



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 16 Aibreán 2019*

*Tuesday, 16 April 2019*

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

***Paidir.***

***Prayer.***

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

**Deputy Micheál Martin:** Before I commence my question, I join with the Taoiseach in offering our sympathies to the French people on the appalling fire that destroyed Notre Dame Cathedral yesterday evening. The cathedral belongs to the French people, but in many ways it belongs to the world. Many Members have experienced the joy of visiting it. Our sympathy and support go to the French people on the damage to such a wonderful, historic and iconic piece of architecture.

In recent weeks, the country has been dismayed by the unfolding saga at the Football Association of Ireland, FAI. Thousands of people of all ages, from schoolboy and schoolgirl level through to senior adult level, participate in FAI-run sports and soccer. Many participate by organising, mentoring or volunteering or by celebrating the game of football. Many people on the ground are extremely angry at the current state of affairs. The appearance last week before the Oireachtas Joint Committee on Transport, Tourism and Sport by the FAI was farcical on one level. However, it was effective on another because, although there was much obfuscation and a straightforward refusal to be open with the committee, the court of public opinion did not take too kindly to that. The Irish people saw that they, through their public representatives, were being denied an open and straightforward explanation in regard to the specific matter of a loan of €100,000 to the association by its former chief executive officer. Wider issues of governance and capacity within the FAI emerged from the revelations around that transaction. Essentially, in refusing to be open with the committee, the FAI and its former CEO were refusing to be open with the Irish people.

State support of soccer is substantial, totalling more than €50 million in the past decade. That support has rightly been withdrawn. It can only be restored when we have full, proper corporate governance and, critically, given the impact of the organisation and the number of people who depend on its being properly and effectively run, the commissioning by the Department of Transport, Tourism and Sport, through Sport Ireland, of a truly independent forensic audit of the finances of the Football Association of Ireland. Until this happens, the funding cannot be

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restored. We had the Genesis report well over a decade ago. Its recommendations were not followed through on, and questions remain as to why this is the case. This is now an opportunity to clean up once and for all and to give full transparency to the affairs of the association.

We learned at lunchtime that Deloitte has submitted a H4 form to the Companies Registration Office, CRO, stating that the FAI has been in breach of sections 281 and 282 of the Companies Act. The implications of this are that transactions may have occurred that were not brought to the attention of the auditors or of which they had no knowledge. Corporate governance expert Niamh Brennan said at lunchtime that it does not get any more serious than this. Failing to keep proper accounting records is indeed-----

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

**Deputy Micheál Martin:** -----very serious. I therefore ask that the Government ensure that such a forensic audit of the FAI's finances be organised and that the opportunity is taken to ensure restoration of proper corporate governance and a new era for the Football Association of Ireland arising out of this sorry saga.

**The Taoiseach:** I also offer my sympathies to the people of Paris and of France and indeed to all Catholics around the world following the devastating fire which destroyed Notre-Dame Cathedral yesterday. For almost 700 years the iconic cathedral has survived war, rebellions and revolutions, and it will survive this, but the Irish people and the wider Catholic community are heartbroken by the events of yesterday. In this Holy Week we look for hope in the story of the resurrection and an answer to millions of prayers that have been said. As President Macron said today, Notre-Dame is part of the destiny of France and will, I am sure, be reborn and rebuilt.

Regarding the Football Association of Ireland, the Government very much shares the concern of taxpayers, the anger of football fans and the annoyance of the football grass roots with the revelations of how the FAI has been run in recent years, if not for much longer. The FAI is not a public body or a Government agency and its staff are not public servants. About 5% of its funding comes from Government agencies, almost all of which goes to very worthwhile programmes: youth in sport, women in sport, sports capital grants for local clubs around the country, with some funding also for the Euro 2020 games, which are due to be held in the Aviva next year and which I know so many of us are looking forward to. Government wants this to continue because it is our role to fund youth in sport, participation and women's sports, to help fund local clubs around the country and to support major tournaments. We cannot do this, however, until the accounting problems, financial irregularities and corporate governance problems in the FAI are put right. This was discussed at Cabinet this morning, and I know the Oireachtas Joint Committee on Transport, Tourism and Sport is holding hearings today. I agree that investigations by Sport Ireland into the accounts and the finances of the FAI are necessary. It may also be necessary for the Office of the Director of Corporate Enforcement, ODCE, to carry out investigation under company law if there have been breaches of company law. These investigations need to take place. It would probably be best for Sport Ireland and the ODCE to decide the form of those investigations, but I agree that they are required. The objective must be to restore confidence in how the FAI is being run, ensuring we can get back to doing what we should be doing, that is, promoting this sport, funding it at grass-roots level for participation by young people and women in particular and ensuring that those involved in this really popular sport across the country are able to focus on what it does best.

