared only 27 times on the Oireachtas records. That record will certainly be broken this evening. Something that affects roughly 50% of the teenage and adult population has been mentioned fewer than 30 times in our national Parliament since the foundation of our State. When one delves into those records, one will quickly find that periods are almost entirely spoken about in a context of fertility rather than in terms of an individual’s health and well-being. This is worrying because period poverty is a real issue for women in Ireland. It is having a negative impact on their education, well-being and quality of life. Accordingly, it must be spoken about and addressed in those terms.

It is estimated that Irish women and girls spend an average of €132 every year on tampons

and sanitary towels. For women, girls and those experiencing periods who are homeless, in direct provision or in full-time education, this is a substantial cost. Many often have to resort to cheap, unsafe products or crude alternatives. The monthly burden of purchasing sanitary products falls on approximately half the population by virtue of their biology. This is both an issue of equality and of dignity.

This motion will be a significant move in addressing the issue of period poverty and bringing further attention to this issue, building on a growing movement across Ireland and the world. Last year, on foot of a motion tabled by Councillor Rebecca Moynihan, Dublin City Council announced that it would provide free sanitary products in its buildings. The Homeless Period Ireland organisation, directed brilliantly by Claire Hunt, now has 30 drop-off points for people to donate sanitary products to homeless women.

Students across Ireland have been working to address period poverty in their schools. Just yesterday, students from St. Bricin's in Cavan and Eureka secondary school in Meath came to a briefing relating to this motion in Leinster House. They spoke about the work they are doing through their Young Social Innovators projects and the real impact it is having for students in their schools. Across the water, the Scottish Government is taking action to fight period poverty. It has recently become the first Government in the world to pledge to provide free sanitary products to all pupils and students in its schools, colleges and universities.

Members of Dáil Éireann need to show leadership on this issue. Our caucus motion this evening is calling for the provision of a range of free sanitary products, including environmentally friendly products in all public buildings, from schools and universities to direct provision centres, refuges, hospitals and prisons as a way to tackle period poverty.

Our call does not end at providing free sanitary products. We are also calling for objective menstrual education information to be available in all public buildings. We seek tighter regulation and checks of menstrual products, for Ireland to work at an EU-wide level to remove VAT on products, particularly healthy and environmentally friendly ones, and to prioritise the issue of menstrual equity in Irish Aid's work overseas. Crucially, we are calling for comprehensive and normalising education on periods in schools and to open up the discussion on periods to everyone.

Normalising periods and ensuring objective education is incredibly important. The lack of conversation in the Oireachtas on menstruation mirrors a societal silence on the issue. Six out of ten young women surveyed by Plan International Ireland said that they feel shame and embarrassment about their period; shame and embarrassment about something so ordinary and natural.

The stigma surrounding periods and the cost of period products have very real consequences. Plan International Ireland's survey found that 61% of Irish girls have missed school because of their period. If 61% of students said they had missed school because of some sort of virus it would be a national emergency. No student should have to miss school because of stigma or because she cannot afford sanitary products. Education is a basic human right and we must do everything we can to ensure that right is not jeopardised. We need to remove the taboo around discussing menstruation. No woman should ever feel burdened with unnecessary stress, embarrassment or anxiety every month because of her gender or financial circumstances.

We need to be able speak openly about periods so that we can learn about the many and

complex issues that people face when on their periods, and address those issues. For instance, have Members ever thought about where sanitary product dispensers are placed? Usually they are found in non-wheelchair accessible women's bathrooms, positioned at about 5 ft from the ground. This makes them inaccessible to people in wheelchairs, to little people and to trans men.

When we shroud issues in stigma, when we fail to have open conversation, we often end up further marginalising whole sections of society. I hope that when this motion passes, these conversations are had and that inclusive accessibility to free products is ensured across the country.

We also need to be able to be assured of the safety of the products we use, which is why this motion is calling for better regulation of sanitary products. Last week, Lynn Boylan, MEP, highlighted that the responsibility of ensuring the safety of these products rests with the manufacturers. These are health products so their safety should be ensured through proper State-led regulation.

Opening up the conversation on periods, as well as providing free and safe sanitary products, will help to bring greater dignity and well-being to women and girls. When people do not feel able to talk openly about their concerns, we end up with people quietly suffering. I would like to emphasise that it is not just women who need to have this conversation. Of 158 Deputies, only 35 women have been elected to the Dáil and I am disappointed so few men have decided to attend the debate this evening, because this is an issue about which we need to educate our fathers, sons and brothers. While the caucus has ensured that the Dáil has this conversation tonight, and we are grateful that we got Government time for this motion, I cannot emphasise enough that we need more than conversation. It is over to the Government to take the necessary action outlined in our motion to put an end to period poverty. One action it can easily take is to allocate funding in the next budget for the provision of free sanitary products in all public buildings.

I am proud of the work the Women's Caucus has done to shed light on this issue by bringing forward this motion. While the Women's Caucus enjoys the support of the vast majority of women Members of the Oireachtas, and there have been so many valuable contributions to it by former female Members, I am also aware there are women who are not active members of it, or who chose not to be in it at all, who have co-signed this motion and will speak in support of it tonight. I acknowledge them and thank them for their support which has led to all women Members of the Dáil uniting today on this motion. In doing so, I recognise the fact that democracy in the form of Dáil elections has repeatedly returned women of different viewpoints and different political backgrounds to this House. Often, we disagree more than we agree and that is why today is a glimpse of, and shines a light on, what can be achieved through this dynamic, of women working together, casting aside party political differences, which they genuinely and passionately hold, and exploring options of where we can be a force of positive change and action together.

I thank those who helped bring this motion to the Dáil today. Míle buíochas to Sinead Mercier, who drafted the motion with invaluable input from Claire Hunt of Homeless Period Ireland and the team at Plan International Ireland. I thank my own team, Una Power, Donal Swan, Anna Conlan, Catherine O'Keeffe and Linda Wilson, who went above and beyond in their work on this motion. I would also like to acknowledge the Senators from our caucus who have attended tonight's debate and will be debating this motion in the Seanad on 27 March. I also thank Laura Harmon from the National Women's Council of Ireland, who acts as the sec-

retariat for our caucus.

I especially welcome and thank all the visitors in the Gallery this evening, who represent activists, academics and the many organisations and NGOs which do so much to highlight not only this issue but the many issues of inequality and discrimination facing women across the world. I also thank the Ceann Comhairle for his unwavering support of the Women's Caucus.

I take the opportunity as chair of the caucus to state that tonight's motion is just the beginning for the Oireachtas Women's Caucus. We intend to bring forward further legislation in the future to tackle effectively a diverse range of women's issues which need attention. Of course, legislative change is only one facet of the caucus's work. Since it was established, a mere 18 months ago, we have been making our voices heard on a range of issues. From the forthcoming survey on harassment, bullying and sexual harassment in Leinster House, which the caucus requested and insisted would include every single person who works in Leinster House, to ensuring consultation on the women in the home referendum, to working with female parliamentarians globally by founding and hosting the International Congress of Women's Parliamentary Caucuses, we are putting women to the front and centre of political decision making. That is where we belong.

The barriers to equality, both in Ireland and abroad, are many and complex. Together as women we are an effective force for positive change.

**Deputy Marcella Corcoran Kennedy:** I am glad to address this important matter as vice chair of the Oireachtas Women's Caucus today and I want to take the opportunity to commend my cross-party colleagues on their work on this issue. I also welcome the visitors in the Gallery this evening.

Many people are uncomfortable talking about menstruation, many people do not want to talk about it and many people will dismiss the need for this motion, but that does not mean we should not raise this issue.

We women are best qualified to talk about menstruation because it is a normal part of life for us. Why should we be embarrassed or ashamed? Why should we buy into advertisers' negative stereotyping of menstruation?

For the majority of us, period poverty is not an issue. In fact, the term is new to many people, including me. However, closer inspection of the evidence provided by Plan International Ireland and Homeless Period Ireland demonstrates that it is a matter that needs urgent action. It is primarily about the quality of life of our women and girls. It is not only an issue for other countries, as many of us may have believed in the past, but for Ireland also.

Women's health has been viewed through a peculiar prism over the years. Menstruation happens all over the planet, in every country every day, yet it is almost taboo to discuss it. Why this should be so is curious. It might be because the female reproductive system has been viewed as unclean in some cultures, including our own. Not many years ago in this country, women who delivered a child were seen as unclean and needed to be churched before they could feed their family or bake bread. I suppose it is no surprise, therefore, that menstruation is viewed in the same light despite the fact that it is one of the three ways that the human female body excretes waste. It is a normal bodily function in which we have no choice, just as we have no choice in urination or defecation. However, the fact is that the only sanitary product provided for free in most bathrooms across the world is toilet paper. Perhaps if men menstru-

ated, things would be different.

There are many challenges being experienced by women of all ages in managing their health and hygiene on a monthly basis, even if they can afford sanitary products. However, I will focus first on the most marginalised in society. Homeless women and women in direct provision are particularly vulnerable. Imagine being homeless and all of the daily challenges that brings. Then imagine being a homeless menstruating woman and having to manage one's monthly period on top of that. Think of girls and women in direct provision, where evidence is emerging that the provision of sanitary products, where available, is patchy. In some cases, there are reports that the products provided are substandard. This has to change.

I had the privilege of meeting Ms Claire Hunt, the founder of Homeless Period Ireland, yesterday at our audiovisual room briefing. I acknowledge her initiative and drive not only in identifying the need of these vulnerable women but in deciding to do something about it. Donated feminine hygiene products are brought by volunteers to direct provision centres, homeless outreach centres and women's refuges. A donation station has been set up here in the Leinster House coffee dock, which is definitely a first for this campus.

I acknowledge also the excellent work of Plan International Ireland, which is a child-centred community development organisation. The evidence it has provided shows that 43% of girls did not know what to do when their period first started; 15% did not even know what was happening to them; 50% of girls between the ages of 12 and 19 find it difficult to afford sanitary products; and 61% have missed school because of their period. The survey also highlighted the lack of information available to them on what is happening to their bodies on starting menstruation and the fact that they need pain relief at some stage, which adds to the financial burden. At our briefing yesterday, a social worker based at the national maternity hospital confirmed that many new mothers approach her to provide sanitary products for them due to the cost.

If this motion is successful, as I know it will be, and acted upon, free sanitary products will be provided in all public buildings such as schools, universities, direct provision centres, refuges, homeless services, Garda stations, hospitals, maternity hospitals, prisons, detention centres and rehabilitation centres. I am optimistic that other buildings in receipt of public funding will follow suit, including Pobal-funded projects in swimming pools, community halls, centres and theatres.

Another vital element of this motion is to ensure that menstrual education is provided for boys and girls as well as their parents to tackle the lack of accurate and trustworthy information on menstruation. Learning about what is and is not normal is crucial. It is vital, for example, to understand the symptoms of endometriosis, which, I understand, affects about 10% of menstruating women.

An interesting fact provided by AkiDwA is that it is normal for girls from some African countries to begin menstruation as young as 7 or 8 years of age. As many of them are now living here and attending school, this needs to be taken into account in assisting our primary schools to deal with this fact. Our teachers are under considerable pressure in the rapidly changing digital age and perhaps a solution might be to have the HSE develop and deliver a special menstrual education programme. The Minister for Health should consider this possibility under the Healthy Ireland framework, which takes a whole-of-Government and whole-of-society approach. Whatever is decided upon, it should most certainly be separated from sex education in schools.

13 March 2019

It is interesting that some second level schools are encouraging their students to develop projects on the subject. Children from two schools, St. Bricin's College in County Cavan and Eureka Secondary School in County Meath, were present at our briefing yesterday. They articulated the findings of their research, which was most revealing about shame and embarrassment in having periods, difficulties in discussing their period with parents or teachers and the cost to low-income families. Despite their positive opportunity to conduct this research in their schools, there is some evidence that boards of management are preventing such projects being undertaken in schools. We have an uphill battle ahead to normalise what is a normal bodily function for half of our population.

Other countries have been leading the way, prompted largely by young activists. They include Scotland, which was referred to earlier, and the NHS in Wales. New York City Council and Dublin are other examples. I pay special tribute to Councillor Rebecca Moynihan, who deserves great credit for achieving support for her initiative on Dublin City Council.

We are getting some things right in that there is 0% VAT on most traditional sanitary products. However, it is hard to believe that the 23% VAT rate is levied on cups, period underwear and reusable pads. These items are not luxuries, but necessities to our girls and women. This must be reviewed during budget considerations.

I am sorry if I am boring the two gentlemen who are having a completely separate conversation while I am trying to make a point here. It is not acceptable or fair that they are engaged in a conversation when they should be paying attention to proceedings.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Corcoran Kennedy's time is up.

**Deputy Marcella Corcoran Kennedy:** Hold on a second now.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Corcoran Kennedy is being disingenuous. The Deputy was asking about his speaking slot.

**Deputy Marcella Corcoran Kennedy:** He was there a good while.

The materials that are used in menstrual products also need to be examined and should move to a more sustainable and safer model, as plastics and chemicals are not only bad for women but also bad for the environment.

**Acting Chairman (Deputy Declan Breathnach):** The Deputy must conclude.

**Deputy Marcella Corcoran Kennedy:** Earlier today, the women's caucus held a photocall and press conference on the plinth to promote the motion. Four female journalists were in attendance. Disappointingly, not one male journalist saw fit to attend and not one television station, including the State broadcaster, saw fit to cover the matter.

**Acting Chairman (Deputy Declan Breathnach):** The Deputy's time is up.

**Deputy Marcella Corcoran Kennedy:** We certainly have an uphill battle ahead to have this important issue discussed more widely when those responsible for covering news stories do not consider this issue important enough to turn up. This is my last sentence and I beg the Acting Chairman's indulgence on this. The Minister of State, Deputy Jim Daly, has turned up. We are relying on him to progress this motion on behalf of the women of Ireland, so no pressure.

**Minister of State at the Department of Health (Deputy Jim Daly):** Gabhaim buíochas leis an Teachta as ucht an dushláin sin.

I thank the women's caucus for highlighting this issue of period poverty and for the opportunity today to discuss an issue which, I am sure we all agree, deserves a higher level of focus and attention in our society. The issue of "period poverty", which is defined as the inability to afford female sanitary products, is an internationally recognised health and social issue. It has significant potential consequences for individual women and girls, in terms of exclusion during menstruation from educational, employment, recreational or social settings and opportunities. There are wider societal costs from such recurrent absenteeism from school or work.

The effects of period poverty on mental and psychosocial well-being are a significant concern, one which is reflected in surveys such as that carried out by the NGO, Plan Ireland International. It reported high levels of feelings of shame and embarrassment about periods and period management. The cumulative effects may be particularly significant for teenage girls, particularly in terms of absenteeism from education. There are also potential impacts on physical health. These include an increased risk of infection, due to the inability to change sanitary products at recommended intervals or from using inappropriately improvised products and materials.

Issues around periods and the impact of period poverty may also be relevant in the context of adolescent girls maintaining the recommended levels of participation in sports and physical activity, which is important for their overall health and well-being. Participation in sport among teenage girls is lower than that of boys of the same age. This is an area of focus under the national physical activity plan and the national sports policy.

The cost of managing periods, in terms of sanitary products and pain relief, has been estimated at more than €200 per annum for women. This is a recurrent annual cost for women over several decades. However, as recent surveys and media coverage have highlighted, period poverty and the anxiety that accompanies it impact disproportionately on vulnerable groups, including the homeless, teenage girls and the socio-economically disadvantaged.

A number of other jurisdictions, including the UK, have recently started to examine measures to address period poverty. In recent years Canada, some US states and India have removed goods and services taxes, the equivalent of VAT, from sanitary products. Accordingly, the Department has given this matter some recent consideration. As a starting point, before budget 2019 my colleague, the Minister for Health, wrote to the Minister for Finance about taxation rates that apply to sanitary products. We therefore understand that tampons and sanitary towels are subject to 0% VAT. As part of VAT harmonisation agreements reached with the EU in the 1990s, the Irish 0% VAT rate on these items at that time was retained. However, newer products are subject to 23% VAT and my understanding is that European Union legislation does not currently permit the use of 0% VAT rates for items not covered by the original exemption.

There also have been initiatives and more highlighting of the issue in Ireland in recent times, including recent consideration by some local authorities of free sanitary product provision in public buildings, facilities and locations, including community centres. For example, Dublin City Council passed a resolution concerning period poverty last year and it has advised that it is running a pilot scheme to provide free sanitary products in four local recreation centres and this has been well received by users. If successful, the intention is to expand the scheme and I take this opportunity to commend the good work on this initiative.

13 March 2019

Period poverty, in addition to its adverse effects on inclusion and on health and well-being, is also an equality and equity concern. The financial cost associated with obtaining sanitary products contributes to gender inequality, while varying capacity to afford sanitary products creates inequity among women and girls in Ireland. The issue is very relevant to the ongoing cross-Government work to implement the national women's and girls' strategy, which aims to advance the rights of women and girls and to enable their full participation in Irish society. Under this important strategy, my Department is developing a women's health action plan in collaboration with the HSE and the National Women's Council of Ireland, as well as progressing relevant health policies with an impact on women's health. We are also participants in the wider implementation oversight committee led by the Department of Justice and Equality.

Tackling this issue of period poverty comprehensively is likely to require a multidisciplinary response from across government. Potential measures to mitigate this issue may include provision of sanitary products free at point of access to vulnerable cohorts, such as school and university students, those in direct provision and socio-economically disadvantaged individuals. Much of this would fall outside the remit of the Department of Health. It may also include additional measures to reduce stigma and ensure all women and girls have the necessary information to manage their periods and how they impact on their health and well-being. This is therefore a matter that would at a minimum require significant input from the Departments of Education and Skills, Employment Affairs and Social Protection and Justice and Equality, as well as local authorities and other partners, in addition to the Department of Health. However, I can confirm that we would be happy to participate in any cross-departmental discussion on this topic and on developing measures to mitigate it. I look forward to hearing the contributions.

**Deputy Fiona O'Loughlin:** As the Minister has not taken his full allocation of time, I am sure this side of the House would be happy to take it if we can get it. I am happy to share time with my colleague, Deputy Billy Kelleher.

It is great to be part of this historic day as the women's caucus - women from all parties and none - has come together to bring forward this motion for the sake of girls and women in Ireland. I pay tribute to the chairperson of the caucus, Deputy Catherine Martin, and to Ms Una Power and Mr. Donal Swan in her office, for the leadership and support they have given. I also pay tribute to the deputy chairperson, Deputy Marcella Corcoran Kennedy and all the women involved, including former female Members of this House and the Seanad.

There are 1.8 billion women around the world who menstruate, and the average woman will have 507 periods from age 12 to age 51, amounting to 39 years of her life. Women face a financial burden throughout the course of their lives dealing with this monthly reality. An estimated annual cost is €208, leading to a lifetime cost of €8,100. That is the lower end of the scale and we must recognise that for some, this is a prohibitive cost associated with menstruation. Some women struggle to pay for sanitary products on a monthly basis. It is unacceptable that any woman or girl would be unable to access sanitary products due to period poverty or not being able to buy these essential products.

Stark figures released last summer reveal that almost 50% of teenage girls in Ireland struggle to afford monthly sanitary products and it is not unheard of that young women may have no choice but to go without sanitary products to make ends meet. Some households' weekly budget cannot stretch far enough to afford these products; they are luxuries not certainties for too many households. Given the price of rent, the cost of student fees and general living expenses, college students too are running an exceptionally tight budget. It goes without saying

that women living in homelessness and in direct provision have severely limited access to these products.

Periods are an entirely normal part of life for every woman worldwide. Both the United Nations and the leading non-governmental organisation, Human Rights Watch, have repeatedly recognised menstrual hygiene as a human right. Irrespective of income, background or circumstance, every woman should have equal access to sanitary products in a discreet and dignified way. No woman should be left unable to manage her period. This is a matter of promoting and maintaining public health and an important conversation that must be had, both here in the Dáil and Seanad and on the streets, in communities, in homes and in schools.

Before researching the matter, we might have assumed that period poverty affects only women in other countries. We know that other countries have serious issues around women and menstruation. For example, women can be banned from temples in India when menstruating and in Zambia, menstruating women are not supposed to cook or touch certain foods. In Nepal, during a period women are sent to sleep in small menstrual huts where there is no heat or electricity. In Kenya, motorbike *boda boda* drivers were found to be trading sexual favours in return for sanitary products, taking advantage of vulnerable young schoolgirls. However, the grim reality is that women in Ireland suffer from stigma and shame around menstruation and a substantial number of women in Ireland are unable to afford the products they need, as I mentioned. The women's caucus therefore is absolutely united in our determination to alleviate the period poverty suffered by a substantial number of Irish women every month.

I have mentioned the Plan International study, which indicates that more than one in ten girls has had to improvise sanitary wear due to affordability issues and 61% of girls are too embarrassed to talk about their period, with the same number missing school as a direct result of menstruation. Aside from financial reasons, there are also social and cultural reasons these products may not be available at home. It is not our job to question why people need these donations but we must focus on the fact that everyone deserves equal access to period products, whatever the situation. I particularly refer to homeless women, those who are in direct provision and the women and girls in full-time education.

The UN Human Rights Council Resolution 33/10 states that the lack of menstrual health management and stigma associated with menstruation both have a negative impact on gender equality and women's and girls' enjoyment of human rights, including the right to education and the right to health. The Minister of State did not give a full commitment but today we are calling on the Government to provide comprehensive, objective menstrual education and information to normalise menstruation. We are calling on the Government to provide free, adequate, safe and suitable sanitary products that are environmentally friendly for the 50% of the population for whom menstruation is an unavoidable reality of life.

Internationally, efforts are being made to address the issue. There are examples in Kenya, Kerala in southern India, Scotland and the broader UK and, as we heard, through Dublin City Council, which is very positive. Forty years ago, the feminist Gloria Steinem talked about what the world would look like if men were the ones who menstruated. I venture that things would be very different because period poverty is just another hurdle for women to overcome in a society that is still dominated by gendered inequalities. It was Ms Steinem who stated that the first resistance to social change is to say that it is not necessary. If we are serious about gender equality and reproductive rights, we must recognise the necessity of solving period poverty in order to afford females the highest attainable standard of health as a fundamental right of

every human being, as laid out in the constitution of the World Health Organization. Like my colleagues, I pay tribute to Plan International and Claire Hunt from Homeless Period Ireland. There is an area in the coffee dock in LH2000 where we are collecting sanitary products. It is great to see so many there already. It will be open until tomorrow evening and everybody is welcome to place some products there for us to bring to some of the homeless hubs where they are needed.

**Deputy Billy Kelleher:** I congratulate the Oireachtas Women's Parliamentary Caucus on bringing this matter to the floor of the Dáil. It is about normalising what is normal in the sense that what we are taking about is something that happens every day in houses across this country and the world. At the same time, it is a taboo issue in many cultures. Very often, it is an uncomfortable issue for people to discuss. The reason I am anxious to speak about is in the context of young girls who are just coming into puberty and experiencing periods for the first time and the fact that, very often, the education relating to that is not what it should be both in terms of periods themselves and sexual health and reproduction. It is an area where we have consistently fallen down. Even in this country, there is a lack of awareness of women's reproductive rights and equality in that area and menstruation and puberty. It is an issue that is not discussed openly. I could sense that even in the context of the discussions on the eighth amendment. When one talks about issues such as this, there is very much a sense that they are "underground" issues for many people. They just do not want to discuss them. From that point of view, it is a very welcome debate and something for which we should push.

Regarding the practicalities, we must accept that there is poverty in this country. Anything that diminishes the ability of a woman or young girl to access sanitary products or interferes with her reproductive health is something we must address. Councillor Rebecca Moynihan of Dublin City Council and many others have been campaigning to ensure sanitary products are available for free in public buildings and schools along with education. This campaign should be encouraged and supported at every opportunity. That is something for which we should campaign, both as individual political parties and in the context of the caucus.

There is a broader issue. We have spoken here about female genital mutilation and many other issues where we must start undermining and exposing the taboos regarding women's health, reproductive rights and menstruation. I congratulate the Oireachtas Women's Parliamentary Caucus. Hopefully, the Government will be able to embrace this motion and provide free sanitary products in public buildings, particularly schools, along with education.

**Deputy Denise Mitchell:** I welcome this motion and, in particular, recent moves by Dublin City Council and South Dublin County Council to roll out free sanitary products in their buildings. I wish to highlight the issue of period poverty among those in direct provision centres. In November, the Minister for Justice and Equality told my colleague, Deputy Adams, in a response to a parliamentary question that the independent living model would be rolled out across direct provision centres. That model is a points-based system on access to toiletries and other products that would be based on family composition and need. The Minister stated that supplies of women's sanitary products would be made available as required for those centres that did not yet have this model and that the cost would be borne by the Department. As far as I know, that has still not happened. There are women who receive only €38.30 a week. Obviously, they are not in a position to work, so they have to use up a significant chunk of that weekly allowance on sanitary products. That is wrong so I welcome the call in this motion for these products be made free in direct provision centres. I urge the Minister to ensure that this is rolled out immediately.

It is a reality that women who are experiencing homelessness are also highly likely to experience period poverty. Some great work is being done by the Homeless Period Ireland campaign to ensure that sanitary products are available across many homeless services. Steps are also being taken by local councils - and via this motion - to ensure that those experiencing homelessness will have access to these essential products. In the North, women's sanitary products are still taxed. This is what is referred to as the tampon tax. That tax is set by London and Sinn Féin has repeatedly called for it to be scrapped. This campaign is in progress in the North. Derry City and Strabane District Council has also moved to make sanitary products available free of charge in council-run community and sporting facilities.

I also welcome the elements of the motion that call for a focus on education. I acknowledge and commend the call in the motion for information on periods to be integrated into education and to ensure that both boys and girls are educated on this issue. In the Plan International survey, it is reported that almost 60% of young women stated that they do not find classes at school on periods helpful. This is a really high figure. It is extremely surprising that 60% of young women do not find the classes helpful. The survey also indicates that six out of ten young women often report feeling shame and embarrassment about their periods. The stigma in respect of this topic needs to be done away with. It is incredible that in 2019 there is still a taboo about discussing an issue like women's periods.

I want to broaden this discussion out because there is a much larger problem here in terms of poverty faced by women. There are women on low wages, particularly in professions such as childcare, in which the majority of staff are female. The report by the Society of Saint Vincent de Paul earlier this month indicates that one in five lone parents - again, mainly women - is living below the poverty line. In February, I visited a local food bank run by Crosscare. I am sure everybody in the House will agree that this organisation does brilliant work. One of the volunteers informed me that demand for basic essentials has increased in recent months. So despite economic growth, it is clear that many in our communities are still struggling.

I welcome the motion. It is a small step in the right direction but the reality is that period poverty exists because poverty exists. We will not be able to deal with this issue in isolation. We need to tackle the root causes of poverty in society, namely, low wages, lack of childcare, lack of social supports for lone parents and lack of affordable housing. It is through tackling those root causes that issues such as this will be tackled as well.

**Deputy Jan O'Sullivan:** I am sharing time with Deputy Sherlock.

Tá áthas orm m'ainm a chur faoin rún seo ó gCácas na mBan. Tá áthas orm freisin go bhfuil sé á phlé sa Dáil inniu. This is very much a cross-party motion, which is very welcome. As a member of the Women's Caucus, I thank in particular our chair and deputy chair for introducing the debate, but also those who have given us support, many of whom are in the Chamber listening to the debate. I pay particular tribute to Plan International Ireland and Homeless Period Ireland. Claire Hunt is in the Gallery. She is pretty much a one-man operation.

**Deputy Brendan Howlin:** One-woman.

**Deputy Jan O'Sullivan:** Both organisations are growing in support right across the country and doing terrific work.

No one chooses to menstruate. Those who are struggling financially are facing a cost for looking after their essential health. They should never be forced into a situation in which they

need to choose between sanitary products and other basic needs. Others have referred to the fact that this is an issue for many women and girls in our country. Plan International Ireland has given us a number of statistics. According to one, nearly 50% of Irish teenage girls - Plan International Ireland surveyed girls between the ages of 12 and 19 - find it difficult to afford sanitary products. This is a very stark fact. It is important we put these facts on the floor of our Parliament, that we talk about them not just in rooms where women gather, but also in our national Parliament. It is also a fact that in many other countries the situation is even starker. In some cultures, girls actually drop out of school as soon as they start menstruating. In other countries, girls miss a significant number of school days when they have their period. However, this is also a real issue in our country and one we need to deal with. I will come back to this point before I finish, when I turn to the Minister of State's contribution. I also pay tribute to the Labour Party councillor, Rebecca Moynihan, who was pretty much a pioneer in this area. We are all now dealing with the issue in our Parliament, but Ms Moynihan very much pioneered it on Dublin City Council. A number of other councils around the country are now, we hope, taking up the mantle and providing free sanitary products in their public buildings. We need to develop that here in the Parliament.

I will now go straight to the Minister of State's contribution. I welcome the fact that he said that from his Department's perspective, he is willing to take action. He referred to a number of other relevant Government Departments, including the Departments of Education and Skills, Employment Affairs and Social Protection and Justice and Equality. I now urge the Minister of State to initiate cross-Government action to ensure we get a result on this because what we want to achieve from this debate is not just the highlighting of the issues, but also a result. I invite the Minister of State, Deputy Jim Daly, as the Minister of State present, to do that.

I also welcome the fact that there are a number of men in the Chamber. I threw out a bit of a challenge in the previous debate, in which I happened to be the only woman, and for which there were 12 men in the Chamber talking about insurance. At least some of those men are in the Chamber now, which I welcome because we must ensure that men realise that this is a national issue and an issue for everyone, not just a women's issue. It is about poverty, participation and a very normal bodily function for half the population, and it needs to be embraced. I participated in one of the collection points last Friday for International Women's Day with my colleague, Anne Cronin. We were collecting for women in homeless accommodation and women in direct provision. We specifically asked men to go to the supermarket or wherever else and buy sanitary products and actually realise how much they cost. A number of men did so. I really want to highlight this as a men's issue as well as a women's issue.

We want to achieve a result in a number of areas. One is highlighting the issue here today while another is getting a response from Government. I refer in particular to the regulation of products, information and education in our schools and the VAT issue. While the latter was addressed in respect of some products back in the 1990s, some products are still very highly VAT-rated. While the Minister said the 23% rate is a matter of EU regulation, I hope Ireland will again show leadership in this regard.

In the context of this being a very much cross-party motion, I want to acknowledge one former Member of the House, Fiona O'Malley. I remember her campaigning to get the VAT rate on condoms reduced, which happened back in the 1990s. We should acknowledge people who have ploughed a fairly lonely furrow at times. I specifically remember Ms O'Malley contributing to that debate as a Member of the House.

I think we will make progress on this now, partially due to the work that has been done by people who brought this issue to the fore, but also due to the fact that there is perhaps a genuine recognition now that this is a national social issue that needs to be addressed. Today's debate is very much contributing to that. The main point I wish to make is that we now need to track this, and I know the Women's Caucus will do that. We need to ensure we make progress, that this is not just a once-off debate that highlights an issue and that the collection points and all the other work being done make a difference to women who are vulnerable and women who cannot afford these necessary products. That is not enough, however. We need to make this a matter of policy and a matter of human rights, not just a matter of doing certain things that will alleviate the situation for certain women. We must ensure that period poverty becomes a thing of the past.

Again, I welcome the opportunity to contribute to the debate. I will now hand over to my colleague, Deputy Sherlock.

**Deputy Sean Sherlock:** I thank my colleague, Deputy Jan O'Sullivan, for sharing her time with me. I, too, congratulate Deirdre Kingston, Rebecca Moynihan and people such as George Lawlor - I speak for my own party in this regard - for raising awareness of this issue and certainly building my consciousness of period poverty. It is an issue I would have typically shied away from previously, saying it was very much a women's issue. It is not one on which I would have necessarily engaged. People such as Ms Moynihan, to be fair to her, have certainly opened my eyes to the issues at play here. As a society, if we are to move on and really achieve full equality, there must be an acknowledgement of issues such as this, and we as men must embrace these issues. It is particularly welcome that the Women's Caucus has embraced this as an issue, and I am delighted to be part of the debate and the interaction today.

On a personal level, I congratulate everyone who is part of this initiative. What we see here is a cross-party attempt to ensure that this issue is dealt with by Government. I congratulate the people from the NGO sector who have worked on this issue. It is particularly apposite that in the House of Commons today, notwithstanding the bad news we are used to hearing from that House, there was a chink of light in Philip Hammond's spring statement. He said he has decided to fund the provision of free sanitary products in secondary schools and colleges in England from the next school year. I am no fan of the Tories, but if the Tories can do it, I do not see why we cannot. I think there would be cross-party support to try to ensure that this could be done. If local authorities are doing it and embracing this as an issue, I do not see why Government cannot do likewise, particularly given it has cross-party support to do so. I am, therefore, hopeful the Government can deliver on this and respond substantially to the motion before us.

**Acting Chairman (Deputy Declan Breathnach):** I now call Solidarity-People Before Profit. Is Deputy Bríd Smith sharing time?

**Deputy Bríd Smith:** I am sharing with Deputy Coppinger.

I put my name to this cross-party motion and was happy to do so because period poverty is a very real issue for women struggling to get by, particularly women living in homelessness or direct provision. However, a week ago, when the Society of St. Vincent de Paul report on poverty rates among lone parents came out, I thought about the motion with a certain degree of disgust and anger because I recognised that I had co-signed a motion with many Deputies who have been party to imposing austerity measures of the severest kind on lone parents over the terms of the past two Governments. I will highlight one thing that caught my eye because I

do not think many people will be aware of these statistics. This motion promotes “healthy and environmentally-friendly sanitary products”. While sanitary products have improved greatly since I was a young one, they use much more plastic. Statistics show that the average menstruator uses more than 11,000 disposal products over a lifetime. This figure is based on 37.5 years of menstruation, using 22 items per cycle and 13 cycles per year. A study conducted in Britain on the number of pieces of menstrual waste found on beaches showed that, on average, 4.8 items of menstrual waste are found on every 100 m of beach. This is another reason to argue the necessity to promote recyclable and eco-friendly products. There are many alternatives. Younger women tell me that menstrual cups are a great alternative to pads and tampons. A small cup made of medical-grade silicon, folded and inserted into the body, sits at the base of the cervix collecting menstrual fluid. It is reusable, eco-friendly, comfortable and leak-free. A single cup can be used for up to 15 years.

My main focus is on poverty, in particular the poverty inflicted on those on low pay and in precarious jobs. Period poverty is suffered by workers who have no security and may have heavy periods every month. We do not have figures for Ireland, but British statistics suggest that as many as one in five women miss work on at least one day per month because of painful periods. If we were to apply those statistics proportionately to Ireland, it would mean women take 250,000 sick days each year because of period pain. For professional women, it may be just a case of staying at home from work on the day their period is heaviest and most painful. For those at the bottom of the labour market, however, it is a very different story. Having a sick day every month could well result in someone losing a job. The number and length of toilet breaks in many jobs, such as shops and factories, are being monitored all of the time.

Period poverty in work can be worse for those on precarious contracts, many of whom suffer real period poverty. Their wages will be significantly reduced if they have to skip work for a day or part of a day because of severe pain or heavy bleeding. In some Asian countries, which are not usually perceived to be the most progressive, labour laws allow for one to three menstrual leave days each year as a right. As well as campaigning on these issues, we need to fight for industrial relations laws that would allow days taken off work for periods to be recognised and paid by all employers, not only some of them. This is clearly a trade union issue on which we should encourage people to engage.

A study on lone parents published last week by the Society of St. Vincent de Paul revealed the shocking statistic that poverty among lone parents doubled between 2012 and 2017. Whereas in 2012, before the cuts, one in 11 households headed by lone parents was living in poverty, that figure now stands at one in five households. That is a direct result of the austerity measures introduced by the former Minister for Social Protection, Deputy Joan Burton, and perpetuated by the current Minister for Employment Affairs and Social Protection and those who went before her. That harshest measures imposed by female and male Deputies, particularly on women, during times of austerity have the effect of increasing poverty. It is a recognised fact that women bear a greater burden than any other sector of society. When the then Minister for Finance stated he would first pick the low-hanging fruit, he was referring to women in precarious jobs, lone parents, women in homelessness, etc.

**Deputy Ruth Coppinger:** I do not know if the words “period poverty” were ever uttered in this House before today. I suspect they were probably not. I doubt very much that periods have been much discussed in the Chamber apart from, as I recall, when we discussed the abortion legislation and reference to women’s periods was written into the Bill. It is welcome that what has been called a “period revolution” is taking place in the world. The film, “Period. End

of Sentence.”, which deals with this issue on a global scale for the majority of women and girls on the planet, could win an Oscar. It is good that the taboo has been broken.

A period is a perfectly natural event that affects more than half the planet. In many cultures, however, it causes women and girls to be banished and to miss out on education and life. In the so-called developed world and Ireland, period poverty is also a reality. I welcome this motion and that similar motions have been introduced in many other forums recently. I echo the point that if we want to end period poverty, we must end poverty.

**Deputy Bríd Smith:** Period.

**Deputy Ruth Coppinger:** Exactly. That is why, from the socialist-feminist perspective that I come from, I do not participate in the Oireachtas women’s parliamentary caucus. The majority of participants are members of Fianna Fáil, Fine Gael and the Labour Party, all of which have participated in Governments that have cut women’s incomes, will not pay nurses properly, which is the most practical way to close the gender pay gap, and do not stand for a woman’s right to choose. I choose to spend my time on activism and in other forums.

**Deputy Jan O’Sullivan:** Is Deputy Coppinger implying the Labour Party does not stand for a woman’s right to choose?

**Deputy Ruth Coppinger:** I referred to the many members of the women’s parliamentary caucus who do not stand for a woman’s right to choose. I welcome this issue being discussed but I wanted to clarify my position. Period poverty is directly related to wider poverty. A report on lone parents was published last week. In Ireland, 84% of lone parents are unable to meet unexpected expenses, including sanitary products for themselves and their teenage children. Lone parents were subjected to savage austerity by the previous Government in particular.

Speaking on RTÉ, a representative of Crosscare pointed out that sanitary products are never on the shelf for long in food banks. Women are queuing for food but also for sanitary products. Half of young people have had problems paying for sanitary products and about 10% stated they used a less suitable product. Constituents of the former Minister for Social Protection, Deputy Burton, who cut allowances for lone parents and young people, experience this problem as well. The low level of payments to people in direct provision has been mentioned. How is it possible for someone on €21 a week to afford these sanitary products? A similar issue arises in the context of Traveller accommodation where some Traveller women do not have access to basic toilets or running water. They will not be able to have sanitary products either.

Regarding the motion, the provision of free sanitary products in public buildings is essential. The British Government announced today that it will provide free sanitary products for all secondary schools. The same should happen here and the Government should make such an announcement very quickly. A motion from a Solidarity councillor in Castleknock, Sandra Kavanagh, has been on the agenda of Fingal County Council for three months and has not yet been reached. It calls on Fingal County Council to implement a similar measure. I ask that the motion be attended to.

The Chairman of the Joint Committee on Education and Skills noted in August 2018 that parents were being asked to bring toilet rolls into schools. The chronic underfunding of schools by previous two or three Governments would have to be completely reversed if we were to implement this motion. We should go much further. Sanitary products are essential items in any developed society and they should be available free everywhere, not only in public build-

ings. Most people will not be in a public building when they need a sanitary product. These products are needed at different times. If we want period dignity, something Unite and other trade unions are taking up as an issue, sanitary products should be free in workplaces and freely available throughout society.

While I welcome this motion, it needs to go much further. The Government needs to stop vetoing our sex education Bill. Some 60% of young people who responded to a survey indicated they were not properly educated about menstruation. That includes boys and girls, which is relevant if we want to end the taboo. I, therefore, call on the Government to stop using the money message as a device to stop our Bill from being progressed because that would be a sign that the Government really means business.

**Deputy Joan Collins:** First I would like to say that I support the Private Members' motion put forward by the Women's Caucus. It is a positive motion and I have signed it. The points that have been made by Plan International Ireland are quite stark, but they are nothing new for a lot of women and men in our society. Nearly half of teenage girls across Ireland struggle to afford sanitary products during their periods. As has already been mentioned, a survey of more than 1,100 young women aged between 12 and 19 shows that nearly 50% of Irish teenage girls find it difficult to afford sanitary towels and tampons. According to Plan International Ireland, some 109 of the young women who participated in this survey said they were forced to use a less suitable sanitary product because of the high monthly cost involved. Nearly 60% of young women said they did not find classes on periods at school to be helpful, while six out of ten reported feeling shame and embarrassment about their period.