**Deputy Micheál Martin:** The Taoiseach did not seem to answer the one question I put to

him about the need to commission an independent, robust, forensic audit of the FAI's finances. They have been clouded too much in obfuscation to date. We simply have not been told anything as to why such a loan was necessitated or, for example, what the debt is in respect of the Aviva. How is the FAI performing relative to the Irish Rugby Football Union, IRFU, in this regard? I accept the Taoiseach's point that the FAI is not a public body; nonetheless, the State has invested very heavily in it. I suggest the Aviva Stadium, and many other stadia around the country, could not have happened without the State's involvement. Much of the funding for the Munster Football Association's football ground at Turners Cross in Cork also came from the State. Sport Ireland is in a strong position. No one can object to the idea of an independent forensic audit. We are hearing many rumours about this issue. What is the state of the FAI's finances today? It is important that there is total transparency. We regulate charities and groups all over the country and when substantial State funds are allocated there is a public expectation that things will be above board regarding basic requirements on corporate governance and transparency in the financial position of a company. The news today that the auditors have submitted a H4 form is very worrying and suggests something is deeply wrong. The only way to clear this matter up is by carrying out an independent forensic audit.

**The Taoiseach:** We are broadly in agreement on this matter. I completely agree that Sports Ireland needs to carry out an investigation in the form of a robust, independent audit of the FAI's finances in recent years. As Deputy Micheál Martin knows, the term "forensic" has two meanings. It can mean in depth and in detail, and I agree with the Deputy if that is what he means by a forensic audit. "Forensic" can also, however, have a legal meaning relating to criminality and criminal prosecution. Sport Ireland does not have the authority to carry out criminal investigations or recommend prosecutions and carrying out a forensic audit of that nature could actually prejudice a prosecution.

**Deputy Mary Lou McDonald:** The world looked on with horror at the inferno at Notre Dame cathedral. I and my colleagues extend our sympathies to the people of Paris, in particular, and to everybody who visited and loved that great cathedral. It will be rebuilt.

The Taoiseach stated last December that the cost of the national broadband plan roll out could amount to many multiples of what was originally estimated. He reiterated that view in recent weeks. We are again, perhaps, faced with a scandalous cost overrun that might be commensurate with the debacle surrounding the construction of the national children's hospital. It is a scenario where a vital piece of infrastructure desperately needed in much of rural Ireland is way over budget and is left at the mercy of one investor. I do not think this is an accidental or incidental occurrence because this is again the result of a botched tendering process.

The completion of this process was targeted for June 2017 but it is ongoing two years later. There is just one bidder now remaining for the contract, leaving the Government and taxpayers in an extremely precarious position. The original estimated cost for the plan was some €500 million. We are advised now that it could, in fact, run into billions of euro instead. Should that transpire, it will be a damning indictment of the Taoiseach's party's management, or mismanagement, of the public finances. We need, therefore, to get to the bottom of what is happening here. The Taoiseach stated in February that he wanted to be transparent on these matters and that he would consult with the Oireachtas. That never happened.

When will we have clarity on the cost of the national broadband roll out? It was supposed to be announced before Easter. The Minister for Communications, Climate Action and Environment, Deputy Bruton, has stated that is not now going to happen despite repeated assurances

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that it would. The real casualties of this entire debacle are the more than 500,000 homes still without access to high-speed broadband. We still do not have a date for commencement seven years after this plan was originally announced and the commitment to deliver high-speed broadband to every home and business by 2020 is going to be broken spectacularly. The process has been chaotic and, frankly, farcical. When will we have clarity on when people will actually get access to high-speed broadband? A specific model for the broadband plan has been adhered to whereby the project will be conducted by a private company to which ownership will revert after 25 years.

**An Ceann Comhairle:** Time is up.

**Deputy Mary Lou McDonald:** The Government is now tied to one bidder which has the bargaining power, not the State. If the process fails or the Government decides to ditch it, what is plan B?

**An Ceann Comhairle:** Time is up, Deputy, please.

**Deputy Mary Lou McDonald:** Leaving households, businesses and communities in the lurch is not a policy option here.

**The Taoiseach:** I thank the Deputy for the question. As I have always said about this and other projects, small and large, one only really knows what the true cost will be when the bids and tenders come in. When it comes to this project, there were three bids.

**Deputy Brendan Howlin:** We do not have three bids.

**The Taoiseach:** While it is true that two of those three bidders have since withdrawn, we have three bids and we know what the cost is of the project. All three bids came in at a similar figure. When the Deputy referred to the original cost estimate of €500 million, she neglected to mention that it was for a very different project which was designed to bring fibre to 11,000 towns and villages but not to rural areas. Whenever people speak of the cost being multiples of that original estimate, it is important always to point out that it is a different project. Bringing fibre to the villages of Ireland is not the same as bringing it to 540,000 homes, farms and businesses in rural Ireland. It is quite a different project. Since this Government of Fine Gael and Independents came to office, we have seen a major increase in the number of homes with access to high-speed broadband. It was approximately 50% three years ago but is now over 75%.

**Deputy Brendan Howlin:** That was done by commercial companies.

**Deputy Eugene Murphy:** Not by Government.

**The Taoiseach:** That still means that without Government intervention, approximately 540,000 homes, farms and businesses will not have access to high-speed broadband. That is why Government intervention is required. It is not a small number of people and it is not a small number of homes. It is 540,000 homes, farms and businesses and over 1 million people and it will require the laying of 100,000 km of fibre. It is a huge project when looked at in that way.

The Government needs to spend a little more time before we can bring a decision on this to Cabinet. As the Deputy knows, the cost, including VAT, contingencies and so on could be in the region of €3 billion, albeit spread over 25 years. However, the benefits must be borne in mind. It is 540,000 homes, farms and businesses and over 1 million people. It is a huge project

of huge scale. We want to do this and to do it right. Before we bring a decision to Cabinet, we want to ensure there is no better alternative. Deputy McDonald asked about plans B, C and D. We are examining all of those because we want to be convinced that the business case, costs and everything else are deliverable, that it is done in accordance with the public spending code, that is being technically reviewed, that international expertise and an outside panel have examined the plan, that all of the alternative ideas being floated are not better and that it cannot be done cheaper or quicker. We want to be satisfied of all of those things, make a Cabinet decision and bring the plan before the joint committee and Dáil to allow Members to examine the facts also.

**Deputy Timmy Dooley:** I would not buy a smart phone any time soon.

**Deputy Mary Lou McDonald:** The Taoiseach says he wants more time but we know from a response to a parliamentary question submitted by my colleague, an Teachta Stanley, that 80 civil servants and consultants have been working on this tender process for over two years. The whole process has been marked by delay, which has generated massive frustration and impatience right across those rural homes and communities which the Taoiseach describes, and now he says he wants more time. The Taoiseach challenged me on the using the term “multiples of the €500 million” but it is the phrase he used himself. He said it would likely cost multiples and, as such, it is his language not mine. What we want to know now is the final cost. It is astonishing that the Head of Government would take such a *laissez-faire* approach to final costings. He should have a view as to the affordability-----

**The Taoiseach:** It is not *laissez-faire* at all.

**Deputy Mary Lou McDonald:** -----or price range. In a similar manner to his colleague, the Minister for Health, Deputy Harris, regarding a hospital that will perhaps be the most expensive ever built anywhere in the world, the Taoiseach persists with this *laissez-faire* approach.

**An Ceann Comhairle:** Time is up, Deputy, please.

**Deputy Mary Lou McDonald:** I have asked two questions. I would like an answer to them. I actually asked three on the issue of cost, the issue of timing-----

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

**Deputy Mary Lou McDonald:** -----and, if all else fails, plan B. We have offered the Government a plan B by way of using the established ESB network.

**An Ceann Comhairle:** Deputy, please. Your time is up.

**Deputy Mary Lou McDonald:** The Government has resisted that thus far. Will the Taoiseach consider it if the situation comes to that?

**The Taoiseach:** I really think the Deputy needs to pull out her Irish-French dictionary and look up what the word “*laissez-faire*” means. There is nothing *laissez-faire* about this at all.

**Deputy Brendan Howlin:** I think the Government’s forensics were *laissez-faire*.

**The Taoiseach:** We are going into this one in excruciating detail. Deputy McDonald is right - those are my words.

**Deputy Mary Lou McDonald:** A *laissez-faire* attitude to money.

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**The Taoiseach:** The final cost of this will be a multiple of the original estimate, but what the Deputy never mentions is the full truth.