A small number said they believed they could lose their virginity by using a tampon, while others did not think it was possible to become pregnant while having their period. Some 61% of Irish girls have missed school because of their period, and more than 80% said they did not feel comfortable talking about their period with their father or a teacher. Nearly 70% take some sort of pain relief during menstruation. A young woman of 19 who took part in the survey said she felt the need to hide her period from friends and family. She is now a college student and has said:

I'm still not used to looking at the receipt after buying pads and seeing this huge sum that I need to fork over. Pads and tampons are necessities but are still seen as luxury.

That observation is the key point. These are necessities. They pertain to women's bodily functions and they should be provided in public places. As has been said already, they should be provided to women free of charge. I would argue that the pill and contraception should also be free as part of providing for women's health.

In Ireland sanitary towels can cost anywhere between €2 and €6 per pack, with the average pack containing ten to 15 pads. Tampons range in price from about €1.50 to €6 per pack. A 12-pack of Nurofen ibuprofen pain relief tablets costs €4.20. Nearly every woman has a packet of them in her bag when her period is approaching. A woman will have 13 periods a year with some using up to 22 tampons or towels per cycle, leading to an estimated yearly cost of €132.34 for sanitary products.

Earlier the point was made that discussing menstruation, women's health, vaginas, periods, etc., is a taboo. That comes from a culture in this country that is testament to the strength of the church's control, particularly over women of my era. I was born in 1961. I remember a

time when girls did not know what was happening to them when they got their period. They thought they were dying. All a girl had was a little pamphlet given to her by Sister Mary. The authorities told girls a few things about their period, but they would not talk to anyone else. The information a girl would get came from talking to her mates on street corners. She would rely on older children who had experienced it and gone through it. I am glad that day is over. We are pushing that monkey off our back and we are able to discuss the topic of a basic bodily function in the Dáil and other public fora.

I also support one of the motion's call on the Government to prioritise the issue of menstrual equity for girls and children's rights as central to Irish Aid's work overseas in line with the UN's Sustainable Development Goal 5 on achieving gender equality and empowering all women and girls, and Goal 6 which calls for universal and equitable access to adequate and equitable sanitation and hygiene for all by 2030.

I wish to qualify this by pointing out that period poverty is a symptom of poverty. We cannot get away from that point, which other Deputies have also made. In 2015, Deputy Burton kicked lone parents in the teeth when she reduced the age ceiling for the one-parent family payment to seven years for the youngest child. The idea behind that was to encourage women, particularly lone parents, into the workplace, where they could get better pay and get out of the poverty trap. We now know that by 2017 a lone parent working 20 hours on minimum wage was down €108 a week. That does not include the cuts to child benefit, rent allowance and the back to school clothing and footwear allowance. Some of those cuts have been reversed but payments have not been returned to the level they were at in 2012.

In discussing this we must mention a report of Society of St. Vincent de Paul entitled *Working, Parenting and Struggling?*, which has already been referred to. The report found that in 2012 one in 11 lone parents was living below the poverty line. By 2017 that proportion had increased to one in five. That was a direct outcome of the 2015 cuts in the lone parent family payment. It is very stark. How can women pay for sanitary towels, tampons or painkillers if they have been reduced to a level where one lone parent in five lives below the poverty line?

That report also found that in 2017, 45% of lone parents reported that housing costs represented a heavy financial burden. Almost 18% were in arrears on rent or mortgage repayments. The proportion of other households with children that were in arrears was 8%. In 2017, 58% of lone parents were working compared to 46% in 2012. This is the lowest rate among the EU15 countries. There are also issues of food poverty, housing poverty and health poverty because of low pay and the decisions and policies of this Government and the last Government. These Governments reduced payments and pay right across the board, which has affected women.

I support the motion and will be voting for it, as I am sure everybody here will. However, all these issues have to be taken on board when we talk about period poverty. They are all linked to poverty. We need a Government that is progressive and that does not feed the spoils of the so-called recovery to the top 10% of earners. A report published by the Think-tank for Action on Social Change, TASC, on 19 February found that the top 10% of Ireland's population receives almost 25% of the national income. The bottom 40% of the country's population receives only 22% of national income, while the top 1% receives more than 5%.

Until we change our policies from those of the right-wing Government we have been subjected to for the last three years, we will continue to see that sort of poverty. However, this motion will go a long way in the right direction. I hope to see sanitary towels, tampons and other

sanitary items made available in public buildings, libraries, workplaces, retail units and shops. I support the motion, but I repeat the point that this is really down to poverty. Unless we address those issues we will continue to see issues like this.

I referred earlier to Deputy Burton and her Government, which ran from 2011 to 2016. It sticks in my craw a little bit to see certain people flying the flag for this cause and making the point that women on low income struggle when they were part of implementing the cuts affecting those women. They should think about what they are saying and doing.

6 o'clock However, it is great to see that the three Dublin county councils have introduced this and are running a pilot scheme to make sanitary towels available in the buildings they run and organise.

**Deputy Michael Harty:** I thank the Women's Caucus for introducing this motion.

I was not aware of the term "period poverty" until this past week, even though the issue of menstrual bleeding is a common one which presents to general practice and is raised in medical consultations. Bringing this motion before the House is a sign of growing confidence and maturity in this Dáil. It would not have come about were it not for the creation of the caucus. It is a sign of maturity and the fact that we are moving on and that we can discuss these issues in an open forum.

Menstruation is a very intimate issue that is taboo for many women. It is a private process. It is a personal bodily function, which means that it is very rarely spoken about in public. It relates to sexual function and reproduction. It is to be seen as a very normal process but something which causes problems for many women. Menstrual bleeding is a natural process in most cases but it can be a medical problem for a significant number of women.

Education of young girls is essential in addressing this issue. The process in this regard should start in school. Menstruation is a natural process so it should be discussed as part of the normal education of our young girls. It is an essential part of their femininity and is important in the context of their social status. It should be part of normal sex education not only for girls but for boys as well, and it should be part of our educational curriculum. There are many issues in health which should be part of our educational curriculum and this is certainly one of them.

Menstruation is a medical issue in some women in terms of excessive bleeding but, thankfully, due to advances in medical technology, menorrhagia or excessive bleeding in women no longer results in hysterectomies. The insertion of a Mirena coil can cure that problem or certainly control it. However, there are many other issues in respect of abnormal menstrual bleeding such as endometriosis, which Deputy Corcoran Kennedy mentioned, and also polycystic ovaries. It is very important, therefore, that young girls realise that if their menstrual bleeding is excessive, irregular or abnormal, it is a medical issue about which they should speak to their doctor.

This motion relates to the cost and the availability of sanitary ware but it also refers to understanding the issues women have in terms of their lifestyles and activities. Menstrual bleeding can impinge significantly on the activities of daily living, including on involvement in sport and recreation. If it is severe it can interfere with education or work. It is an issue which transcends normal bleeding but also abnormal bleeding and feeds into the way women interact with society.

The cost of managing menstrual bleeding is not an issue for everybody. However, it is

an issue for those who do not have financial independence such as adolescents and students but also marginalised sectors of our society which have been highlighted in the motion, one of which is homeless women. It must be a very difficult issue for homeless women who do not have access to toilets and privacy to deal with their menstruation. It is an issue for women in direct provision and also for women in our Traveller community who do not have secure and permanent living circumstances. There are many sectors of society in which this issue is far more important than others. It also affects people who have to manage their resources on very limited incomes.

Free access to sanitary care is logical. It is an issue in terms of hygiene and also having access to sanitary ware when it is needed. I refer again to Deputy Corcoran Kennedy's contribution. If someone turned up at a toilet and found there was no toilet paper, that person would be very aggrieved. There is no reason access to sanitary ware for the menstrual cycle should not be freely available. As a general practitioner, I have baby-changing and breast-feeding facilities in my surgery but it never entered my head to provide sanitary ware. I would expect that is the case in many doctors' surgeries. I will highlight to the medical representative organisations the fact that these are important items to have available in surgeries. The women's caucus is proposing in the motion that sanitary ware should be widely available in all public places so it is a natural extension that they should be available in doctors' surgeries.

Regarding the taboo in terms of menstruation and natural reproductive issues, Deputy Corcoran Kennedy referred to women being churched in the past. It may be a sign of our age but it is only two generations ago that women were churched. The process of being churched was that when a woman had a baby, she could not enter the church again until she had been cleansed of her lack of purification. It was a purification rite. It was considered almost a sin if a woman did not present to the priest in the church to receive a blessing and be returned to a state of grace. If women speak to the members of the generation that preceded them, many will tell them of this activity. It may not have been common in urban areas but in rural areas it was a tradition that following the birth of her baby a woman was churched to cleanse her of what was almost the sin of reproduction. Such are our changing times that this ritual, for want of a better word, no longer happens.

Regarding women's menstrual cycles, there is a very important issue the women's caucus should also consider, that is, the provision of free contraception. It is extremely important that we provide free contraception. If we are to deal with the issue of crisis pregnancy, we cannot throw our hands up in horror if we have not made every attempt to provide free contraception. The Joint Committee on the Eighth Amendment of the Constitution had an addendum to its findings and recommendations to the effect that free contraception should be available as part of the issue of dealing with unwanted pregnancies, crisis pregnancies and abortion. That issue should be on the agenda of the women's caucus. I know it has other issues it wants to discuss but that is an extremely important one that is also of current interest.

**An Leas-Cheann Comhairle:** The next speaker is Deputy Shortall, who is sharing with Deputy Eamon Ryan.

**Deputy Róisín Shortall:** Deputy Eamon Ryan can go ahead.

**Deputy Eamon Ryan:** It is ladies first usually but we will make an exception today.

**An Leas-Cheann Comhairle:** Equality.

13 March 2019

**Deputy Eamon Ryan:** Deputy Fitzmaurice is also contributing in this slot.

**Deputy Michael Fitzmaurice:** Only two minutes.

**Deputy Eamon Ryan:** If it is possible, we might-----

**An Leas-Cheann Comhairle:** Is it four, four and two?

**Deputy Eamon Ryan:** I will take less than that. Deputy Shortall will take the majority of the time.

I was very pleased to be able to attend the briefing in the AV Room yesterday where Plan International and Homeless Period Ireland explained this issue. I needed to have it explained to me. I was glad that it was done and I am very glad that we are having this debate.

To refer to Deputy Harty's comment, I am not certain that the taboo has gone. It is certainly not gone among people of my sex and generation. It is awkward if one is asked to buy tampons for someone. I was amazed during the discussion in the AV Room yesterday, which was a very good discussion, to discover the taboo is still there and is not something from previous generations. Deputy Catherine Martin said earlier that 60% of young girls still feel a sense of shame and embarrassment. Breaking that taboo is not a small thing. The word "menstruation" was mentioned 27 times in the House in the past 100 years. We have shattered that record this evening and that is a good thing. It is right that the women's caucus has broken that taboo.

I agree with Deputy Harty that we should go further, perhaps at the suggestion of the women's caucus, on the issue of free contraception. It would be perfectly appropriate. It is something about which we can come together because it is not party political. We all want to tackle every aspect of poverty but it is not always easy to get agreement on some other ways to do that. That should not preclude us getting cross-party consensus where we can by coming up with specific, targeted and focused measures. The women's caucus has done an important job in doing that this evening.

It is also timely. I am on the Committee on Budgetary Oversight and we were considering the start of the budget cycle. The European Commission was before the committee today with the country review and this is exactly the right day to be discussing budget proposals. This is a specific, targeted and beneficial budgetary proposal. The test of today's debate will be on 10 October, or whatever date the budget will be delivered. It is right to come in early and say this should be in the budget. It will cost approximately €1 million a year to go into every prison and school and ensure we are tackling period poverty.

This is also about education. It is not just poverty in financial terms, it is poverty that comes from people not talking about something and poverty that comes with taboo. We will help to break that with the provision of that €1 million to make all our young people, and our men, better informed and treat this issue with real difference. That is what this debate is about this evening.

**Deputy Róisín Shortall:** I am very happy to pledge the full support of the Social Democrats for this motion and we were very pleased to sign it. It is a significant development and initiative by the women's caucus, the establishment of which has been positive. I commend Deputies Catherine Martin and Corcoran Kennedy who led the establishment of the caucus and this particular initiative. All credit to them for doing that.

This initiative is really important because it tackles both the taboo of periods and the issue of poverty. There are those in Government and elsewhere who would deny that there is a level of poverty which results in a significant number of Irish girls and women finding it difficult to afford basic sanitary items they desperately need on a monthly basis for many years of their lives. Unfortunately we are at that point in Irish society where significant numbers of people are living on the bread line and basic items, such as sanitary products, are a struggle for them to afford and they have to make a choice between buying those products and buying other essentials. We are in that situation now for a significant number of women and families in this country.

This is one of the last few taboo subjects and it is a healthy sign that we are having a mature debate on the issue of periods and how they pose challenges for girls and women in our society. It is important that we are addressing this issue now. I know the caucus looked at a number of particular issues that affect girls and women and identified this issue as something that would help to break that taboo but it is also a doable initiative. That is the whole point about it. This will not change the world or cost a fortune. This is recognising a basic human need for half of the population and addressing it in a practical way. I hope the Government supports this wholeheartedly and provides the necessary funding required.

Deputy Harty spoke about the issue of taboo and those of us who have been around for a while remember the antediluvian attitude and practice within the Catholic Church of the churching of women. Over the years, that has led to a situation where, as was quoted, a significant number of teenage girls, 60%, still feel that sense of shame and embarrassment about having periods. That does not come out of nowhere. It is the result of a long cultural impact. Those attitudes are clearly extremely discriminatory and derogatory and need to be eliminated as a matter of urgency. The way to do that is through education. We need modern sexual health and reproduction education courses in schools and we do not have them. We need to ensure our male and female young people are taught openly about their reproductive systems, having and giving consent, enjoying sexual pleasure and human nature around sexual activity and the reproductive system, rather than the purely biological perspective which is very often the only kind of sex education children receive in school. Education should be about creating a sense of body positivity for young men and women and, unfortunately, we do not have that. There is a long way to go.

I very much commend those involved in this initiative. It is essential that we move forward in doing this and make free sanitary products available on a much more widespread basis and we should take the lead of Dublin City Council. Much more still needs to be done, especially in our schools and public buildings. Well done to everybody involved in this initiative.

**Deputy Michael Fitzmaurice:** I support the motion and commend Deputy Catherine Martin and the women's caucus on bringing this forward. We must be honest and admit that there are statistics quoted in the motion of which we were not aware and that are frightening, such as that 50% of young girls find it difficult to afford sanitary products. We should also mention the vision of Dublin City Council, as outlined in the motion, in making an effort when compared with other sectors of society.

We can have all the motions we want here but we need to make an honest effort and the Government should show leadership on this issue in the forthcoming budget. A similar initiative is being rolled out in Aberdeen on a pilot basis. I do not like doing things on a pilot basis. If we are doing something we need to do it throughout the country. The different places in which facilities could be provided are outlined in the motion. We need to ensure such facilities are

13 March 2019

in every part of the country, wherever people live. That can be done if there is will from the Government.

I commend the women's caucus again. It is an educational motion for the likes of us and, if the will is there, this can be delivered.

**Minister of State at the Department of Health(Deputy Jim Daly):** I thank all the Deputies for their contributions on this issue and assure them that their input will be given due consideration when we look at ways to mitigate period poverty. The impact that period poverty can have on the ability and confidence of women and girls to participate to their full potential in education, employment, sport or social activities is something we need to address. The impact on mental well-being from feelings of shame or stigma associated with period poverty is also something we need to collectively address. Government policy aims to treat all citizens as equal regardless of gender. We have published the national strategy for women and girls and a cross-governmental strategy committee, led by the Department of Justice and Equality and chaired by my colleague, the Minister of State, Deputy Stanton, is in place to oversee implementation.

It is clear from the issues raised this evening that tackling this issue of period poverty is likely to require a multidisciplinary response from across the Government. All the main Departments, the other partner organisations and sectors are already collaborating on the implementation of the women and girls strategy. This will be an obvious and useful forum in which to consider the matters raised this evening.

I thank the Oireachtas Women's Parliamentary Caucus for raising the profile of this important issue and for the good work undertaken to date. I reassure Members that I and my fellow Ministers at the Department of Health and the Department look forward to contributing to the development of measures intended to address it.

Question put and agreed to.

### **Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Committee on Business, Enterprise and Innovation has completed its consideration of the Companies (Amendment) Bill 2019 and has made no amendments thereto.

### **Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Bill 2019, without amendment.

### **Recent Developments on Brexit: Statements**

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I am grateful for this opportunity to brief the Dáil on recent developments on Brexit. With some 16 days to go before the scheduled date of the UK's withdrawal, events underscore how fluid the situation in Westminster continues to be. We profoundly regret the outcome of last night's vote.

It is a real disappointment that Westminster was not able to approve the withdrawal agreement. We remain firmly of the view that the only way to ensure an orderly withdrawal is to ratify the withdrawal agreement as negotiated and complemented by the legal assurances agreed between the Prime Minister, Theresa May, and the European Commission President, Jean-Claude Juncker.

EU and British negotiators have spent many months working together grappling with the complexities and have jointly identified this way forward. A no-deal outcome is in nobody's interests. As I have said before, it is a lose, lose, lose situation for Ireland, the UK and the EU as a whole. I believe the UK Parliament will vote again, in the next hour, to underline their wish to avoid such an outcome. The Prime Minister was right last night in her statement after the vote, that Westminster needs to make a choice on what outcome it wants for Brexit and for the future relationship between the UK and the EU. Just wishing against a no-deal outcome is not enough. Westminster and the UK Government need to take action to avoid this outcome.

Political uncertainty in Westminster is a cause of worry for all of us, our people and our businesses. They deserve the reassurance and security that a deal can provide. We need to move on to negotiate a deep and comprehensive agreement, which will provide the foundations for that future relationship. The withdrawal agreement, ensuring an orderly withdrawal, is the only way to get us there. There are no shortcuts. As Michel Barnier again made clear last night, the only legal basis for a transition is the withdrawal agreement. No withdrawal agreement means no transition.

On the EU side, we have done all that is possible to reach an acceptable agreement. The EU has confirmed once again that it stands by the withdrawal agreement, including the Irish protocol and the backstop. Given the additional assurances provided by the EU in December, January and this week, it is difficult to see what more it can do. The problems lie in Westminster. If there is a solution it can only be found in London. It is for the UK to set out what it intends to do next. Time is very short but I believe there is still time enough for a sensible outcome.

On Ireland and the EU's side, I can firmly say that Brexit was never our choice and never our wish. However, we have respected the choice the British people made in 2016. The EU has listened and been responsive to UK issues throughout two years of intensive negotiations. This has not been an easy process. The EU has given time and energy to these talks, working closely with the UK and responding to its concerns where possible. We have done this with a view to building a strong future relationship with the UK after its departure. I should again pay tribute to the work of Michel Barnier and his team as well as to the UK negotiators for their efforts.

The withdrawal agreement is not perfect, and it represents real and significant compromise on both sides. I believe, however, it is a fair and balanced document. This was rejected by Westminster in January but the EU continued to listen and there has been an intensive series of meetings between the EU and the UK in since then. On Monday, Mrs. May and Mr. Juncker agreed on measures to provide the legal assurances and clarifications the UK sought on the temporary nature of the backstop. It also reiterated our joint commitment to finding alternative arrangements to the backstop. The UK also set out its own unilateral declaration, which we did not contest. This is complementary to the withdrawal agreement and political declaration. It gives further legal status to the reassurances that the President of the European Council, Donald Tusk, and Mr. Juncker set out in their letter of 14 January. Importantly, it does not reopen or undermine the withdrawal agreement or the backstop. The package sets out in greater detail the process of review and arbitration as set out in the withdrawal agreement. Any action under

13 March 2019

it would require bad faith to be shown by either side. However, the UK would maintain its obligations under the Good Friday Agreement in all its dimensions, including avoiding a hard border.

There was close contact between our team and the Commission's team as these documents were developed. The Taoiseach spoke repeatedly by telephone with Mr. Juncker before the package was agreed with Mrs. May. We supported this package of measures in the interests of securing an overall deal. As we have said all along, the backstop is an insurance policy and that is all it is. We have no intention or wish to trap the UK into any arrangement against its will. The withdrawal agreement and the backstop do not do this. What they do is provide the guarantees that a hard border will be avoided and that the Good Friday Agreement is fully protected.

The EU is already committed to seeking alternative arrangements to the backstop as part of the negotiations on the future relationship. The negotiations and consideration of alternative arrangements before a backstop may ever even be triggered are set out in the legal instrument agreed this week. The package agreed between President Juncker and Prime Minister May makes clear that this work will begin as soon as the withdrawal agreement is signed. For Ireland and the EU, the backstop is an essential element of the withdrawal agreement in order to prevent the re-emergence of a hard border on this island. It is the outcome of our joint obligations with regard to the Good Friday Agreement and the red lines of the UK Government on the Single Market and customs union. In fact, Deputies may recall that the backstop was redesigned on foot of a request from the British Prime Minister in the context of customs arrangements. Ireland advocated for that redesign and reshaping of the backstop to accommodate British red lines. Although the backstop is consistently referred to in London as the Irish backstop, it is far more accurate to describe it as a backstop that is as much a creation of the UK as it is of Ireland or the EU. The EU has stated on many occasions that it is prepared to adjust the content and level of ambition in the political declaration should the UK's intentions for the future partnership evolve. That was again shown to be the case this week. It remains our hope and expectation that we can agree the type of close future relationship which ensures the backstop is never used. We are determined to work towards that best possible outcome.

The measures agreed in Strasbourg were with a view towards the meaningful vote in Westminster and in the interests of securing an overall deal. However, this process cannot be without end. As President Juncker said in Strasbourg on Monday,

There will be no third chance. There will be no further interpretations of the interpretations, no further assurances of the re-assurances.

We have reached the point where realistic decisions must be made. We must accept the consequences of that. That is to what Westminster needs to face up. The Prime Minister, Mrs. May, put that challenge to Westminster last night after the vote. Tonight, Westminster will vote on whether to leave the EU without a deal. We hope it rejects that outcome as it would be the worst of outcomes for all sides. Tomorrow, Westminster may vote on whether to seek an extension to Article 50. We have repeatedly stated that we are open to such a request. However, there would need to be a clear purpose to such request. Any decision requires the unanimous approval of all 27 member states which will need to take into account the reasons for a possible extension and the duration thereof. In addition, the EU will need to consider how its institutions and processes would be affected by any extension, with an obvious example being the upcoming European elections. However, an extension is not a solution in itself. The UK will need to make a choice on what outcome it wants for Brexit and the future relationship between the UK and the EU.

On contingency planning, I thank all parties for their co-operation, support and facilitation on the Brexit legislation which passed in the Seanad this afternoon. I reassure Members that the Government is continuing to accelerate our contingency plans for a no-deal Brexit in the context of facing that challenge in a little more than two weeks should it be allowed to happen by Westminster.

My final point to businesses and the many other stakeholders who rely on the relationship we currently enjoy with the United Kingdom is for them to think about and plan for how they and their businesses would respond to a no-deal crash-out Brexit. I assure them that the Government thinks about that every day and is working with all parties in this House to make sure that we are as prepared as we can be.

**Deputy Micheál Martin:** The announcement this morning of the tariff regime which the UK will implement if there is no deal is a dramatic demonstration that fears of Brexit's damage are entirely justified. Many Irish businesses, particularly farmers and food producers, have been suffering from the impact of Brexit since the value of sterling dropped immediately after the referendum result. They have been struggling with lost competitiveness and are looking at a future in which their largest market may become all but inaccessible to them. They are now faced with proposals which are as damaging as they are incoherent and which might become operative in little more than two weeks. The tariff schedules and border arrangements published by the British Government are not a serious plan for the future; they are another confirmation of the rank dishonesty and fanaticism of the elites who secured a narrow Leave majority in 2016.

The promises of the Brexiteers and Vote Leave campaign ring particularly hollow now. The campaign was defined by a massive cynicism and a refusal to provide any serious detail about how it was going to deliver Brexit. A particularly infamous statement published in the manifesto of the Vote Leave campaigners declared: "Taking back control is a careful change, not a sudden stop - we will negotiate the terms of a new deal before we start any legal process to leave." To this, one can, of course, add the assurances given regarding the Single Market, the customs union, the Border not being an issue and assorted other empty claims.

It was interesting to watch the reaction of British industry, business, farmers and others interviewed on the BBC and other UK media today to the tariff schedules and to note that their frustration and anger is similar to that felt in this country. Obviously, the concerns of Irish farmers in regard to the tariffs are shared by many in the United Kingdom. Many of those representative organisations and individuals consider what was announced this morning relating to British industry and farming interests to be a doomsday scenario.

As ever, the issue remains that no matter how angry we are about the behaviour of the British euro-haters, we must manage the situation in order to limit the damage to all parts of our island. It is not enough to hope for something to turn up; rather, we must move from words to action and from planning to genuine implementation. The parties and Deputies of this House, including many Fine Gael Deputies, who agitated for a general election at this very moment need to consider how much worse would be Ireland's position if Fianna Fáil had listened to their advice and pulled down the Government. Fianna Fáil's position since it first raised the issue of preparedness for Brexit four years ago is that this is an issue which goes beyond party politics and demands real urgency and innovation. We were the first party to speak out on the dangers of Brexit and have been the most consistent in pushing for action. Although we have serious issues with key elements of the Government's approach over the past year and a half in particular, and there is no doubt that it has avoided the normal level of critical scrutiny, we have

13 March 2019

repeatedly used our connections in Europe to promote a message of a united approach. We wish to acknowledge the continued robust solidarity of our European allies during this depressing and challenging process. There is no doubt that their position remains that Ireland has the final say on matters relating to Ireland within broad and generous boundaries.

We should also acknowledge the wonderful and passionate advocacy of Sylvia Hermon on behalf of Northern Ireland. She stands alone among its MPs in representing the majority of opinion there. Equally, we should be grateful for the manner in which the Scottish National Party raises the Good Friday Agreement prominently in every Brexit debate. There is no doubt that the full blame for this increasingly dangerous shambles lies with the now dominant wing of the Tory Party. However, opportunities to limit damage have been missed because of the complete breakdown of relations between Dublin and London and between Dublin and political unionism.

In the coming weeks, Ireland is likely to face two major decisions, namely, the length and nature of any extension of Article 50, and specific responses to the immediate impact of a no-deal situation at the end of this month or at some point this year. In regard to an extension of the Article 50 process, of course, we should support an extension with or without a definitive path of progress being set out by Britain. No one is ready for a no-deal Brexit - not Ireland, not Britain and not the European Union, which currently has a fragile economy and other major concerns. There are many plans which countries hope will work, but no one is confident that they are ready. For example, in our case, Dublin Port has customs posts ready but does not have enough customs officials to staff them. We should support any reasonable proposal for extending the Article 50 process even if the only purpose that served would be to finalise no-deal preparations. Obviously, we hope that the House of Commons will come up with an agreed policy and, even more obviously, a reversal of Brexit would be very welcome, but we must assume the worst and use every available day to prepare.

It also may be that in the coming days the British Government will attempt to resurrect the current deal through looking for some further change. Certainly, Prime Minister May's comments today suggest that this is her intention. If this is the case, we need to hear clearly from our Government what is going on and what proposals are being made. If there is an extension of Article 50, then there is no issue more important than trying to get the Northern Executive and Assembly re-established. During two years where Northern Ireland desperately needed a voice, it has been left without one. Two parties have stood in the way of the anti-Brexit majority being able to set the agenda. The House will be aware that the British Government indicated and confirmed this afternoon that it is considering imposing direct rule if there is a no deal. This would be a dramatic and maybe even fatal undermining of the Good Friday Agreement. It would be unacceptable to all in this House. If the Assembly and Executive were in place, it would be prevented.

If there is more time, that time has to be used to give back Northern Ireland its voice in this fundamental debate about its future. It has been a scandal that the Executive and Assembly were collapsed at such a critical time for this island, particularly Northern Ireland, because Brexit is a huge challenge to so many in the North and across the island. It is incomprehensible that there is no Executive and Assembly. It should never have been collapsed.

With regard to urgent actions, we need two things from the Government. We need full transparency on its analysis and proposals and we need a commitment to inform people immediately of what new aid and packages will be available to them, and when. We want the Government

to publish exact details of the current levels of Brexit preparedness and exposure. The figures have not been updated for more than a year and are absolutely fundamental to evaluating what needs to be done. What is the current assessment of the impact, not just of no-deal tariffs and checks but also, and more important, the decline of sterling?

We know already that the entire agrifood industry, which is the mainstay of indigenous industry and the only major employer in large parts of the country, is facing dramatic damage. It is really not enough to say there are conversations this week in Brussels. We need to know exactly what is being proposed, how it will operate and the impact it will have.

On the Border, we have heard for months that nothing is being planned but that there will be difficult discussions. What is to be proposed in these difficult discussions? Have we any idea? Have we had discussions with Brussels concerning what will happen on the Border on 29 March if there is no deal? The UK proposals on the Border are transparently not sustainable or credible. They further illustrate the folly of Brexit and the absence of any blueprint for it. The time for careful generalities is over, we need hard facts. I do not know whether the Tánaiste heard Michael Lux, customs expert, state today on News at One that the EU will place obligations on Ireland to protect the customs union and single market in the event of do deal on 29 March. We have not really had a straightforward discussion about Ireland's responsibilities other than that everyone will have to get around the table again and start another year's discussion, as we have had for the past two years.

Fianna Fáil called for this debate because we believe it would be completely unacceptable for Dáil Éireann to be silent on Brexit during this critical fortnight. By the time the recess is completed, the European Council will have responded to whatever emerges from the chaos in London, and Ireland potentially faces many serious decisions. For two months, we have been seeking specific information about the exact level of preparedness of Irish businesses and this information has not been provided. We have repeatedly asked for specific details on what is planned for a no-deal scenario and this information has been withheld. Last week, the Taoiseach made the claim that Ireland is not only ready but also that we are actually the most Brexit-ready country in the EU. If this is the case, there is a lot of information that the Tánaiste should be in a position to publish immediately, and what we should be hearing today are the details of when and how no-deal aid will be distributed. Because of our initiative on extending the confidence and supply arrangement, the Government and Dáil have the time and space to focus on limiting the damage of Brexit. The only way this time can be used effectively is to be fully open and honest with the people. The Government should provide the hard information and let us get on with it.

**Deputy David Cullinane:** Since the Brexit referendum result became clear almost three years ago, Sinn Féin's position has been crystal clear. The Government and European Union had to be guided and underpinned by the very obvious fact that people in the North voted to stay in the European Union.

It is very difficult to have an honest conversation about the North with some parties in this House - Fine Gael sometimes but especially Fianna Fáil - because of the political opportunism, point-scoring, the lack of genuine analysis, and no real clue as to where Northern nationalists and politics in the North stand or the real reason there is no Assembly. Deputy Micheál Martin was quite correct to say it is a scandal that there is no Assembly but he does not point the finger at the party that is pro-Brexit and that walked away from a deal negotiated with the help of the Irish Government last year. He has an opportunity to put his very peculiar brand of Northern

13 March 2019

politics to the electorate if there is a general election in Britain. He can, of course, stand on a platform of swearing an oath of allegiance to a foreign queen and stand on a mandate of taking seats in Westminster, regarding it as the political vehicle to deliver in the interests of Ireland. Best of luck to him and his sister party. We cannot even say they merged; it was more of a partnership. Best of luck to the Deputy and his candidates in the election. I have no doubt the people of the North and the nationalist people will again put their faith in Sinn Féin because they know Westminster is not the place to deliver on Irish interests. They look with amusement and horror at what is happening in Westminster and the fact that politicians there do not act in the interest of people in Ireland. They do not regard nationalists taking their seats in Westminster as doing anything for the people who live on the island of Ireland.

Our approach always has been to ensure no hard border on the island of Ireland, that the rights of citizens and others in the North and South are fully protected, and that the Good Friday Agreement is upheld in all its parts. The withdrawal agreement that has been negotiated between the European Union and the British Government – we would say very carefully and at times very painfully – could not be described as a perfect deal. I said earlier in the week that there is no good Brexit deal because Brexit has such disastrous consequences for Ireland. The backstop is the only viable vehicle by which we can protect the interests of this State.

It is interesting – we had this discussion this morning – that the British Government, in its flawed and impractical customs and tariff regime proposals, at least acknowledged the North is unique and that there needs to be special solutions for Ireland. Again, however, it goes back to the fantasy politics that will not work in regard to the Border, stating it will not impose any border, tariffs or checks and place the responsibility and blame back on the EU and Irish Government. That is exactly what is happening. Everybody can see that. While the British Government does this, it is ignoring the backstop and what was already agreed in good faith with it based on its red lines and what it sought.

It should be borne in mind that the people in the North are not without a voice politically. There was a cross-party consensus involving Sinn Féin, the SDLP, Green Party and Alliance Party whose representatives met the British Government on several occasions. They met the European negotiators on several occasions. Nobody in Britain or Europe was unwise to the fact that there was a majority vote in the North and a majority elected to the last Assembly who are against Brexit and who did represent the people of the North and the island of Ireland.

There is a need to ensure this State is Brexit ready and that we protect the economy. The Irish economy, as the Tánaiste knows, is uniquely exposed to any Brexit shock or turbulence. That will happen in whatever form Brexit takes. Even the softest of Brexits will have an economic impact on this State. Even now, because of all the uncertainty, there are some sectors of the Irish economy that are suffering because of the currency fluctuations. That is a reality and the Tánaiste knows the sectors of the economy that are most exposed. In whatever form Brexit takes, more practical solutions need to be put on the table.

The Tánaiste is right to say we passed the omnibus Bill collectively in this House. In the Seanad, there was support from all Opposition parties to ensure it was passed as quickly as possible. The Tánaiste will know we do not believe that is anywhere near enough or will be enough to ensure, if there is a hard Brexit, businesses, the agrifood sector and exporters will be properly supported.

I am heartened by the Tánaiste's response today that the State would, if necessary, consider

borrowing or dipping into the rainy day fund and that, while it might not establish a Brexit stabilisation fund, as many have advocated, it will seek to resource Departments to ensure they can put in place more tangible solutions. That is a welcome statement but it needs to be spelled out. The Opposition needs to hear exactly what the Government is proposing, as do businesses, farmers and exporters because they do not want to hear promises that may or may not materialise. They need to know what exactly the Government is thinking.

Equally, there is a responsibility on the European Union. Everybody accepts, welcomes and commends the position of the European Union in protecting Irish interests in relation to the backstop. However, it had good reason to do that because it was also in its interests. It is in our economic interest that Europe steps up to the plate by supporting vulnerable sectors of the economy that will be exposed. The EU consistently states it will step in and support sectors where there is market distortion. It does so by easing state aid rules and providing financial supports and packages. It needs to do this for Ireland. The EU cannot take a one-size-fits-all approach in terms of providing economic solutions for Brexit that extend right across the European Union. The economic shock or turbulence the Irish economy will feel if there is a hard crash will be unique and will differ from what is felt in Hungary, Poland and various other parts of Europe. That is obvious and demonstrates that we need a bespoke solution from the European Union. This morning, the Tánaiste hinted that the EU was considering supporting the Government's request for the easing of state aid rules and would look favourably at financial supports for the agrifood sector and farmers, among others. Again, however, we have not seen action.

The Opposition has been very reasonable in supporting the Government throughout the Brexit process. The Government must also work with the Opposition, however. When we say we need to see what the Government is planning in terms of additional supports, there is a responsibility on it to inform the Oireachtas and all the stakeholders of what these supports will be. While I welcome the Tánaiste's statement today that he is considering these issues and that there may be more investment and more scope through borrowing and using the rainy day fund to invest and protect various sectors of the economy, we have not seen the colour of that money yet, nor have we seen what exactly the Government is considering.

In protecting the economy we must also ensure that we invest in infrastructure and increase capital spending. Although we have increased capital spending in recent years, for the past ten years capital expenditure here has been among the lowest in the European Union. We need to invest in ports, public transport, broadband and various parts of the economy to support infrastructural development and ensure we remain competitive. That is the best way to protect the economy against any economic shock that will come from Brexit.

I am sure the Tánaiste is aware of all the economic analysis and data, both from Government and non-Government sources, which show that there will be a hit to the bottom line of GDP, GNI\* or whatever we call it these days if there is a hard crash or even a soft Brexit. The harder the Brexit, the harsher will be the economic impact on the State, but there will be an impact. I appeal to the Tánaiste to make sure we do everything possible to support the economy.

There will be more votes in the House of Commons this evening. It is possible, if not inevitable, that MPs in Westminster will vote to take a hard crash off the table, but any such vote will not be binding and we could still find ourselves in a hard crash scenario by accident. We cannot control what is happening in British politics; that is a matter for the Tory Party, the British Labour Party and others. We can, however, do our best to support Ireland and the economy. The Opposition has done its best in supporting the Government and it is time the Government

listened to the Opposition when we say not enough is being done to support certain sectors of the economy. It must step up to the plate with the European Union to ensure we protect Irish interests.

**Deputy Sean Sherlock:** The Brexit situation is fundamentally unpredictable. Few political analysts predicted that the British people would vote to leave the European Union. Few could have predicted how chaotic and torturous the negotiations would become between the United Kingdom and the European Union. Even now, two weeks before the exit date of 29 March, the British Parliament has not been asked to formally vote to express its preferences for the future EU-UK relationship. Yesterday, the House of Commons convincingly rejected the deal brokered by the Prime Minister. Today, Westminster is expected to vote overwhelmingly against a British exit with no deal. From these and previous votes, we know what Parliament does not want, but the default position remains a no deal Brexit until Westminster comes up with something else. Tomorrow, MPs will be asked to vote on extending Article 50. There have been mixed signals from the EU institutions and member states, but it seems likely that a short extension to the end of June would be granted if there is a technical reason for doing so, for example, where it was required to pass legislation. There is little appetite for allowing the current state of limbo to continue.

The Labour Party supports the position that we should not block any reasonable request from the UK for an extension, but there is no guarantee that an extension will be given or that it will last very long. There is a very real prospect that the rejection of the withdrawal agreement will mean the UK leaves the EU with no deal or with only a minimal set of arrangements in place to avoid the worst of a sudden departure. In that context, our immediate priority has to be people's jobs and livelihoods. We have spoken at length in recent months about the open border, and that remains an absolute necessity, but as Brexit looms ever closer, we must preserve jobs and keep small businesses afloat.

The Tánaiste knows the statistics. The Minister for Finance has said 40,000 jobs are at risk. We know that 40% of our exporting firms only export to the UK and are totally exposed to tariffs, quotas or other barriers to trade. Exporters are also vulnerable to a collapse in the value of sterling and the possible influx of cheaper goods from outside the EU into the UK if Britain adopts a certain type of trade policy. Certainly, the indications are that the UK intends to set zero tariffs on a wide range of goods. However, there will be tariffs on some food exports, which is bad news for the meat and dairy sectors, our major exporters. Again, the Tánaiste knows the statistics. These exports from Ireland are largely to Britain, and tariffs on food exports would be a significant blow. Even in cases where zero tariffs apply, extra competition for access to the UK market will be a major challenge to our exporters. The UK could well open its market to countries with much lower wages than Ireland. That would be a challenge which would impact on decent wages and conditions of employment here.

Additionally, we need to be very clear that Ireland imports a great deal from the UK. These imports are often raw materials for goods that we subsequently export. We do not yet know what tariffs the EU will apply to British goods entering the Single Market, but there are likely to be tariffs and perhaps quotas. We must recall that under World Trade Organization rules, the EU must apply one set of rules for all third party countries, and the UK cannot be given any favourable treatment or status in the absence of a formal trade agreement. As we know, such an agreement is a long way off. Serious negotiations on the future relationship with the UK have not yet begun because the British Government has wasted two and a half years negotiating the withdrawal agreement. Much of this negotiation has taken place inside the Conservative Party.

In that context, as I said, much is unpredictable. Perhaps Article 50 will be extended for a significant period. Perhaps the UK will pass the current withdrawal agreement to buy the time an agreed transition period could offer. Perhaps the UK will end up having a general election or a new referendum, the result of either of which is genuinely hard to predict.

However, if and when it happens, Brexit will be bad for Ireland. We cannot claim to have predicted all the flows of goods and services, as well as of people, that will make Brexit so damaging for jobs and businesses. The Labour Party remains to be satisfied with the Government's Brexit preparations. While the Government has provided information and delivered a range of seminars, that is far from enough. We need now to talk about what resources will be in place to save jobs and businesses.

After the 2008 economic crash, we had to completely redesign our bankruptcy laws and our personal insolvency services. The most significant lesson from 2008 was that it can be much harder to provide someone with a new job and career than to stop that job being lost in the first place. Likewise, it is easier to keep a business afloat rather than allow someone to become bankrupt and then try to pick up the pieces.