**Deputy Barry Cowen:** The Taoiseach said that was not the original estimate.

**The Taoiseach:** There is a difference between the truth and the whole truth. This is a different project.

**Deputy Micheál Martin:** It is not.

**Deputy Mary Lou McDonald:** No.

**Deputy Pearse Doherty:** Come on.

**The Taoiseach:** The original estimate was based on bringing fibre to 11,000 villages-----

**Deputy Timmy Dooley:** No.

**Deputy Mary Lou McDonald:** No.

**Deputy Micheál Martin:** The Taoiseach is wrong. That is incorrect.

**The Taoiseach:** -----not fibre to 540,000 homes, farms and businesses.

**Deputy Micheál Martin:** Read the roll-out document. Read the actual plan.

**Deputy Brendan Howlin:** That is not the case.

**Deputy Micheál Martin:** Every home and every business.

**The Taoiseach:** If we look at the scale----

**Deputy Micheál Martin:** The former Minister, Pat Rabbitte, announced it.

**Deputy Brendan Howlin:** Yes.

**The Taoiseach:** If we look at the scale of this project, we are talking 500,000 homes, farms and businesses.

**Deputy Micheál Martin:** This is Orwellian.

**Deputy Brendan Howlin:** He will have to correct the record again.

**The Taoiseach:** We are talking-----

**Deputy Micheál Martin:** The Government has been reading George Orwell.

**Deputy Timmy Dooley:** This is twice now.

**The Taoiseach:** -----about benefits for over 1 million people.

**Deputy Timmy Dooley:** The Taoiseach will be back in here again correcting the record tomorrow. I assure him of that.

**The Taoiseach:** We are talking about a project of the scale of rural electrification, which took 20 or 30 years.

**Deputy Eugene Murphy:** The Government will be announcing it again before Easter.

**Deputy Timmy Dooley:** I am only trying to be helpful.

**The Taoiseach:** This will not take that long.

**Deputy Timmy Dooley:** The Taoiseach will be correcting the record tomorrow.

**The Taoiseach:** We are looking at a project of the cost and scale of Ardnacrusha.

**Deputy Brendan Howlin:** We are back to Ardnacrusha again.

**The Taoiseach:** In relation to plan B, of course we are looking at other options. I said that earlier - plan B, plan C, plan D.

**An Ceann Comhairle:** Time is up, Taoiseach, please.

**The Taoiseach:** The problem with the Sinn Féin plan, which of course is being considered, is that, first of all, the ESB pulled out. It would cost more-----

**Deputy Brian Stanley:** After the Government allowed Eir to cherry-pick. That is why the ESB pulled out.

**The Taoiseach:** -----and because of rules around state aid and procurement, we could not just award it to a semi-State. We would have to put it out to tender. As to the Sinn Féin alternative, the ESB pulled out, it would cost more and it would take longer.

**Deputy Brian Stanley:** After the Government allowed Eir to cherry-pick.

**An Ceann Comhairle:** I call Deputy Howlin.

**Deputy Eugene Murphy:** Will the Government make the announcement again before Easter?

**Deputy Barry Cowen:** On a point of order, Deputy Enda Kenny-----

**Deputy Micheál Martin:** George Orwell is mandatory reading for the Cabinet.

**An Ceann Comhairle:** We will have order for Deputy Howlin, please.

**Deputy Brendan Howlin:** On behalf of myself and the Labour Party, I express my support and solidarity for the people of Paris and France following the devastating fire at Notre-Dame de Paris last night, a world heritage site that, hopefully, can be fully restored.

In recent weeks, women from across Ireland have been telling their stories on Joe Duffy's "Liveline" about their experiences of our maternity services. There is an urgent need to improve our maternity hospitals. Last year, we saw months of delay in beginning the work on moving the national maternity hospital to its new site at St. Vincent's hospital. While Holles Street continues to deliver excellent care to mothers and babies, international best practice is for maternity hospitals to be situated on the same campus as acute hospitals to allow for all the necessary consultants and specialist care to be provided on site. That delay is regrettable.

This year, the Government has confirmed that the plan for the national children's hospital involves the co-location of the Coombe maternity hospital, which is to be moved from its cur-

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rent location on Cork Street. The trilocation with St. James's Hospital would provide for best international practice. However, the Minister for Health has confirmed in recent days that there is no funding this year to start the work on moving the Coombe to the St. James's site. Earlier this year, I asked him to confirm whether there was sufficient space on the St. James's site for a new maternity hospital. According to newspapers, a three-acre site has been put aside. The Taoiseach might indicate exactly where that is, as people have asked and encountered difficulty in identifying it.

The Minister has indicated that he will be spending money this year on theatres in the Coombe in lieu of moving it. To what extent will this investment be transferable once the new hospital is built? Is this investment in the Coombe an indication that it will remain at the Coombe site for years to come? Will the Government provide a clear timeline for the delivery of the new national maternity hospital at St. Vincent's, that is, when it is envisaged that it will be completed and opened? Will the Government further provide a timeline for the moving of the Coombe maternity hospital to the tri-located site at St. James's and confirm whether there will be enough space? Finally, will the Government provide a timeline for the delivery and relocation of Limerick's new maternity hospital, which, by everybody's understanding, is also urgently needed?

**The Taoiseach:** The Deputy will be aware that for the best part of 20 years, no new hospitals, with the exception arguably of one, were built.