In order to keep jobs and businesses going, we need to have funds in place. We should not allow a situation where there is any delay whatsoever after 29 March, or the end of June, where the Government needs to pass legislation or a supplementary budget to ensure funds can be spent. In this context, the Labour Party endorses the proposal of the Irish Congress of Trade Unions for the creation of a Brexit adjustment assistance fund. It suggested putting €500 million into the fund, rather than into the so-called rainy day fund. The Government's Brexit omnibus Bill has not covered this. We need to be ready, in a lawful manner, to provide state aid or subsidies to those businesses which are most vulnerable to the effects of Brexit.

The Government has said its preference is for each Department to spend money individually to its own sector. That is all well and good but the Government says it is spending €200 million. Is that enough? Why not dedicate the full €500 million to this purpose rather than putting it in the so-called rainy day fund? Is the possibility of a no-deal Brexit not enough of an emergency? The Labour Party would also endorse the call from congress for planned tax cuts in 2020 to be abandoned. We rejected these proposals when the Taoiseach made them. We double down on that rejection now. The proposed tax cuts would only benefit the top one in five income earners, as Revenue statistics showed. No benefit whatsoever would go to the lower and middle paid four out of every five workers. In any context, especially in the context of a hard Brexit, such tax giveaways would be reckless and divisive, as well as economically incompetent.

There are a wide range of other important points made in congress's report, The Implications of a No-deal Brexit. I recommend the Government studies it in detail. Time does not allow me to say much more but I will conclude by coming back to the theme of unpredictability. We just do not know what is going to happen next. A year ago, the Government was sanguine in its view that the Irish Border backstop was bullet proof and cast iron. Then the Government was sure the withdrawal agreement was a good deal for Ireland. The British Parliament, however, has comprehensively rejected the withdrawal agreement, notwithstanding the great efforts of Ministers and Ministers of State such as Deputy McEntee.

The Irish Border backstop is at the centre of the argument, especially how the open Border

requires the UK to stay close to European customs arrangements and Single Market rules. It is simply impossible to predict what happens next. Accordingly, we need to be prepared for any eventuality, including a no-deal Brexit in little over two weeks' time. The Government needs to do much more to ensure we are prepared. If we learned nothing else from the 2008 economic crash and the painful recovery, it is much easier to keep jobs and businesses in existence - even on life support - than it is to let them go to the wall and try to create new jobs and businesses to replace them. The Labour Party calls on the Government to make the necessary resources available, along with whatever legislation is needed to allow their immediate deployment, if and when, they are needed.

**Deputy Richard Boyd Barrett:** I am sharing time with Deputy Barry.

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

**Deputy Richard Boyd Barrett:** We are witnessing the rather shambolic death throes of the great British Empire, as it would have seen itself. Given the blood and hardship for which that empire was responsible across the globe, one cannot be terribly sorry to see this decline. The rotten politics, which dominates the British Tory party and to which Theresa May has been hostage, is propelling us towards the ever more imminent possibility of a no-deal Brexit. It is quite hard to predict what will happen over the next while. However, whatever may happen, if it produces one effect, namely, the death and discrediting of that rotten little Englander politics with imperial aspirations, it would not be bad.

Beyond that, there is not much we can say about what will happen in the UK. They will probably vote for avoiding a no-deal Brexit but it does not mean anything because they can still crash into a no-deal scenario if a deal is not done. Whether it is done with or without an extension is difficult to say at this stage. Personally, I hope there is a general election in the UK soon and we get the Tories out because they are completely incapable of rational behaviour at this stage. They are torn by the rotten politics which dominates their thinking.

Beyond that, what will Ireland do, given the greater likelihood of a no-deal Brexit? For its own cynical reasons as part of the negotiating process, Britain has said that, at least for a period, it will not impose customs checks and a border between the North and South. Members should not get me wrong. I do not trust the Tories on that. Their position is full of contradictions and is part of a bargaining process which also includes threatening tariffs which would do immense damage to significant sectors of the Irish economy.

However, it does put it up a little to both the Government and the EU to answer in kind by committing that we will not, under any circumstances, impose controls, checks or a border infrastructure between the North and the South in the event of a no-deal scenario. That is something which the Government and the EU have still resisted doing. Today, at the Committee on Budgetary Oversight, I asked Carlos Martinez Mongay, director, Directorate-General for Economic and Financial Affairs, whether the EU would put pressure on the Irish Government to protect the integrity of the Single Market by insisting on a border infrastructure in the event of a no-deal Brexit. We did not get any answers. Similarly, on protecting particular sectors, I asked him how flexible would the EU be on state aid rules and how much of a support package would be made available. It is not just about the rainy day fund or how much the Irish Government sets aside to protect workers and particular sectors of Irish society. In the event of a no-deal Brexit, I asked him what the EU would do to protect people in this country from the economic consequences that may ensue. Again, he refused to answer that question.

We cannot dodge those questions anymore. Given that there are certain matters out of our control, there are also certain matters within our control. The Government needs to say to the UK, which cannot be trusted and does not give a damn about the consequences of all this for this country, that we will not be imposing a hard border under any circumstances. Similarly, we need to tell the European Union that we will not tolerate any pressure from it to impose border infrastructure in the event of a no-deal Brexit. We should also ask the EU to see the colour of its money in terms of real support if we take a significant hit.

**Deputy Mick Barry:** This morning, Britain's Conservative Government announced its tariff plan, to be implemented in the event of a no-deal Brexit. It included tariffs on shoes, some clothing items, cars, beef, dairy, etc. Beef imports are to be hit with tariffs of 7% and cheddar cheese will have a tariff of £20 per 100 kg. The Minister of State said the tariffs would be absolutely disastrous for Irish agriculture. In Washington only a short time ago, the Taoiseach spoke in terms of providing seriously increased state aid for agribusiness. I am in favour of state aid to save jobs - there are 300,000 jobs in Irish agribusiness - but I am not in favour of bailing out some of the wealthiest business people in this country. I am talking about men such as the Queally brothers who are the co-founders of Dawn Meats, the 71st largest company in the State, and the company that handles 20% of Irish beef. Those brothers have a combined wealth of €295 million.

**Deputy Bernard J. Durkan:** The Deputy cannot name names.

**An Leas-Cheann Comhairle:** The Deputy is well aware that Members do not mention names.

**Deputy Mick Barry:** I do not believe-----

**An Leas-Cheann Comhairle:** No, Deputy-----

**Deputy Mick Barry:** I hear the Leas-Cheann Comhairle. I do not believe that multi-millionaires should benefit from bailouts paid for by taxpayers. Another man who is also a co-founder of that company - I will not name him - has personal wealth of €96 million. The man who is perhaps the best known beef baron in the country has personal wealth of €820 million. He is knocking on the door of being a billionaire. The company he owns is the 35th largest company in the State. His company was the largest recipient of farm subsidies in the State in 2016 with €431,000. I do not believe that company should receive further subsidies now.

We need the State to act to defend jobs without enriching the owners. This can only be done by nationalising the commanding heights of the agribusiness sector under the control and management of its workforce. State aid can then be democratically controlled to defend the jobs, wages and conditions of 300,000 workers. Given that Friday is international day of action against climate chaos, I make the point in passing that nationalisation of the commanding heights of Irish agribusiness provides the crucial lever needed to begin the switch from beef to a more sustainable form of agriculture. This is necessary given that agriculture accounts for 10% of emissions across the EU but the figure in this country is 33%.

Yesterday, the Tory MP, Charles Walker, said that if this British Government was a horse, it would be taken out and shot. That is a bit hard on the horse but probably not hard enough on the Tory Government. It is not often that I agree with a Tory but in this case I do. Theresa May should go and the entire Tory Government should go with her. It is time for a general election in the UK. Like millions of others, I want to see the Tories replaced with a Corbyn Government.

13 March 2019

However, Mr. Corbyn needs to stop making concessions to the supporters of capitalism within his ranks. He needs to stand up to the Blairites who are seeking to undermine him in every conceivable way. This is necessary if the British working class is to have a Government which stands up for the interests of the many every bit as much as that Tory Government has stood up for the interests of the few.

**Deputy Thomas P. Broughan:** There has rarely been a time in history when the Members of one Parliament watched the actions of another assembly - the House of Commons is voting as we speak - with such profound frustration and sadness. Although all communities on the islands of Britain and Ireland, including business, farmers and civic society leaders, plead for some degree of certainty regarding the Brexit decision by the British people in 2016, the tortuous manoeuvres at Westminster and between the UK and the EU just go on and on. Of course, even the Theresa May deal only extends to December 2020 and we hear with dismay that major trade deals, such as that between the EU and the UK, may take up to seven years. This ordeal might continue throughout the 2020s.

When we read the documents agreed by the President Juncker and Theresa May yesterday, it seemed that at last, a formula had been devised to permit the withdrawal agreement to be approved. The instrument relating to the withdrawal agreement acknowledged once again that the parties to the agreement do not wish the backstop to become applicable and that both were committed to a subsequent agreement to ensure that there would never be a hard border in Ireland and that both parties would use their best endeavours to conclude by 31 December 2020, an agreement to supersede the protocol on Ireland-Northern Ireland in whole or in part. Section 12 of the instrument, of course, referred to the use of the dispute mechanism enshrined in articles 167 to 181, inclusive, of the withdrawal agreement.

The joint statement of the EU and the UK seemed to amplify the reassurance given to the UK on the backstop and this is also reflected in the declaration by the UK Government on the Northern Ireland protocol and backstop. Therefore, it is mind-boggling that the Prime Minister's efforts were fatally undermined by her own Attorney General, Geoffrey Cox MP. While he concluded that the instrument and other documents reduce the risk of the UK being detained indefinitely without further agreement in a backstop, his final and unnecessary paragraph that the UK could not legally exit the backstop "save by agreement" with Ireland and the EU seemed to have given another excuse to hardline Brexiteers to prolong the UK withdrawal agony. It is no wonder that many commentators have wondered why the Prime Minister could not have run an agreement past her Attorney General in the first place, but they have also lamented that she had not chosen a reliable Attorney General as Tony Blair did in relation to the Iraq war, when he launched his disastrous campaign in there.

The publication of the UK's proposed initial tariff regime today under a no-deal Brexit crystallises the profound anxieties of our farming and business community. The threat of tariffs on beef of 53% of the EU external tariff, poultry of around 60% and 100% on sheepmeat are a frightening prospect for our indigenous exporting industry. It is no reassurance to us, of course, that these tariffs would not apply to our exports to Northern Ireland. It raises the issue, which was mentioned by Deputy Boyd Barrett and others, of what happens in a situation where the EU seems to expect us to erect a hard border on non-EU or UK goods coming into this country against our will and how we will react to that.

The UK says it intends to cut tariffs to zero on 87% of imports to the UK but acknowledges that imports of beef and cheddar cheese will be severely hit. The publication today is not only

designed to put pressure on recalcitrant Brexiteers of the European Research Group but also on the Taoiseach and the Irish Government. The so-called temporary tariff regime document and so-called strictly temporary unilateral approach are clearly a direct threat to end the backstop which the Dáil and Irish Government must relentlessly resist.

I strongly support other speakers who have supported whatever budgetary steps are necessary to protect our economy and all sectors of our society. I agree with the Irish Congress of Trade Union and Sinn Féin proposal of a Brexit redress fund. I opposed the rainy day fund, as have other Deputies, at this time in our country's development given the severe problems in health and housing but now that the fund is coming into existence, it and other national savings managed by the NTMA and its various funds should be allocated to protect against the severe existential shock of a no-deal Brexit or the many problems which may also arise with a much softer Brexit.

As my colleague, Deputy Boyd Barrett, noted, earlier this afternoon, the Committee on Budgetary Oversight had before it the European Commission's Deputy Director General of the EU Directorate General for Economic and Financial Affairs, Mr. Carlos Martínez Mongay and his team who were responding to our questions on the European semester. I asked why the EU was not taking much more seriously the kind of scenarios that will arise for Ireland in budgetary and fiscal terms if there is a hard or disorderly Brexit. I referred to how our 7% stellar GDP growth in 2018 could simply evaporate within a year or two. The Department of Finance is issuing ever more dismal forecasts of what may happen to us. Our own Parliamentary Budget Office, PBO, in its recent paper No. 8 of 2019 on the impact of a disorderly or no-deal Brexit, included estimates of cuts in GDP for 2019 by the Central Bank of 3%, the Department of Finance's forecast of 1.5% and the ESRI's suggestion of 1.4%, with longer-term estimates of cuts in growth by 6% from the Central Bank, 4.5% from the Department of Finance and 3.8% by 2027 by ESRI, and with the loss of 55,000 jobs. In the event of hard Brexit, these figures may be too sanguine.

Let us hope tonight, when the vote in the House of Commons is announced, the no-deal resolution will have been taken off the table. Of course, it will also depend on the UK Government seeking an extension to Article 50 to enable the final passage of a withdrawal agreement.

I believe the formula for implementing the Brexit referendum decision by the British people, which has been developed by Sir Keir Starmer MP and Mr. Jeremy Corbyn MP, of a customs union with EU market access for the UK and clear alignment, in particular protection of workers' rights in the UK, would seem to be the fairest basis for a future close relationship between Britain and the EU 27, including this country. Such a resolution, of course, as a colleague said, will depend on the Labour Party winning a general election, which, hopefully, will put an end to the current shambles, confusion and stasis of the House of Commons.

In a related context last week, I thought that President Macron's letter to the so-called citizens of Europe was unhelpful. The federalist tone of that letter and the French President's earlier speech at the Sorbonne only seemed to reiterate many of the reasons such a large segment of British public opinion voted for Brexit in the first place in 2016. President Macron's so-called roadmap for the EU not only includes possible useful initiatives, such as combatting cyber threats to democracies, an EU minimum wage and an EU climate bank but also included a new treaty of defence and security, which, incidentally, will include the UK, with a European Security Council and a so-called true European army. Macron's Ministers admit that his federal proposals scare people, but the whole tone of this address was one of ever greater convergence

and integration. As our colleague, Senator McDowell, argued cogently in *The Sunday Business Post* last week, nobody in Ireland voted from 1973 onwards for a united states of Europe. Rather than allowing the European Union and, indeed, all of Europe, because much of Europe is still outside the European Union, to develop as a free and flexible confederation of the European peoples, at the worst possible time President Macron comes out with these statements, with the European future of Britain completely in the balance.

In reality, Macron, Merkel and all the other EU leaders should be doing everything possible to keep the UK in the EU orbit and desist from threats and deliberately confusing round-about negotiations which also represent such a serious threat to all the people of Ireland. For example, why are there withdrawal and future arrangement negotiations? Why was there not one single divorce negotiation? Of course, that plan for a double negotiation came from the European Union.

Let us hope anyway that the proposed Europe 2.0 or Norway-plus type model is the relationship Britain will maintain with the EU, if and when Brexit happens. Whatever happens, the Irish Government cannot concede on any element of a hard border during any backstop period or in any future long-term relationship.

**Deputy Michael Harty:** I compliment the Government, the Taoiseach, the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, the Minister of State, Deputy McEntee, and all the team who have been involved in this negotiation over the past two years. What has been happening in the Dáil is in stark contrast to what has been happening in Westminster. I acknowledge that because it is important. What we are talking about this evening in a calm and measured manner did not just happen by accident. It has happened through hard work and co-operation.

I would like to approach this debate from a different angle. Rather than looking at it in minute detail, I will look at it from the angle of the lack of trust that has permeated this debate. There is a lack of trust in the withdrawal agreement in Westminster. There is a lack of trust in the reassurances and clarifications that have been given to underpin the withdrawal agreement. There has been a lack of trust within Westminster, a lack of trust within the Conservative Party, a lack of trust within the Labour Party and a lack of trust between the two parties. It is astounding to watch it unfold in Westminster. The suspicion and lack of confidence to act decisively is quite breathtaking. When we look at the body language in terms of what is happening in Westminster and what is happening in Strasbourg, the body language of Mr. Jean-Claude Juncker sitting beside the British Prime Minister in Strasbourg on Monday night last was telling. The frustration was telling also. Mr. Juncker was exasperated, asking how the EU can give clarification upon clarification and reassurance upon reassurance and how can one have a second chance and not take it. He asked what one does with one's second chance. That is most important thing.

We respect what the referendum in the UK delivered. It was a sovereign decision by the population and, of course, we must respect it. I think we have respected it, not only in Ireland but across Europe. We have given every opportunity to the UK to reach a withdrawal agreement. The EU has compromised in relation to the withdrawal agreement, moving from a Northern Ireland backstop to a UK-wide backstop. That was important to reassure the UK that neither Ireland nor the EU had an ulterior motive.

When one looks at this, the backstop is merely another hurdle to get over. The backstop is the reason the withdrawal agreement is being held up but the real and most important negotia-

tions are beyond the withdrawal agreement. Those negotiations are when the EU gets down to negotiating the future relationship. That is where the real tough and complex negotiations will start. The backstop is being used politically to frustrate progress in coming to an orderly exit from Europe. That orderly exit will be negotiated within the future relationship, not really within the withdrawal agreement. The withdrawal agreement outlines the process but the important negotiations will be on the future relationship and hopefully they will be concluded.

Everybody wishes that there will be a close relationship between the United Kingdom and the EU and between the United Kingdom and the Republic of Ireland. Everybody wants that. It is disappointing that there is no trust in the possibility of getting to that.

Triggering the backstop would be a failure in negotiation and that we could not, having spent two or three years negotiating, come to an agreement. Nobody wants to trigger the backstop. The backstop is important but it is only there to prevent chaos on this island. It is merely an insurance policy which will not be invoked for two or three years although hopefully it never will be.

Brexit is the political dilemma of our lifetime. It is the political issue that will be taught in our schools in generations to come. Unfortunately, the only certainty at present is uncertainty as we watch matters unfolding in Westminster. Really, there are only three choices. The first is a hard Brexit and that means no transition which makes no sense and means that there will be no agreement on the future relationship. The second choice is no Brexit, and for that to happen Article 50 has to be revoked or the UK has to have a second referendum which would overturn the first referendum. The third, and the most logical outcome, is the negotiated deal with its legally-binding commitments, reassurances and clarifications. There is no alternative to a negotiated deal other than a hard Brexit. The European Union has compromised, as I have already stated, in broadening the backstop to become a UK-wide mechanism. When Mr. Jean-Claude Juncker spoke about reassurances on reassurances and clarifications on clarifications, he indicated that the EU does not want to trap the UK in any relationship with which it is not happy. It looks like a compromise would not be enough to satisfy the unionists, the Democratic Unionist Party, DUP, and committed remainers.

I am sharing time with Deputy Fitzmaurice. I did not realise he had entered the Chamber.

**An Leas-Cheann Comhairle:** The Deputy should have sought agreement of the House in that regard.

**Deputy Michael Harty:** The document agreed on 8 December 2017, just over two years ago, identified all the matters we are now discussing, including upholding the Good Friday Agreement, not having a hard border and Northern Ireland remaining an integral part of the European Union. In paragraph 49 of that document, the matters we are debating were identified but no progress has been made on them in the interim.

**An Leas-Cheann Comhairle:** The Deputy should have sought agreement of the House to share time but I will use my discretion.

**Deputy Michael Fitzmaurice:** I thank the Leas-Cheann Comhairle. He is very obliging. There has been a vote in the past few minutes in the House of Commons, with an amendment rejecting a no-deal scenario being approved by 312 votes to 308 votes. I understand that the United Kingdom will now try to seek an extension, so I urge our Government to speak to people in Europe to ensure that is facilitated and a bit of common sense can come into the Brexit pro-

cess.

For Ireland and its agricultural sector in particular, every day is like being on a surfboard, going up and down. One day it is going one way and the next day it goes the other, as we saw with this morning's announcements. It is a time for calm heads and accurate information because there is much trepidation, especially in the agricultural sector. Reference has been made to calves being sold for 50 cent in certain areas as a result of Brexit but this could not be further from the truth. The real reason is that beef farmers over the past three or four years, regardless of Brexit, have taken €200 per annum less because of what factories are doing and what our British counterparts are producing.

We will know from the votes in the next hour if the UK will seek an extension. If at the end there is a hard Brexit, the UK has indicated that it will not put up a border between Northern Ireland and southern Ireland. Will we be forced by the European Union to put up a border or can we say we will not do it? We have always stated that we will not accept a border and we should concentrate on that.

In the context of the agricultural sector, we must implement plans to help with live exports. We can export 1 million animals by means of live exports but we are not doing so. For the Border communities in Donegal, Sligo, Monaghan and elsewhere, the programme for Government states that we will apply to the EU to put the area into the trans-European transport network, TEN-T. We call it the western arc. Three years after the announcement of the programme, however, this has not been done. Somebody needs to step up to the mark. If the Minister for Transport, Tourism and Sport will not do so, then somebody else must.

We must ensure for the agricultural sector that people can export produce to the UK. Regardless of whether we like it, the UK is our biggest export destination for beef so we must ensure that it remains so.

**Deputy Eamon Ryan:** I wish to share time with Deputy Shortall.

**Acting Chairman (Deputy John Lahart):** Absolutely.

**Deputy Eamon Ryan:** I am glad the amendment has just been passed in the House of Commons, despite the vote being so tight, because it provides clarity and there is less chance of a no-deal, crash-out Brexit at the end of the month. There is still real concern as it still gives no real clarity on the ultimate solution to this major crisis being experienced by the UK political system.

I have a couple of questions. If the Minister of State cannot reply this evening, a written response will suffice. One of the amendments that went through the House of Commons at the end of February was the Alberto Costa amendment, which proposed that the sections of the withdrawal agreement relating to citizens' rights would, in a sense, be protected and taken out in the event of a lack of agreement. This has been agreed by the House of Commons but it would have to be agreed by the EU side. I know the European Union said in the days following the passing of the amendment that it would not agree to negotiate "mini-deals" as it would imply that negotiations around the withdrawal agreement had failed. I do not know if we are yet at that stage, and it depends on to whom one might speak, but we are fairly close to it with respect to the current withdrawal agreement. I am interested to know the position of the Department or the Government - or that of the European Union if the Government is aware of it - if, in the worst-case scenario, there was no agreement at the end of any extension. In such a no-deal,

crash-out Brexit, would we be willing to accept the recommendations in the Costa amendment, which make sense, if we were to try to minimise damage? It would affect approximately 4.5 million people in the UK and the European Union. It is a technical question but I am keen to get a response on it from the Government. A written reply will suffice if the Minister of State cannot answer this evening.

Reading the body language yesterday, it seemed that people were looking to get a withdrawal agreement concluded. There was a sense from those in the Tory Party who have been fighting for a hard Brexit at every stage that if the Attorney General had given evidence to the House of Commons that the legal mechanism agreed the previous night could have had a real effect, the withdrawal agreement might well have gone through. It is important to recognise this because such an observation should govern our approach. We can do very little except prepare as best we can for the event that even at the end of any extension period there would be a no-deal crash-out Brexit or for any new agreement that may be formed. We should maintain open lines of communication, particularly north of the Border.

As a party with a base in the North, we are supporting the backstop, North and South, because it provides real protection to our people. We do not agree with the DUP's assessment of the backstop but we should talk to its representatives. I agree with Deputy Micheál Martin that one of the first elements we should speak about now, as we have mentioned for quite some time, is the urgent need to re-establish the institutions in the North. Again, they would be a protection against what happens next. It is not right for us to say at this stage that we will wait until this all washes out and then we can come to reintroducing the institutions. Now more than ever we must have them and in a way that re-establishes a space where we can again have trust. I reiterate that call as one of the things we can do.

The ball is really to be played in the House of Commons. Will it be able to cross the divide? It seems there is a possible majority in the House of Commons for a deal allowing membership of the customs union in some form, and in agreeing that, the issue of the Irish backstop would become irrelevant. It is a core dividing issue and will influence whether there is a hard or soft Brexit. The European Greens have sought a second referendum but could this be done in the timelines that could be made available with any possible extension? I do not know. We should support that possibility if it arises.

Our role is really to prepare and maintain good relations and co-operation, as we have seen here. That has been beneficial. We must respond to developments as they occur in the United Kingdom in the same way we have done with certain calmness. That word has been used much in the past while but it serves us best.

**Deputy Róisín Shortall:** I also welcome the decision of the British Parliament in the past half hour to support an amendment to reject a no-deal Brexit at any time and in any scenario. This outcome is not especially surprising. What is really surprising is the very narrow margin - a mere four votes - by which it was carried. It beggars belief that so many people in the House of Commons could contemplate the idea of a no-deal Brexit. From our point of view, it is very frustrating and difficult to understand. It is an indication of the extent to which politics in London has become so dysfunctional across the board.

The decision tonight paves the way for a request to extend Article 50. It remains to be seen whether that will be approved by the EU. It has been made very clear by the EU that this is not an automatic decision. A decision to extend Article 50 will be based on the requirement that

13 March 2019

there is some point in extending. It is not clear whether there is any point in doing so - whether this is just a play for additional time or there is a likelihood that something will come of an extension. That extension will be quite short - up to just before the European elections on 22 or 23 May. We continue to be frustrated, to have deep fears and to feel a sense of bewilderment regarding is going on in London.

We have spent the past two years contributing to debates here hoping and waiting for sense to prevail within the House of Commons. We have all operated on the basis that there could not possibly be a crash-out and yet the closer we get to 29 March, the greater the possibility is of that happening. One would have to ask questions about what happened over the past few days. On Monday evening, there was an indication that some agreement had been reached, although Mrs. May's body language at the press conference gave a fair indication that she was not exactly at ease. One would also have assumed that Mrs. May would have been provided with the advice of the UK Attorney General on an ongoing basis during those negotiations but the bombshell arrived on Tuesday morning when Geoffrey Cox really put the kibosh on that agreement.

It is quite clear that British politics is dysfunctional at all levels, including the highest level, which poses a significant threat to the well-being of this State and the future of people who are very much dependent on exports to the UK. The developments this morning regarding the Treasury proposal regarding tariffs are quite extraordinary. It seems as though a unilateral decision was taken without any reference to the EU. The implications of that for this country are horrendous. That proposal must be resisted out of hand. Obviously, there are significant implications for our exports to the UK, particularly agricultural exports, in light of the massive tariffs they would face. What they saying about us being able to export and the free movement of goods across the Border from south to north is utterly simplistic because that opens up an EU frontier along our Border. The implications of this are significant in terms of the lack of security on an EU border, us having to police that frontier and how we maintain standards, particularly food standards, in the context of a UK policy of moving towards cheaper food of poorer quality. These are significant issues. The cost of doing that, if it comes to pass, must be met by the EU. This is something I have not heard the Government mention. While the responsibility would rest with us, the cost must be covered by the EU.

**Deputy Martin Heydon:** It is fair to say that the Irish public is extremely nervous when it comes to Brexit, and is probably pretty fed up of it at this stage. It has been the main topic of conversation here in recent years but we are at the point where it has become very real to people and focused minds more than at any time previously. It is an unusual set of circumstances for us whereby we do not have direct control over a political policy that will have such a significant impact on all facets of life on this island, our country, people and businesses. It is a British policy.

What we do control is our own preparedness. Fine Gael and the Government have been working on preparing for Brexit since before the British people voted for it. That preparation began once the referendum was called. We have seen in recent times how that preparedness leaves us as well placed as possible. While we continue to work with our EU partners to avoid a damaging no-deal exit - I welcome this evening's vote in Westminster - and while it is all very well and good for MPs to vote and state that there will not be a no-deal exit, until such time as they agree an alternative, that is the default position. I accept, however, that matters in this regard are a bit more difficult for Theresa May following that vote, which morally compels her not to leave the EU without a deal. It is still a fact that there needs to be an agreement on an alternative. That said, we must focus on the things we can control as opposed to those we can-

not. We will continue to use our position at the heart of Europe to get the best possible outcome for our country and citizens and Europe. Hopefully, we can continue to maintain as close a relationship as possible with our friends in the UK as part of that. Individuals and businesses in Ireland also have a role to play. In that context, *gov.ie/brexit* is the starting point for those - particularly businesses - who have questions on this matter. This week alone, 11 events are being held in five different counties and 80 events have been run to date.

The Minister of State is aware of the concerns of those in the agricultural sector, particularly beef farmers. I have also raised the very serious concerns of our highly valuable horse racing and breeding sector with her. This sector is important to the economy of Kildare but also across the country. The tripartite agreement allows for the free movement of horses between Ireland, France and the UK without the veterinary checks that apply in respect of third countries. In a week when we cheer on Irish horses trying to beat English horses in Cheltenham, that is key because racing at Aintree takes place in the first week after the end of the March deadline with racing at Punchestown taking place soon after that. These are the elements we need to keep to the forefront, which is why I welcome the statement by Commissioner Hogan this evening that Europe has our back and the Taoiseach's comments from the US about putting citizens first and keeping all these topics to the fore in the coming weeks.

**Deputy Bernard J. Durkan:** This is a time of sadness in the sense that the people who charted the course for Brexit in the first instance had a lot of ideas two or three years ago as to the benefits of leaving the EU. They chanted them regularly and trumpeted the benefits of exiting in a hurry. They have now gone silent. There is no longer as much of that any more but we should be very wary and cautious about being stampeded by some of the most recent announcements, particularly with regard to trade barriers and tariffs. These are meant to soften us up a bit like a fellow being softened up before the football match, which was an old-fashioned idea that sometimes worked. The aspect on which we need to concentrate is that we must be cautious and careful. This morning's announcement was a peculiar one in that it did not do anything to help our colleagues in Northern Ireland. In fact, the reverse was the case. It could have helped because it does prove that it is possible to do the things that people said could not be done. The Government and the Opposition should keep their powder dry and remain on course. The European Union has done us proud. As part of the European Union, the United Kingdom has stood its ground, as have we, and we have no option except to do so in the future. The saddest part of all this is to see a British Prime Minister humiliated by her own Parliament, sent back and forth to Brussels to negotiate something MPs had no intention of approving in the first place, and they knew that from the beginning. From here on, whatever must be done should be done when it needs to be done. We should not pre-empt anything. We should not offer hostages in any shape or form. We should be ready for the worst but, if the best happens, avail of that too.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I too welcome the passing of the Yvette Cooper amendment this evening, albeit by four votes. I think we will see in a few moments the vote on the Prime Minister's motion. Having said that, while MPs have voted to avoid a no-deal, this does not actually prevent a no-deal from happening.

As I will have an opportunity in the wrap-up to touch on some other issues, I will focus on our own preparedness here at home in the case of a no-deal scenario. Many Deputies have asked the question, "What have we done?" I will first touch on our legislation. With the very constructive support of all Members of this House, we passed all Stages of the omnibus Bill through the Dáil last week. In recent days we have seen it in very quick time pass through the

13 March 2019

Seanad, which means it is now ready to be signed by the President. The legislation provides continuity in key areas. It protects citizens, supporting our economy, enterprise and jobs in key economic sectors. We are confident the Bill can and will be passed by 29 March if needed.

Regarding the common travel area, part of our preparations and a significant part of the Bill before the House today was to ensure that people will be able to continue to avail of healthcare and related services North, South, east and west, and to live, work and study and do everything else in each other's jurisdictions as we have done before. That work has been done.

We have started to put into place physical infrastructure at our ports and airports. We have 400 additional trained customs staff who will be in place by the end of March. We have the possibility of a further 200 if needed. We have 230 people as part of our sanitary and phytosanitary standards, SPS, checks. We have 61 environmental health staff. We have the numbers there if required by the expected date.

As for business supports and state aid, we have a €300 million Brexit loan scheme fund. Looking at the figures as to how many people have applied for funding so far, we have 462 applications, 413 of which have been deemed eligible, although the figures show that 81 have been progressed to a sanction on finance, accounting for about €17.32 million.

Looking then at the agrifood sector, 99 applicants were eligible, 77 were approved and only 15 have been sanctioned. The reason for this - and the businesses have actually told us this - is that they are naturally reluctant to take on these extra burdens and this financial burden until they are really sure what exactly is happening, which is quite unusual, given the fact that we are 16 days out and we still do not know. Even though they have been approved, businesses are still not taking these supports on board. Nonetheless, they are there and we encourage people to apply and to take on board the supports where they can.

We have the long-term future growth scheme. This will be launched early this year, and already financial institutions have been asked to signal their intent to become lending partners. Enterprise Ireland has provided approval of funding amounting to €74 million to 535 Brexit-exposed companies. Enterprise Ireland has directly intervened with about 1,000 companies. A further 1,000 have engaged in Brexit advisory clinics. We have 4,400 companies that have completed the Brexit SME scorecard and 1,000 that have completed the Enterprise Ireland, EI, online customs insights programme. On top of that, we have provided €8 million extra for Brexit staffing and supports across all enterprises and €1 million in additional funding for Inter-TradeIreland. A lot of work is being done, as Deputy Heydon has outlined. We have events still ongoing, 11 across five different counties this week. We have had 80 since September alone, so there has been a huge amount more on top of that and many more events are yet to happen. Anyone who has not engaged can visit the website or find out where these events are happening.

Many questions have been raised about our overall supports, particularly from the Commission. The Department of Business, Enterprise and Innovation and our Minister, Deputy Humphreys, have been actively engaged with the Minister, Deputy Donohoe, and the European Commission for some time to try to find solutions to support and assist Irish enterprise. We are actively pursuing with the Commission the question of state aid, which many Deputies have raised this evening. The Commission has already given us permission to announce an amendment to the rescue and restructuring scheme, the budget of which went from €20 million to €200 million. As both the Tánaiste and the Taoiseach announced today, the Commission has said it is willing and ready to provide additional support and to be flexible when it comes to

state aid rules.

In addition, at home, as the Minister for Finance outlined earlier this week, we are putting in place through our agencies and with the support of the Departments, measures to ensure that specific industries and sectors such as the agricultural sector and the tourism industry will have their own financial supports available. Again, however, none of this can take away from the fact that if there is a Brexit, particularly a no deal, it cannot, no matter what we put in place, change the fact that we will not have the *status quo* and that things will not be the same as they were. A no-deal scenario is a lose-lose for everyone, but everything we are doing is trying to mitigate those measures as much as possible.

**Deputy Lisa Chambers:** These statements were sought - I believe our party was the only one to seek them - on foot of the publication of three additional Brexit documents negotiated by the UK and the EU last Monday night: a joint statement, an instrument relating to the agreement and a unilateral declaration from the United Kingdom. With 16 days to go, we had all hoped for a breakthrough in the negotiations and a move forward by the UK Parliament to ratify the withdrawal agreement. Unfortunately, despite the additional documents representing movement in favour of the UK, it was not sufficient to get MPs to support the deal. The unilateral declaration which was issued by the UK states, “In that light, the United Kingdom notes, subject to Article 1(4) of the Protocol on Ireland/Northern Ireland, that the objective of the Withdrawal Agreement is not to establish a permanent relationship between the Union and the United Kingdom.” It goes on to state, “If under these circumstances it proves not to be possible to negotiate a subsequent agreement as envisaged in Article 2 of the Protocol, the United Kingdom records its understanding that nothing in the Withdrawal Agreement would prevent it from instigating measures that could ultimately lead to disapplication of obligations under the Protocol, in accordance with Part Six, Title III of the Withdrawal Agreement.”

Interestingly, it appears that this is an attempt by the UK to unilaterally exit a bilateral agreement, which is clearly unacceptable to Ireland. This is precisely the issue that Geoffrey Cox, the UK’s Attorney General, dealt with in paragraph 19 of his legal advice. What happens if and when best endeavours are used, both parties acting in good faith, yet both parties cannot agree to come to an agreement? In his advice Geoffrey Cox spoke to what he called the intractable differences that may arise, the exact situation that the UK sought to address in its unilateral declaration. The UK Government sought to interpret Article 1(4) of the withdrawal agreement, “that the objective of the withdrawal agreement is not to establish a permanent relationship between the Union and the United Kingdom”, to mean that in the event agreement on the future trading arrangement could not be reached through no fault of either party, this would mean that the withdrawal agreement had become permanent. This contravenes Article 1(4) and could therefore lead to the disapplication of obligations under the protocol, namely, the backstop.

Geoffrey Cox took a different view on this issue and directly contradicts this interpretation by stating in paragraph 19 of his advice, “However, the legal risk remains unchanged that if through no such demonstrable failure of either party, but simply because of intractable differences, that situation *does* arise, the United Kingdom would have, at least while the fundamental circumstances remained the same, no internationally lawful means of exiting the Protocol’s arrangements, save by agreement.” However, there were some concessions and compromises on the part of the EU contained in the interpretive document. To anyone suggesting otherwise I would ask what was the point of compiling and publishing these documents, and what was the purpose of the dramatic emergency Cabinet meeting and Theresa May’s last-minute flight to Strasbourg? Of course there was movement. Ultimately, however, it was not enough to get the

support of MPs in sufficient numbers to get the deal over the line.

Geoffrey Cox's advice ran to three pages. While the focus was on paragraph 19, I would direct people to read his advice in full. Looking initially to paragraph 4, he states, "The Joint Instrument [...] provides, in addition, useful clarifications, amplifications of existing obligations and some new obligations, which in certain significant respects would facilitate the effective enforcement of the UK's rights in the event of a breach of the good faith and best endeavours obligations by the EU." He goes on to state in paragraph 7, "In my view, these provisions of the Joint Instrument extend beyond mere interpretation of the Withdrawal Agreement and represent materially new legal obligations and commitments, which amplify its existing terms and make time of the essence in replacing the backstop." He goes on to say in paragraph 8, "It would be unconscionable and a potential breach of the duties of good faith and best endeavours were the EU to decline to adopt *any* practicable alternative arrangements of the type described if they helped to avoid a hard border on the island of Ireland and did not require it to make unreasonable adjustments of its interests."

Much of this is subjective. What exactly are "best endeavours"? What might represent "delay"? What might constitute acting "not in good faith"? Regardless of the subjective nature of the interpretive document, it is legally binding and would strengthen the UK's hand at the arbitration table, if ever the arbitration process were to be employed. This was the *8 o'clock* change, the compromise and the concession. Ultimately, however, the last paragraph of that legal advice remains the issue. I refer to the intractable differences that might present. Is there anything that can be done by the EU at this stage to address this concern and find a way to move forward?

Politics is about the possible and finding solutions to difficult problems. We are facing a serious threat to our country, our economy and our valued peace. We are already at the cliff edge and staring over at a deep drop below. Ahead of the vote yesterday, the DUP was looking to the advice of the UK Attorney General for divine inspiration. Similar to a domino effect, the European Research Group looked to the DUP. Not desiring to be more unionist than the DUP, it may have actually followed that party's lead.

It was manifestly disappointing to watch the DUP vote against a deal that it was in Northern Ireland's interests to support. Perhaps that party welcomed comments today from Michael Gove regarding a possible return to direct rule in Northern Ireland in the event of a no-deal Brexit. That is despite such a move not being what the majority of people in Northern Ireland want. Sinn Féin has again abdicated its responsibilities and spent most of its time this evening talking about Fianna Fáil rather than Brexit and the situation in Northern Ireland.

What happens next is unclear. We know MPs in Westminster tonight voted to reject leaving the EU without a deal. A no-deal Brexit has been taken off of the table but only by a majority of four. The House of Commons then went on to reject an amendment that would have extended the period in which Brexit could take place until 22 May and give no backstop commitment. That is also welcome. We expect that the next step will be for the House of Commons to vote to extend Article 50. The question though is for how long. Our Government must do what is needed to secure that extension, if requested, regardless of whether there is a plan on how to move forward. If the alternative is a crash-out Brexit, then we must support anything to avoid that happening. A short extension poses difficulties in that it prolongs the uncertainty for businesses and farmers. That is not without consequences.

It is, however, far better than the Armageddon of a no-deal Brexit. A longer extension could yield many different developments and not all may be positive for Ireland. We could see a change of Prime Minister in the UK and then an even more hardline approach in respect of a harder Brexit. A no-deal Brexit would be catastrophic for Ireland. There is no point in saying otherwise. The EU's proposals today on trade and tariffs were a shot across the bows. However unrealistic and unworkable they were, it gave our businesses, and in particular our farmers, an insight into what may lie ahead in the event of a no-deal Brexit. There was, naturally, widespread concern across the business and farming communities. They are looking to our Government for leadership and reassurances. The time for generalities is over. We need details on the level of preparedness in the country and exact details of the financial aid package that will be available to businesses and farmers should the worst happen at the end of March or beyond.

We cannot wait until after Brexit to see what available financial support might be there. We will then find ourselves scrambling from day to day to address the catastrophic impact that would have on our country. The deputy director general of finance with the European Commission, Mr. Martinez-Mongay, appeared before the Committee on Budgetary Oversight today to answer questions. I asked him what financial aid package would the Commission provide to Ireland in the event of a no-deal Brexit. The response I got was that it was premature to have those conversations. It is not premature and it is, indeed, well beyond time to be having those conversations. It is incumbent on the Government to be honest with the Oireachtas and our citizens as to what level of conversations have happened and what have been the results of those conversations. I took some positive aspects from the comments of Mr. Martinez-Mongay. He referred to the possibility of some flexibility on state aid rules, if needed. We would again welcome details being provided in this House and to our citizens on what that might look like.