**Deputy Micheál Martin:** That is not true.

**The Taoiseach:** We are in a very different space today, with three hospitals under construction, namely, the national children's hospital, the national forensic mental health hospital in Portrane and the new national rehabilitation hospital in Dún Laoghaire.

**Deputy Brendan Howlin:** The Taoiseach should answer the questions.

**The Taoiseach:** After a long time, therefore, without any new hospitals being built, there are now three projects in train.

**Deputy Micheál Martin:** That is not true. It is a distortion.

*(Interruptions).*

**The Taoiseach:** Apart from the Central Mental Hospital, which other hospital was built in the past 20 years?

**Deputy Barry Cowen:** Tullamore hospital and Tallaght Hospital.

**The Taoiseach:** Tullamore hospital was built 20 years ago.

**Deputy Micheál Martin:** It was not.

**The Taoiseach:** It is not far off 20 years in any event. Tallaght Hospital was built in 1999.

*(Interruptions).*

**Deputy Brendan Howlin:** Whole wings have been built.

**Deputy Micheál Martin:** St. Vincent's is a relatively new hospital.

**An Ceann Comhairle:** The Taoiseach to respond.

**The Taoiseach:** I am often accused of spin. If, however, people think a new ward or wing constitutes a new hospital, they need to reconsider.

**Deputy Brendan Howlin:** What about the timelines?

**The Taoiseach:** Maternity services are very good, which we see from patient outcomes at all levels. The staff in maternity services, such as midwives, nurses, obstetricians and others, do a fabulous job. There are approximately 60,000 births every year but, while services are good, there will always be people who have an unsatisfactory or bad experience. It is important that we listen to those stories, learn from them, and see what we can improve. For the past two years, we have carried out a patient experience survey in which patients are asked to judge our health service. A total of 83% have indicated that they had a good, very good or excellent experience. We need to extend that to maternity services.

The national maternity strategy provides for the co-location and relocation of four maternity hospitals. Holles Street will be moved to the St. Vincent's campus, while St. Munchin's hospital in Limerick will be moved to the Dooradoyle campus. The Coombe hospital will be moved to the St. James's campus, a site for which has been designated for some time, although it will involve demolishing outpatient clinics and other actions. The Rotunda Hospital will be moved to Blanchardstown.

**Deputy Brendan Howlin:** What about timelines?

**The Taoiseach:** They cannot all be done at the same time. We are building three hospitals. Only so many can be built at one time. Planning permission has been secured for the first, Holles Street hospital, which will be moved to St. Vincent's, where necessary works are under way to move the pharmacy and make space for the new hospital. I anticipate that will go to tender this year and that construction will begin next year. The others will move into the tendering, planning and design process, which has not yet started. The projects will have to be completed one by one. It would be wrong of me to indicate a particular timeline and then be unable to stand over it, particularly when one considers what has happened in the context of other major capital projects.

**Deputy Brendan Howlin:** The Taoiseach is right that we are fortunate to have extraordinary people working in maternity services but they often work in adverse conditions. This afternoon, the HSE apologised to those women whose experiences were outlined on Joe Duffy's radio programme and recognised shortcomings that need to be dealt with through the provision of proper resources. The Taoiseach indicated that the Holles Street will be moved but the project was announced by the former Minister for Health, Senator Reilly. As the then Minister for Public Expenditure and Reform, I allocated the money to allow that to happen. However, it still has not happened. The money was allocated almost five years ago.

The most urgent issue now is that we are building a state-of-the-art children's hospital. It is to be tri-located but the Government will give no indication of when the Coombe hospital will be moved to the site involved. The Government has an opening date for a new children's hospital but the whole idea was to have it close to a maternity hospital-----

**Deputy Mattie McGrath:** That is vital.

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**Deputy Brendan Howlin:** -----whereby the most vulnerable babies could have instant access to the best children's hospital facility.

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

**Deputy Brendan Howlin:** I am using the 24 seconds that I kept from the last bit.

**An Ceann Comhairle:** Yes.

**Deputy Brendan Howlin:** Will the Taoiseach indicate whether he agrees with me that it is urgent, if the vision for the determination that St. James's Hospital is the appropriate site, to have three hospitals built and that one of them cannot be put into abeyance *sine die*?

**The Taoiseach:** To the Deputy's credit, he allocated funding for the relocation of the national maternity hospital to St. Vincent's hospital and he allocated a sum of €50 million for the Coombe and Rotunda hospitals. As we all know, allocating a sum is not the same as allocating the amount of money that will be required to do these projects. We will not know that figure until the tenders come in and the planning and design have been done. One thing we are changing about public procurement is that we will not decide to go ahead with any major capital project now until the tenders actually come in.