If the EU and the UK fail to deliver a deal for citizens, then politics will have failed. This is the defining political issue of our age. It will affect many things, such as how we interact with our closest neighbour and our nearest market. It could have a severe negative impact on peace and stability on this island. It is incumbent upon all of us to find a way forward so that we can get to a post-Brexit world where trust is restored between the UK and the EU. I refer to a situation where any negative sentiment that may have built up between our two nations can dissipate and be put to bed. I look forward to a time when we are not debating Brexit daily and we move back to discussing the issues of health, housing and education and all the other issues that really matter to our citizens. Until Brexit is resolved, however, it will be the key issue of the day. As always, the support of the Fianna Fáil Party will be there to ensure that whatever needs to be done to protect our country will be done.

**Deputy Caoimhghín Ó Caoláin:** The Brexit journey has at times been nightmarish. It has always been a bumpy ride and, occasionally, it has puzzled us all greatly. While almost everybody in Ireland yesterday looked on in amazement at yet another massive rejection vote in the British House of Commons, the British Government was readying itself to announce a new tariff regime. This will apply to goods entering Britain from the Republic of Ireland. In the same breath, the British Government stated that no tariffs would apply to goods crossing the Border into the North. They would, however, apply to goods going from the North to Britain.

This incredible proposition represents not just a puzzling moment. For Ireland, North and South, it is a nightmarish prospect. The British Government document, covering 25 subheadings, including, at the start, aluminium foil and continuing through beef, butter, cheese, poultry, pork and ending with tyres and wheels, would if implemented have a devastating impact on Irish trade. That would be the case particularly in the agriculture and agrifood sector in this

jurisdiction and across Ireland. What madness is this? Can it be so easily dismissed, as some in this House would have us believe? Let there be no mistake about this. The Brexit caravan could very easily become a runaway train, with all of the damage that could cause and that could follow in its wake. I again urge our Government and its representative voices in Europe to impress upon the European Commission and the EU Brexit negotiators the importance of presenting a real show of solidarity with Ireland through significant capital investment commitments for our transport links with the rest of the member states of the European Union. I refer to solid and sustainable compensatory measures for businesses, farming families, agrifood processors and for exporters generally. The EU has to accept it has a responsibility to help ensure jobs are protected and maintained in this country in a worst case scenario.

Brexit has always been a threat. It could, however, yet represent an economic disaster for Ireland and its people. With only 16 days remaining until the 29 March deadline, we need certainties from Europe. It is certainly welcome that the backstop is locked in place. The EU, however, has more to do and, I suggest, much more. The vote in Westminster tonight on the proposal to take a no-deal Brexit off of the table, which passed but only just, will be followed tomorrow by another motion to defer Brexit pending further negotiations. There is every chance that motion will be adopted. The EU, however, has made it very clear that it will need to be convinced of its merits. Before the Minister of State wraps up, I would like her to state on the record where the Irish Government stands on the proposition of extending Article 50 and giving the British Prime Minister more time.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I thank all Deputies for their contributions, not only tonight but over the course of what has been a lengthy discussion. If I could correct the record, I said that the Cooper amendment had been passed but in fact it was the Spelman amendment, moved by Ms Yvette Cooper, MP.

To begin with the last Deputy's question on an extension, we have always said that we would not stand in the way of an extension. However, we need to see what exactly the UK Government seeks that extension for and for how long it would apply. We still do not have clarity on this, even following the passing of the amendments and the Prime Minister's motion this evening. We await the movement of amendments and possible motions tomorrow, but I think we would respond favourably. That said, our colleagues in other member states will want to see why we are extending this, the possible objective and the possible outcomes. We will have to wait and see what they are.

Regarding the documents that were agreed on Monday, it is important to outline that further moves were made by the EU to provide further legal clarity and certainty to the UK. That was done in two or three ways. It was done first by strengthening the political declaration, which had already been agreed last week. That gave further clarification that the EU has no intention of trying to trap the UK within an indefinite backstop and that a very specific timeline would be set out within a framework to try to come to an arrangement on the future relationship. There would also be a move to start looking at alternative arrangements. However, an addition to the unilateral declaration outlined how the UK could possibly leave the backstop or avoid its invocation.

The first means of avoiding the backstop has always been there, that is, for the parties to form a future relationship that would deem it unnecessary. The second is for alternative arrangements to be identified and put in place, but we have yet to see those. The third would be the arbitration process. Deputy Chambers referred to this making it easier for the UK and more

difficult for us to prevent the UK leaving on a unilateral basis.

These documents very clearly state that the disapplication of the backstop must be connected with Article 20 which, as already outlined in the withdrawal agreement, is related to the review mechanism from which the UK cannot pull out unilaterally. Title III of Part 6 of the withdrawal agreement provides that as part of the arbitration process the UK must show the EU to have continuously acted in bad faith, and not only that, but to have failed to try to rectify this. There is a very clear and strong process in place. Meanwhile the EU has given further assurances through the political declaration that it has no intention of keeping the UK locked in an indefinite transition or an indefinite backstop position and that we want to address all of these concerns as part of a close and comprehensive future relationship. After weeks of negotiations and the agreement of these documents on Monday, the UK Parliament was last night unable to pass the withdrawal agreement. This has come as no surprise to many people but we are still extremely regretful of the outcome. Tonight the House of Commons, as we all know, has voted to reject the UK leaving the EU without a deal. We will see tomorrow how it votes on possibly requesting an extension of Article 50.

Meanwhile, as many Deputies have mentioned, the UK Government published its own tariff plans this morning as part of its no-deal planning. As a Government we are considering them and working with our partners in the EU to assess their impact fully. There is absolutely no doubt that tariffs would have a negative impact on trade. They would be damaging for business, farmers and consumers, not just here and in the North but also in the UK. I want to be clear. No option, including 0% tariffs or managed tariff-free quotas, would be as good as what we have in the withdrawal agreement. This would preserve the current tariff-free trade arrangement throughout the transition period. It also guarantees that there will be no hard border and protects the all-island economy. It is in the interests of both the UK and the EU that we ratify this.

Built on two years of complex negotiations, with fair compromise on both sides, the withdrawal agreement provides the certainty that so many of us seek this evening. This morning I attended an event in the Carrickdale Hotel, which has become very well known to many people who have travelled to the Border region. Some 300 people attended, not to get an understanding of what is going to happen, because none of us knows that, but to make sure they are as prepared as possible given the uncertainty that still exists. There is a deal on the table. The EU has provided strong and repeated legal assurances, as I have outlined, on the concerns raised by the UK. We are all determined to reach an ambitious future relationship agreement as a priority. Such an agreement would meet the obligations held by both Ireland and the UK as co-guarantors of the Good Friday Agreement. A no-deal outcome is in nobody's interests. It is for Westminster to decide how it believes this can be avoided. While time is short, it has not yet run out. There is still time for sensible solutions. MPs in Westminster have indicated their desire to avoid a no-deal Brexit, but best wishes are not enough. A decision is required and we need clarity on where the UK thinks it can go from here. For the EU's part, our position has been and will always continue to be consistent and clear. The best way to ensure an orderly withdrawal is to ratify the deal that is on the table.

Finally, I want to be very clear that regardless of the outcome, we can be certain of our place in Europe and of the continued support of our fellow member states, just as they can be certain in their confidence in us and in the European Union. Brexit has been a long and difficult process, but we have not faced it alone and I would like to express our sincere gratitude to our fellow member states and to the Commission for their understanding and unwavering solidarity. I also wish to express our thanks and appreciation for the support and advice received by all

13 March 2019

parties in the House throughout this process. It has been far-reaching and has had far-reaching implications for us, but we will continue to keep the House as fully informed as possible on developments in recognition of that.

**Acting Chairman (Deputy John Lahart):** I thank the Minister of State and compliment Deputies on all sides for using technology to keep them as up to speed as possible in their contributions, which considerably added to the value of debate.

### **Independent Clinical Review of Maternity Services at Portiuncula University Hospital: Statements (Resumed)**

**Deputy Catherine Connolly:** I welcome the opportunity to speak on this topic. The report we are speaking about here, the external independent clinical review of maternity services at Portiuncula Hospital Ballinasloe, dated May 2018, has unfortunately been sandwiched between the cervical smear debacle and Brexit. It is most unfortunate. This debate started in June 2018, when the Minister gave his opening speech. We are now continuing with it in March 2019. This is most unfortunate. I understood that I had ten minutes. I am not sure how much time I have. This is a very serious matter.

**Acting Chairman (Deputy John Lahart):** We will pause the clock for a second. The information we have from the Bills Office is that the Deputy has six minutes.

**Deputy Catherine Connolly:** Ten minutes of speaking time was listed on the printed-----

**Acting Chairman (Deputy John Lahart):** With the agreement of the House we will give the Deputy ten minutes to speak on this.

**Deputy Catherine Connolly:** I do not mind, but that is what we were told.

**Acting Chairman (Deputy John Lahart):** I am told there were six minutes remaining in the speaker's slot on the last day. We will start the Deputy's speaking time again at six minutes.

**Deputy Catherine Connolly:** It is unfortunate that-----

**Acting Chairman (Deputy John Lahart):** I appreciate that. The Deputy should not use up the time.

**Deputy Catherine Connolly:** It is unfortunate that this has been sandwiched between the cervical smear scandal and Brexit. It is unfortunate for those people who have suffered dreadfully. I want to start by extending my sympathy to the families. Six babies died one way or another and a lot of other children suffered. On page 22 of the report, Professor Walker writes: "It is obvious to the [clinical review team] that this review process has taken a toll on both families and staff. It has taken a prolonged time of over three years and there are many reasons for that". Not alone did it take a prolonged time from when it was commissioned. It was commissioned in January 2015, it began in April 2015 and we are now in 2019, with the report sandwiched between these two topics.

The key findings have been set out in detail. Some 34 key points have been identified and 35 recommendations have been made. They are interconnected and come under various headings: environment, clinical staffing, communications issues, clinical governance issues and training.

The question, of course, is how many have been implemented. When the Minister made his statement in June 2018, he pointed out that over 80% were implemented or in the process of being implemented. When the Minister of State, Deputy Michael D'Arcy, is ready, he might be able to confirm how many of those very important recommendations have been implemented.

In terms of the background to the report, it was commissioned following the reporting of the deaths of six babies referred for therapeutic hypothermia from Portiuncula Hospital in 2014. That cluster of cases, which was high, prompted an internal review. That was completed in December 2014 and led to a further external review because of the concerns raised. This has caused great distress to all of the people involved. The independent review started out reviewing six cases and when the communications started, a further 12 cases were added. In total, 18 cases were reviewed and of those 18 cases, serious errors were identified in ten of them. The report acknowledged that without those errors, there would have been a different outcome.

I will make some specific points about this and then move into the maternal strategy and general themes that are emerging in respect of maternity care in Ireland. It is upsetting to read the report, although it is set out very clearly. It highlights very basic absences and understaffing of both midwives and consultants.

It is important to place this report in context. It was examining a period from 2008 to 2014, which was a time of cutbacks and a time when we valued saving the banks far above saving mothers' and babies' lives. That has to be borne in mind all of the time when we look at these reports. In this report, the report into the death of Savita Halappanavar, the Portlaoise hospital report and many other reports, severe cutbacks in staff are identified repeatedly to the detriment of women's lives.

Not alone was there understaffing but there was also a lack of proper and adequate skills. There was a lack of multidisciplinary training. There were problems with governance. There were problems in simply reading cardiocographs, CTGs. There was a problem in regard to communications between nursing staff and between nursing staff and consultants. There was a serious problem in regard to talking to the families and communicating with them. The same type of issue emerged in regard to cervical smears and in all of the other inquiries, particularly in respect of Portlaoise hospital.

I will quote from the report on the Midland Regional Hospital, Portlaoise, because it really captures this point. While there have been many reports into Portlaoise hospital, this report was given in February 2014 to the then Minister for Health, Senator Reilly. The overall conclusions stated:

1. Families and patients were treated in a poor and, at times, appalling manner with limited respect, kindness, courtesy and consideration.
2. Information that should have been given to families was withheld for no justifiable reason.
3. Poor outcomes that could likely have been prevented were identified and known by the hospital but not adequately and satisfactorily acted upon [and so on].

At that point in 2014, the report also concluded that "The external support and oversight from [the Health Service Executive] should have been stronger and more proactive, given the issues identified [way back] in 2007." That report was on Portlaoise hospital and dates from

2014. This report on Portiuncula Hospital is from May 2018 and shows the exact same problems were emerging.

I wish to place in context that I worked in Ballinasloe for many years and that Portiuncula Hospital had a very fine record. It was set up in 1945 and had a wonderful record until what happened. It went under the Western Health Board and subsequently under the group of hospitals known as Saolta. Saolta was put together haphazardly and without proper planning, as has happened with many other organisations. That has also been identified in this report on Portiuncula Hospital. Portiuncula staff felt completely marginalised, although on paper the governance arrangements were in place. Do I have five minutes remaining?

**Acting Chairman (Deputy John Lahart):** I will give the Deputy just less than four minutes.

**Deputy Catherine Connolly:** It is difficult to know because the clock usually goes in reverse. I am not sure where I am now.

**Acting Chairman (Deputy John Lahart):** I will allow the Deputy go four minutes over at my discretion.

**Deputy Catherine Connolly:** I thank the Acting Chairman.

**Acting Chairman (Deputy John Lahart):** The Deputy is welcome.

**Deputy Catherine Connolly:** In regard to this matter, I seek some answers as to whether these 35 recommendations have been implemented. This report was published in May 2018. Where are we with regard to these recommendations? When the Minister spoke in June 2018, all of the recommendations had not been implemented. Second, he pointed out that the maternity strategy was very welcome, and I certainly agree with him. He pointed out that it was unbelievable that we did not have a strategy before now, on which I also agree with him also.

The national maternity strategy was brought into being to cover the period from 2016 to 2026. There are many recommendations in the strategy but I do not know if they have been implemented. For example, I understand there are midwifery vacancies in more than one area. I will not use the few minutes remaining to me to outline this issue but when a strategy is produced, there is a duty on the Government and on the Minister, when he speaks in the Dáil, to clarify precisely what has and has not been implemented and where we are going in regard to it. We must bear in mind that the national maternity strategy arose from the basic problems identified arising from the Portiuncula inquiry and, in terms of my own city, from the death of Savita Halappanavar, where a strong recommendation, among many other recommendations, was to have a maternity strategy. I welcome that and the fact that it will be woman and child-centred. There is a very good opening statement by the chair, whose name I have just forgotten, in which she refers to making the woman the centre of the process, as well as giving choices to women regarding where they give birth. She also refers to not medicalising something that is extremely normal, which is set out in the strategy, that having a baby is normal and that there should be a pathway of choices in that regard. Where are we in that regard? I have read the strategy to try to see where it has been implemented.

This is particularly poignant given that the independent midwife, Philomena Canning, is currently facing death, as she said herself. She is an independent midwife who fought bravely to bring choice to women in terms of where they would give birth. Her indemnity was with-

drawn in 2014 by the Health Service Executive. As a midwife she delivered 500 babies. We know that; this is all factual. She had planned to set up a home centre in Ireland, which is what many women, including myself, would love to see, but her indemnity was withdrawn. Unfortunately, we did not have the national maternity strategy at that time, which sets out that aim as one of the ambitions to have in Ireland. That indemnity was subsequently restored to her but it was too late.

I am highlighting her case briefly because the woman is facing death. I do not want to dwell on it except to highlight that she and very many similar independent midwives have struggled to tell us there is a better way to allow a woman give birth than the medicalisation of that whole process. That was one of the key recommendations in the report we are talking about tonight. I refer to the patriarchal, hierarchal nature of the relationship between doctors and nurses in the hospital. Many times the midwives themselves reported that there was a lack of staff during that critical period and no action was taken on it.

I will conclude because I have to. That is not the Acting Chairman's fault but it has been difficult to follow the time in order that I could work my thoughts around what I was saying.

**Acting Chairman (Deputy John Lahart):** I appreciate that.

**Deputy Catherine Connolly:** The key message is the implementation of the recommendations.

**Acting Chairman (Deputy John Lahart):** I thank the Deputy and I appreciate her frustration. I had six minutes on the clock in front of me. I gave her-----

**Deputy Catherine Connolly:** I appreciate that. I find no fault with the Acting Chairman.

**Acting Chairman (Deputy John Lahart):** I gave the Deputy an additional four minutes.

**Deputy Catherine Connolly:** I thank the Acting Chairman.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to contribute. As has been pointed out, Portiuncula Hospital was opened in 1945. We have to be mindful of the parents who, unfortunately, did not have a good experience in the hospital and who lost their babies. We have to remember those tonight while we are having this debate. On the other hand, two of my three children were born there and, thankfully, everything worked out very well.

The report outlined different actions which needed to be taken. My understanding is that many of those actions have been taken. I am aware that there is now joined-up thinking, which was not the case previously, and that Portiuncula is working in conjunction with the hospital in Galway, which is needed.

My sister-in-law had a child in Ballinsaloe at Christmas and the staff were excellent. There were a few complications and the child was brought to Crumlin straight away in order to ensure that everything was okay. We have to be mindful of the staff who work in Portiuncula because a shortage of personnel was highlighted for years and nothing was done. We need to compliment the staff who there on the work they are doing.

We must also be mindful of the needs of people in Roscommon and east Galway. Parts of Roscommon are 60, 70 or 80 miles from Galway hospital. Portiuncula Hospital is vital for maternity services and all the services available there, including accident and emergency. We need

to ensure that resources are put into Portiuncula Hospital, that the staffing levels are correct and that the necessary infrastructure is put in place. There is supposed to be a building project in respect of the accident and emergency department. I hope that will not be left hanging for a while because of the debacle relating to the national children's hospital.

Things like this sometimes give a Government an excuse to state that it will move the hospital somewhere else. Figures were put out about the babies who were born in Portiuncula Hospital as against Galway hospital and suggestions were made that Galway hospital has better services. We need to ensure that those services are in Portiuncula Hospital and it is kept going because it is vital. I compliment the staff who work there, especially the nurses and midwives.

**Minister of State at the Department of Finance(Deputy Michael D'Arcy):** I thank the Deputies for their contributions. Following on from what the Minister, Deputy Harris, stated when opening the debate on this matter last June, I wish to express my heartfelt sympathies to the families involved and commend them on their engagement in the review process. It is vitally important, not least for those families, that the systems learn from these events and ensure that such learning is made available nationwide. More importantly, we must turn that learning into action. As outlined earlier, the HSE has been asked to progress the recommendations as a matter of priority and its work is under way. It is notable that the implementation team which has been put in place by Portiuncula Hospital includes some of the families involved. I have no doubt that the process will be strengthened and the output improved as a result of the participation of those families.

I reiterate the Government's commitment to the progress of developments of maternity care in Ireland. As the House is aware, Ireland's first national maternity strategy was published in 2016 demonstrating a new and enhanced focus on maternity care at both policy and service delivery level. The maternity strategy maps out the future for maternity and neonatal care to ensure that it will be safe, standardised, of high quality and offer an enhanced experience and more choice to women and their families. The strategy recognises that, while all pregnant women need a certain level of support, some will require more specialised care. Accordingly it proposes an integrated model that delivers care at the lowest level of complexity and encompasses all the necessary safety nets in line with patient safety principles. It aims to ensure that women and babies receive the right care from the right professional at the right time and in the right place.

In 2017, the national women and infants health programme was established to lead the management, organisation and delivery of maternity, gynaecology and neonatal services. This work includes implementing the strategy and overseeing the establishment of maternity networks nationwide. Previously the Minister outlined how these maternity networks are being established across hospital groups. In addition to supporting and strengthening small maternity units such as that at Portiuncula, this development will serve to improve governance and oversight and facilitate the sharing of expertise within and between networks. The establishment of a maternity network is currently being progressed within the Saolta hospital group and the first step of that network will initially comprise Galway University Hospital and Portiuncula Hospital.