**Deputy Brendan Howlin:** Is the Taoiseach suggesting the Coombe move will not go ahead?

**The Taoiseach:** That is a change but it is a change for the better. It is not correct to claim credit for having allocated the money for something before actually knowing what it would cost.

**Deputy Brendan Howlin:** Is the Taoiseach suggesting the Coombe is not going ahead, subject to some other verification?

**The Taoiseach:** Everyone agreed with us three years ago that we would not sign off on major capital projects until the tenders came in and we know the price.

**Deputy Brendan Howlin:** Surely the whole basis of-----

**Deputy Micheál Martin:** The Government did that.

**The Taoiseach:** That applies-----

**Deputy Micheál Martin:** It signed off on the children's hospital.

**The Taoiseach:** That applies to all projects of every nature.

**Deputy Brendan Howlin:** All except the children's hospital.

**The Taoiseach:** It appears to be a sensible policy in my view.

**Deputy Brendan Howlin:** €2 billion.

**Deputy Mattie McGrath:** €400 million.

**The Taoiseach:** I would be delighted to answer these questions but I am not-----

**Deputy Micheál Martin:** I do not think that is the case.

**Deputy Mattie McGrath:** The Taoiseach is not making sense.

**An Ceann Comhairle:** Please.

**The Taoiseach:** The policy for a very long time has been to trilocate a national children's hospital with a maternity hospital and an adult hospital. Seven years ago, it was decided to do this at the St. James's Hospital site largely for medical and clinical reasons, not reasons based on cost or planning. The children's hospital is now under construction. It will be finished in 2022 and commissioned in 2023.

**An Ceann Comhairle:** We are over time.

**The Taoiseach:** We will need to start planning and design for the Coombe hospital to move to the adjacent site before that.

**Deputy Richard Boyd Barrett:** Following the publication of the Social Justice Ireland report yesterday, do the Taoiseach and Government feel ashamed that 760,000 of our citizens are living in poverty and approximately 250,000 of them are children? This is in one of the richest countries in the world and, as the Taoiseach keeps reminding us, a country that has nearly full employment. A huge cohort of those living with their children in poverty are working. They are the working poor. This is utterly shameful. There are many contributory factors to this obscene level of poverty, including low pay, precarious work and the extortionate cost of child-care. There is no doubt that probably the major contributory factor at the moment is the obscene and unaffordable cost of housing and rent. Average housing costs nine times the average income. Rents in Dublin for a three bedroom home average an astonishing €3,400 per month.

I will give the Taoiseach two instances of where the failure of his housing policies are directly contributing to driving people into poverty. Many working people whose incomes are slightly over the income threshold for social housing have been completely abandoned by the Government in terms of housing support. A recent report showed 20% of households pay more than 40% of their income on rent and 10% pay an incredible 60% of their income on rent. Most of them get no support from the Government. The Government will not raise the social housing income thresholds to give these people social housing support and it provides no affordable housing. There is another cohort, namely, housing assistance payment, HAP, tenants. I was shocked to discover in a response to a question to Dún Laoghaire-Rathdown County Council this week that 70% of HAP tenants in its area make top-up payments over and above their normal council rent contribution. Threshold has said that some 50% of HAP tenants are paying top-ups over and above their normal rent contribution, which is driving them directly into poverty. To give an example, Elaine, who has four children and an income of €1,400 per month, is paying €350 per month on top of her council rent of €182 per month. This leaves her with €900 per month for herself and her four children. There are many more examples. Does the Taoiseach accept that the failure of the Government's housing policies is directly driving families, in particular children, into poverty and deprivation? Will he commit to abandoning the failed HAP policy and guarantee in the meantime that no HAP tenants will be forced to make top-up payments that drive them into poverty? Will he raise the income thresholds for social housing supports? Will he also tell the House where the affordable housing is to be found because there is none?

**The Taoiseach:** I thank the Deputy. There are lots of ways in which the Government is helping people to buy their own homes. The help-to-buy scheme helps people to get a deposit

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by getting some of their taxes back. Some 10,000 people have availed of that scheme, which has helped them to get a deposit to buy a new home. The Rebuilding Ireland home loan has helped thousands of people to get mortgages. In addition, there are all of the actions being taken by the Government to increase housing supply. Of the 18,000 new homes built last year, one in four was social housing built by local authorities or affordable housing bodies. It is probably the first time in a long time that one in four homes built here was public housing. We will continue and intensify that in the years ahead.

The social housing income limit is under review. We acknowledge that it needs to be reviewed and increased because house prices have increased more rapidly than incomes. That work is currently being done.

I wish to come back to something the Deputy said earlier, which was not true. On the figures he used relating to poverty, what the Deputy said was very misleading. He included people who are in poverty and added to that the number of people who are at risk of poverty. Being at risk of poverty is not the same as being in poverty, which means having a low income and, as a result, suffering from forms of deprivation. That is terrible and we need to reduce that and work on it every year, as every Government does. Being at risk of poverty is a relative measure related to earning 60% less than the median income. The Deputy is a bright guy who understands facts and numbers. There will always be hundreds of thousands of people who earn less than 60% of the median income. What he said, therefore, is not true. He combined the figure for those who are at risk of poverty with the figure for those in poverty and said it was poverty. That was misleading and the Deputy should not do that type of thing.

Figures from the Central Statistics Office, which nobody disputes, show that poverty rose during the recession and financial crisis but has been falling for five years. Having peaked at 12.8% in 2013, it fell to 12.7% in 2014, 11.5% in 2015, 10.9% in 2016 and 8.8% in 2017. While we do not have the 2018 figures, we anticipate that the rate has fallen again. What we see are five years of falling levels of deprivation and poverty. The questions the Deputy should have asked me are what policies the Government has brought in to make this possible and how have we succeeded in bringing down poverty levels and deprivation for the past five years. The answers are simple. The first is to do with employment. A person in employment has a 95% to 97.5% chance of not experiencing poverty. We and the Irish people have worked so hard to turn the economy around to make sure we are approaching full employment. We have increased wages. The minimum wage has increased by nearly 25% since 2011 or 2012. Wages are now going up across the economy. We have increased welfare payments of all forms for the last three budgets in a row, including weekly payments and targeted payments such as those for children in low income families and the fuel allowance. We are also bringing in subsidised and affordable childcare. We are extending school meals programmes and free GP care to more and more children. The question the Deputy should have asked is how we managed to reduce poverty every year for the past four years. That is the answer to the Deputy's question.

**Deputy Richard Boyd Barrett:** When I need the Taoiseach's help in formulating questions I will ask him for it. I will cite the recent Social Justice Ireland report on these so-called incorrect facts. It states that approximately 230,000 children in Ireland are living in poverty today. That is one in five children under the age of 18. The group the Taoiseach refers to is the 110,000 people who are living in consistent poverty. There are 230,000, or a shameful one in five, children living in poverty. It is clear the Government does not feel the shame, but it should. Followed by children under 18, who form the biggest cohort of those living in poverty, the second biggest cohort, at 14%, is people who are working, also shameful. The working poor

are the people who get up at 7 a.m., earn a pittance and cannot afford the cost of putting a roof over their heads. I asked the Taoiseach two specific questions. First, will the Government raise the income thresholds so that these working people can access social housing support?

**An Ceann Comhairle:** Time is up, Deputy.

**Deputy Richard Boyd Barrett:** The Taoiseach said it is under review. It has been under review for a year.

**An Ceann Comhairle:** Deputy, please your time is up.

**Deputy Richard Boyd Barrett:** When will the Government raise the thresholds instead of, as is currently the case, culling people from the housing lists and abandoning tens of thousands of others and failing to give them housing support?

**An Ceann Comhairle:** Your time is up Deputy, please.

**Deputy Richard Boyd Barrett:** Second, will the Taoiseach commit to end the practice of people on HAP tenancies being forced to pay top-ups, because if they pay those top-ups, by definition, they are their children are driven into poverty?

**The Taoiseach:** I think the Deputy is easily one of the brightest and most intelligent Members of this House. For that reason, he should do better than to take his speaking lines from a press release, released by a campaign organisation or NGO of any sort. The official measure of poverty in Ireland is consistent poverty. The Deputy has added to that people at risk of poverty and created a definition of poverty that is not the one that is internationally accepted or the one used in this State.

**Deputy Richard Boyd Barrett:** That seriously is splitting hairs.

**The Taoiseach:** At risk of poverty is a relative measure related to the fact that there are people who earn 60% less than the median income. Unless everyone earns the same, and that could be nothing, there will always be a lot of people who earn 60% less than the median income. Consistent poverty is the official poverty rate in Ireland, recognised broadly because it is low income plus two forms of deprivation, and that has been decreasing for four years among adults and among children because of the policies of this Government. I know we need to do more but that would not be happening if we were not at least getting some things right.

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

**Deputy Tony McLoughlin:** Tuesday's business shall be No. 10, motion re service by the Defence Forces with the United Nations in 2017 and 2018 annual report, referral to committee; No. 10a, motion re parliamentary questions rota swop - Departments of Agriculture, Food and the Marine and Justice and Equality; No. 11, motion re agreement amending the Ireland-US pre-clearance agreement; No. 28, statements on GP contractual reform; No. 29, Greyhound Racing Bill 2018 [Seanad] - Order for Report, Report and Final Stages; and No. 30, National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018 - Order for Report, Report and Final Stages. Private Members' business shall be No. 55, Civil Liability and Courts (Amendment) Bill 2019 - Second Stage, selected by Fianna Fáil.