The national women and infants health programme is delivering on the vision of the strategy in line with the detailed implementation plan which was published in October 2017. Development funds allocated to progress the implementation of the strategy since its launch in 2016 have ensured that progress has been made and that services have improved. With the €4.15 million that Government allocated to maternity in 2018, the national women and infants health

programme addressed several priorities including improving quality and safety, establishing community midwifery teams and increasing access to anomaly scanning services. The further €1 million allocated this year will ensure the development of maternity services remains a focus with priorities for 2019 including the ongoing establishment of the maternity networks and expansion of the strategy's supported care pathway.

Other key building blocks which have been put in place to facilitate the provision of a consistently safe and high quality service include the HIQA national standards for safer better maternity services and the HSE national standards for bereavement care following pregnancy loss and perinatal death. These initiatives, along with the national maternity strategy, clearly demonstrate that, over recent years, very significant efforts have been made and improvements achieved through a continued focus on the progressive development of maternity services right across the country. The House can be confident that we are moving in the right direction and translating plans into actions for the 80,000 families who access maternity care each year.

I want to touch on a number of the issues raised about the implementation. Saolta hospital group has confirmed that 95% of the recommendations are complete or under implementation. In addition, significant work is ongoing on the establishment of a clinical network between Portluncula and Galway hospitals. Arrangements have also been made to have a perinatal pathologist for the hospital group. The implementation of the recommendations of this report will be audited by Saolta hospital group this coming May, one year post production.

### **Credit Union Restructuring Board (Dissolution) Bill 2019: Second Stage (Resumed)**

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

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** The role of Credit Union Restructuring Board, or ReBo, was to plan for the restructuring of the credit union sector, engage with and assist credit unions in the preparation of restructuring plans, consider and decide on restructuring plans submitted to it by, or on behalf of, credit unions, oversee the implementation of restructuring plans including the provision of post-restructuring support and oversee the operational functions of ReBo. Following on from ReBo's role in the restructuring process, the Commission on Credit Unions recommended that any restructuring proposals must have the endorsement of the ReBo board before being submitted to the Central Bank for regulatory approval, funding requirements should be determined based on credit union assessments and funding should be provided from one of three sources in the following order: excess capital from within participating credit unions, the sector itself, or Exchequer funding on a recoupable basis. ReBo approached its restructuring work in a methodical manner and, in accordance with the recommendations set out by the commission on credit unions, in June 2015 it stated in its interim report to the Minister that while the initial perception of credit unions was that only small credit unions would transfer to larger neighbouring credit unions, during ReBo's lifetime this perception changed and a paradigm shift occurred whereby credit unions were more willing to engage with the process and were approaching restructuring as a strategic advantage rather than solely as a financial necessity. This change in mindset saw credit unions seeking to restructure so as to grow their business and expand their product offerings.

The final date for restructuring was initially 31 December 2015 but, following the interim section 43 review of ReBo's work in October 2015, the Minister for Finance announced that credit unions wishing to enter a restructuring programme under ReBo would be required to

have a high level business case with ReBo and to have received an approval letter from it by 31 March 2016. After that date, no further restructure proposals would be accepted by ReBo. By March 2017, ReBo completed the performance of its functions in accordance with recommendations of the commission on credit unions and in accordance with the 2012 Act. While 210 credit unions were involved in 117 potential restructuring projects, at the end of its operational life ReBo had facilitated and overseen the full restructuring of 156 credit unions in 24 countries under 82 projects with assets of almost €6 billion. This equates to approximately 38% of total credit union assets at that time. Some of the uncompleted projects were handed to the Central Bank for further consideration. In addition to these projects, new restructuring projects have continued to be commenced directly with the Central Bank, demonstrating the restructuring of the credit union sector is continuing post ReBo.

The Government provided €250 million in the credit union fund that was established specifically for credit union restructuring under section 57 of the 2012 Act. However, the Minister was entitled to be reimbursed from the credit union fund from any contribution made from the fund to credit unions for the purposes of restructuring. Such reimbursement would be financed from the recruitment of restructuring support by credit unions that had received such support. Half of ReBo's administration costs were met from the credit union fund and half were met by way of a ReBo levy on the credit union sector. Under the 2012 Act, ReBo could, with the Minister's consent, make regulations prescribing the levy to be paid to it by credit unions and when such a levy would fall due to be paid. In 2014, 2015, 2016 and 2017, ReBo made regulations requiring credit unions to make a contribution towards ReBo's operating costs.

To its great credit, and to the credit of the sector itself, of the €250 million provided to the credit union fund all but approximately €11.6 million was returned to the Exchequer in late 2018. The lower than anticipated spend on restructuring was essentially due to the fact the majority of credit unions participating in restructuring projects financed those projects from within their own resources, as was recommended by the commission. Where there was a shortfall, financial assistance was provided in certain cases by the Irish League of Credit Unions using its savings protection scheme. Combined, this resulted in a much lower cost to the Exchequer than anticipated by the commission. This is a great achievement by ReBo and it is highly commendable that the sector itself provided funding for credit unions to undergo and complete restructuring projects from within its own resources.

As I have already mentioned, some of ReBo's uncompleted projects were handed to the Central Bank for further consideration. In addition to these projects, new restructuring projects have commenced directly with the Central Bank, demonstrating the restructuring of the credit union sector is continuing post ReBo.

When ReBo ceased to accept new applications for assistance, the registry of credit unions at the Central Bank issued a circular and explanatory note to all credit unions advising interested credit unions to engage directly with it to facilitate further voluntary restructuring. The registrar of credit unions also updated the credit union handbook to include information on the restructuring process. While restructuring has continued post ReBo, the pace has slowed somewhat with a total of 34 transferring engagements confirmed, with 19 in 2017 and 15 in 2018. I am informed 16 transfers of engagement are under way and that a number of credit unions that commenced transfer of engagement discussions during the lifetime of ReBo but did not complete a transfer engagement at that time have indicated that a transfer of engagement remains a strategic option under further future consideration.

Restructuring was achieved under ReBo in such a way that the significant funding that it was envisaged would be required for restructuring at the time was largely not needed. It was also commendable that the credit union movement itself provided financial support from within its own resources and minimised the call on Exchequer funding. Completing 82 projects involving 156 credit unions in 24 counties was a huge achievement for ReBo, and even more so when accomplished in such a tight timeframe.

Following the resignation of the board on 31 July 2017, a caretaker board comprising two officials from the Department of Finance, an existing director and the Central Bank nominated non-voting director has been appointed to meet the requirements of the 2012 Act. The caretaker board must remain in place until ReBo is dissolved under the Bill. I look forward to a constructive debate on the Bill, which provides for the dissolution of ReBo to transfer certain functions from the credit union restructuring board to the Minister for Finance to amend the Credit Union and Co-operation with Overseas Regulators Act 2012 and to provide for consequential amendments of other enactments. I commend the Bill to the House.

**Deputy Michael McGrath:** I welcome the opportunity to make a contribution on the Bill. Fianna Fáil will support the legislation. I acknowledge the good work the restructuring board did in the period from 2013 to 2017, which was quite a challenging period for many credit unions. The fact ReBo facilitated 82 restructuring projects involving 156 credit unions in 24 counties on a voluntary basis was, undoubtedly, a significant achievement. Total assets involved were approximately €6 billion. To achieve this level of restructuring on a voluntary and agreed basis among the credit unions was a notable achievement. It has resulted in significant changes to the landscape within which credit unions operate. There has been a reduction of one third in the number of credit unions, although it should be pointed out this is not a reduction in one third of the number of credit union buildings because while a number of them have amalgamated a credit union may have two or three branches and they are now counted as one credit union.

This was an important initiative designed to help and protect the movement and secure its future. The reality is that post the financial crisis the nature and complexity of the regulation being applied to the credit union movement necessitated a certain scale because regulation is now quite costly and compliance requirements must be adhered to. There are necessary costs that have been incurred as a result, which is why having a certain scale in the credit union movement was important and which is why these restructures and amalgamations had to proceed.

It has to be highlighted that while the initial fund was €250 million, as the Minister of State pointed out, the amount spent from the fund was approximately €20 million. The Oireachtas Library and Research Service has given us a very useful paper on the Bill. ReBo paid a total of €17 million in financial assistance from the credit union fund regarding qualifying costs pertaining to credit union restructuring projects. In total, approximately €20 million was utilised from a fund of €250 million. I assume the balance is the operational costs that ReBo had to incur. It needs to be said that back in 2011 the then Minister for Finance said in the Seanad the total cost of rescuing the credit union sector could be up to €1 billion. Thankfully, that proved to be very wide of the mark. However, it is indicative of the thinking at that time following the collapse of the banking system which required a historic intervention by the State at great cost to our citizens. The view and assumption within the system was that credit unions were a basket case, but that did not prove to be so. Although the overall estimate was of up to €1 billion, the net cost is negligible when one takes into account the levies that have been collected from credit unions. That is not to downplay the significant issues experienced by a small number of credit

unions. The State had to rescue several credit unions and the representative bodies played a very important role in that regard. There were cases where standards lapsed and governance arrangements were not what they ought to have been. Where serious lapses took place, they had to be dealt with. However, it is fair to say that the assumption of there being a significant number of bad loans that had not been properly provided for within the movement did not prove to be the case. It should be acknowledged that the underlying health of the movement was far better than it was assumed to be.

It should be made clear that credit union restructuring can continue. That can be done voluntarily because a statutory basis through the Credit Union Restructuring Board, or ReBo, is not required. ReBo has now been dissolved. As I understand it, in practice, many of the supports that were available through ReBo continue to be provided through the Central Bank such that credit union restructurings can and will continue into the future. It is likely that they will so continue for the reason I outlined at the beginning of my contribution, namely, the complexity of regulation. The change in governance arrangements that flowed from the 2012 Act were very significant and we may see further consolidation within the sector. I do not have a difficulty with that, provided it is done on an agreed voluntary basis such that the credit unions are preserved and continue to provide services to their members in local communities, because that is the essence of this issue.

On the various levies and funds, it would be of assistance if the Minister of State were to provide an information note to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach prior to Committee Stage of the Bill detailing exactly how much has been paid by way of the various levies by the credit unions, how much is sitting in the funds and how much has been drawn from them. We have the data on the ReBo fund but I am also seeking data for the resolution fund. If that were provided by the Minister of State, it would give the committee a very good backdrop and context for discussion of the Bill on Committee Stage.

I wish to touch on certain issues related to credit unions and relevant to the Bill. Fianna Fáil, along with others, was active in calling for changes to the long-term lending limits for credit unions. I welcome the fact that a consultation process is under way. It suggests that the model will change from the current 10% or 15% of total loan book to a model of 5% or 15% of asset size. It is my understanding that the proposal of the registrar is that in measuring those limits there will be a combined limit for mortgages and small business lending. That will particularly disadvantage community credit unions which may not have enough room in either category to make the investment required to get into long-term lending in a significant way. It could even be suggested that the current proposals give industrial credit unions a distinct advantage because several of them are already significantly involved in the long-term lending sphere of activity.

It is proposed that there be a term limit of 25 years. A recent report for the Central Bank indicates that up to 80% plus of first-time buyers and 50% of second-time buyers avail of terms longer than 25 years. This is a major restriction which impacts on the ability of borrowers to get a mortgage because the shorter the mortgage, the higher the monthly repayment, which leads to affordability issues. If banks are permitted to lend for 30 or 35 years, I do not see why credit unions should be restricted to 25 years. That issue should be examined. I do not see the need for the restriction. I note that buy-to-let mortgages are excluded. I do not have a difficulty with that. There is no great appetite among credit unions to get involved in that product. However, it begs the question as to why, if credit unions are being allowed to get into long-term lending, that is being narrowed in scope. That is an important issue.

I welcome that the review of the €100,000 share limit has commenced. Symbolically, it sent a very negative signal to the members of credit unions. It was almost a coded message that members should not deposit more than €100,000 into a credit union because it was not safe to do so. That was the wrong message and it was unnecessary. I welcome that the review is under way.

On the micro loan scheme, approximately half of credit unions provide that service. If we are serious about tackling illegal moneylending and if we wish to impose interest rate restrictions on licensed and regulated moneylenders, we need greater availability of credit for people who may be excluded from the mainstream lenders. A micro credit loan scheme is a good scheme and it has the support of Fianna Fáil, but there is a need for it to be more widely available. The 50% of credit unions that do not provide it should be given the opportunity to do so.

As the Minister of State is aware, the financial services landscape is changing quickly. The behaviours and habits of younger people in particular represent a challenge for banks as well as credit unions. I refer to the emergence of a significant number of players in the FinTech space. There is a very significant challenge for credit unions to attract their share of younger members. They will need to do so to be a viable long-term proposition. It is a challenge which they need to embrace. I understand that they are making every effort to do so. I and Fianna Fáil will support them in that regard because they play a vital role in communities throughout the country. They have provided a tremendous service to their members over the past half century and we want to see them continue to do so for the next 50 years. We need to protect and preserve credit unions. They need to play their part by continuing to modernise, embracing reform and accepting that governance and compliance are now par for the course and there is no way around it. The single-tier approach to regulation, which, in my view, runs contrary to one of the core recommendations of the Commission on Credit Unions, has still not been dealt with. The one-size-fits-all approach to the regulation of credit unions is unfair and disproportionate and needs to be addressed.

I look forward to a thorough discussion of the Bill section by section on Committee Stage. Fianna Fáil will support the Bill. ReBo has played an important part in helping the credit union movement to restructure, consolidate and become more fit for purpose. Restructurings will continue and we look forward to seeing credit unions continue to play an important part in our society for many years to come.

**Deputy Caoimhghín Ó Caoláin:** The Bill will wind up the Credit Union Restructuring Board or ReBo. Members should recall that at the time of the board's establishment, it was feared that credit unions were likely to be the next domino in the banking collapse. However, although a few difficult years for credit unions followed, the predicted widespread collapses did not occur. Through their own resources and the solid foundations on which they were built, the credit unions weathered the storm with far less damage than predicted. That is to their credit. Their survival was achieved without the political support secured by the banks. In spite of Government policy then and now that puts banks first, the credit unions battled over-zealous regulation and the unresponsive political class who were in power to come out virtually unscathed on the other side of the storm. Credit unions proved resilient and the ReBo fund was barely called upon, with only €20 million of the €250 million being drawn down.

ReBo also assisted credit unions that wished to merge or otherwise change. I know some individuals were put out by the mergers but, in the round, they were sensible moves that allowed some smaller credit unions to find shelter. The Bill, therefore, simply unwinds ReBo, which is

no longer needed as the sector has reconfigured itself. I am pleased to confirm that Sinn Féin will support the Bill's passage through all Stages.

The Minister will take on the responsibilities of ReBo, including legal liabilities. Can he clarify whether there are many outstanding legal cases involving ReBo and what anklet has been reserved to deal with those cases?

We support the Bill. I commend the credit union movement on its resilience through very difficult times. While the banks failed the Irish people, the credit union movement remained a rock for many families.

The recently published report of the Credit Union Advisory Committee shows the way forward for the sector. The much-heralded tiered regulation must become a reality. I still have serious concerns that the Central Bank regards the credit union movement as an amalgam of hundreds of small banks to be regulated with a big stick rather than as unique community-based institution serving families in a way that banks do not or do not want to do. I note the report of the Credit Union Advisory Committee also made the case for increasing the lending rate cap from 1% to 2%. This move makes sense and is in line with Sinn Féin's unanimously supported consumer credit Bill, which places a cap on moneylenders. This would, of course, be a voluntary move for each credit union. Will the Minister of State indicate his position on this and consider making such an amendment to this Bill?

It is incredible that, in the midst of an ever-worsening housing crisis, the Government and Central Bank have yet to facilitate the credit union movement to provide for housing loans. It is shocking that the political will to make this happen has been so elusive. The Minister of State at the Department of Housing, Planning and Local Government, Deputy English, gave a commitment that the SPV to be used by the Irish Council for Social Housing would be ready by the third quarter of 2018. He has said since that it would be the first quarter of this year. By my calculation, that gives him a couple of weeks, perhaps, to meet the deferred deadline. Will it be ready? Importantly, will it be in line with Central Bank regulations?

ReBo has served its purpose. It can be wound down. Thankfully, it never became a NAMA, either in the public mind or in reality, because, unlike the banks, the credit unions have a culture that is about sustainability and community. As a proud and, may I emphasise, grateful member of my local credit union, I say "Well done."

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak on this Bill, which I welcome and will be supporting. We need, however, to recall the days when the country was in trouble. As was pointed out earlier, the then Minister for Finance said in the Seanad that the credit unions would require up to €1 billion. It was probably not his view as someone probably gave him that information. Regardless, it was reckless information because it sent a shiver down the spines of many around the country who started off the credit union movement and volunteered from town to town.

We do not realise the amount of good work credit unions do throughout the country. In smaller villages and towns, the banks have absconded after getting the money. The Minister of State referred to a figure of about €11 million. The credit unions have basically stood up to the mark and funded themselves. That needs to be recognised when we bear in mind that we put €60 billion into banks and got damn-all out of it. It shows the credit unions were prudent and worked in a good way around the country.

Consider how the banks operated 20 or 25 years ago. When one goes into a credit union now, one does not see a machine, which is what the banks now have. One sees a person who will say hello. This is especially good for the elderly. The credit unions have that touch. I have said time and again that the Government needs to give the credit unions the facility to lend money. I am aware there is a fund of €16 billion or €17 billion but the biggest problem in many areas is lending the money. We need to ensure we can facilitate lending as best as possible. In areas that the banks have left, the businesses have gone to the credit unions. The credit unions provide the change for the pubs and shops and they provide all the various facilities required. We need to make it increasingly possible to use a card at an ATM in a credit union.

There was a problem when the clearinghouses were costing the credit unions serious money. There was a debacle whereby the main banks were causing the block. The credit unions are going to the banks of rural areas that the bigger banks have left. They need all the various facilities of banks because this will be the salvation of many parts of this country.

Coincidentally, I received an email this evening stating St. Jarlath's Credit Union received today an award for being the best credit union in Ireland. This is a great achievement for Mr. Mick Culkeen and all the staff. St. Jarlath's started off in Tuam but amalgamated and is now in Mountbellew and many other locations. It is now providing loans of up to €150,000 in certain cases. The problem, however, is that some credit unions may have €15 million in a bank account but have a problem lending it because only so many bigger loans may be given in proportion to the smaller loans. The Central Bank needs to give the credit unions the facility to work around this. My local credit union, in Glenamaddy, managed by Mr. John Murphy, offers considerable help to people. The credit union is always the first to offer sponsorship or provide funding, be it for a disaster fund or otherwise. This is because it is of the community and people from the community are involved. Although credit unions can hold their local identity, they need to bring numbers together to be able to borrow or lend in larger volumes. We must, however, give them the facility to try to match the banks because there is a deficit in areas that the banks have left.

I learned from the heads of the credit union that they wanted to help with housing, as Deputy Ó Caoláin stated. They have a large amount of money that they were willing to lend on a long-term basis to help with the housing crisis. It is my understanding they have never been taken up on it. We must keep money circulating. Credit union money is local people's money. Credit unions could also provide long-term schemes which would allow scope, for example, for a State body that wanted to build a lot of houses. It would be a way forward for them to flourish, but it would also be good in addressing the housing problem. We should incorporate credit unions more in such endeavours because they are willing to co-operate in these areas.

We must also remember that credit unions got themselves out of difficulty on their own. There was a lot of fear when the figure came out, but whoever gave it to the Minister was reckless because it had come from the unknown.

I will finish on this point as I do not intend to detain the Minister of State all evening. We need to make sure credit unions can lend more widely, either under legislation or in working with the Central Bank. Farmers are now getting loans from them. Some time ago the amounts they were given in loans were not big enough. Facilities are being made available bit by bit, but they are slow in coming. If the Government could do one thing for rural Ireland, it would be to give credit unions the facility to give more loans. I am not saying they would have to loan every penny, but we must ensure they can compete with the banks because we need them, as

13 March 2019

bank branches have been closed in so many places. Credit unions operate in small towns and could also do other things as they have sub-offices in small villages that open on a Saturday or a Sundays, which is helpful to people living in rural areas. They might be able to incorporate other services with the financial services they offer in rural areas. I support the Bill and will vote for it.

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I thank Members for their contributions on Stage Stage of the Credit Union Restructuring Board (Dissolution) Bill 2019. I will come back to them prior to Committee Stage with as many answers as possible to their questions. I look forward to interacting with them at that point.

Question put and agreed to.

### **Credit Union Restructuring Board (Dissolution) Bill 2019: Referral to Select Committee**

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

The Dáil adjourned at 9.15 p.m. until 2 p.m. on Tuesday, 26 March 2019.