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Wednesday's business shall be No. 31, statements post-European Council meeting of 10 April, pursuant to Standing Order 111; and No. 32, statements on the new children's hospital independent review of escalation in costs. Private Members' business shall be No. 218, motion re transport, selected by the Social Democrats-Green Party Group.

Thursday's business shall be No. 33, statements on youth homelessness, to adjourn, if not previously concluded); No. *a*1, Aircraft Noise (Dublin Airport) Regulation Bill 2018 - Amendments from the Seanad, subject to the Seanad having completed Committee and Remaining Stages; and No. 34, statements on Ireland's position on the future of Europe. In relation to Tuesday's business, it is proposed that:

(1) The Dáil shall sit later than 10 p.m. and shall adjourn on the conclusion of Private Members' business;

(2) No. 10, motion re annual reports on service by the Defence Forces with the United Nations in 2017 and 2018, referral to committee, and No. 10a, motion re parliamentary questions rota swap, shall be taken without debate;

(3) No. 11, motion re agreement amending the Ireland-United States preclearance agreement, shall be brought to a conclusion within 45 minutes. Speeches of five minutes each shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, with a five-minute response from a Minister or Minister of State, and all Members may share time;

(4) No. 28, statements on GP contractual reform, shall conclude within 53 minutes. Statements of six minutes each shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, with a five-minute response from a Minister or Minister of State, and all Members may share time; and

(5) No. 55, Civil Liability and Courts (Amendment) Bill 2019 - Second Stage, shall commence on the conclusion of the statements on GP contractual reform, or at 8 p.m., whichever is the later, and shall conclude within two hours.

In relation to Wednesday's business, it is proposed that:

(1) The Dáil shall sit later than 10.15 p.m. and shall adjourn on the conclusion of No. 32, statements on the report on the independent review of escalation in national children's hospital costs, or at 10.46 p.m., whichever is the later. The suspension of sitting under Standing Order 25(1) shall take place on the conclusion of questions to the Minister for Finance until 2 p.m., and shall be followed by Leaders' Questions;

(2) No. 31, statements post European Council meeting of 10 April, pursuant to Standing Order 111, shall commence immediately after Taoiseach's questions and be followed by Topical Issues, and shall be brought to a conclusion after 105 minutes, if not previously concluded. Statements of ten minutes each shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead. A Minister or Minister of State shall take questions for a period not exceeding 20 minutes with a five-minute response from a Minister or Minister of State, and all Members may share time; and

(3) No. 32, statements on the new children's hospital independent review of escalation in costs, shall conclude within 2 hours and 26 minutes. Statements of ten minutes each shall be confined to a single round by a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead. Following the statements, each party or group shall have eight minutes for questions and answers, with a ten-minute response from a Minister or Minister of State, and all Members may share time.

In relation to Thursday's business, it is proposed that:

(1) The Dáil shall sit at 9.30 a.m. to take No. 33, statements on youth homelessness. If the statements conclude before 10.30 a.m., the Dáil shall suspend until 10.30 a.m. If the statements have not concluded at 10.30 a.m., the statements shall resume on the conclusion of No. 34, statements on Ireland's position on the future of Europe, if No. 34 has concluded before 5.15 p.m. Statements of a Minister or Minister of State and the main spokespersons, or a Member nominated in their stead, shall not exceed ten minutes each with five minutes for all other Members and a five-minute response from a Minister or Minister of State, and all Members may share time;

(2) No. 34, statements on Ireland's position on the future of Europe, shall commence not later than 4.30 p.m. and shall conclude within 45 minutes. Statements of five minutes each shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, with a five-minute response from a Minister or Minister of State, and all Members may share time.

(3) No Private Members' Bill shall be taken under Standing Order 140A and no committee report shall be taken under Standing Order 91(2). The Dáil on its rising shall adjourn until 2 p.m. on Wednesday, 8 May 2019.

**An Ceann Comhairle:** After that unavoidably lengthy presentation, there are three questions to be put to the House. Is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to?

**Deputy Clare Daly:** It is not agreed. As the Ceann Comhairle knows, there was considerable discussion at the meeting of the Business Committee last week. An unprecedented situation developed in which every single political grouping voted, in an indicative vote, against the Government regarding the tabling of the Aircraft Noise (Dublin Airport) Regulation Bill. When the Business Committee met last Thursday, it was not even the Seanad deadline for amendments, yet the Government insisted, without any precedent whatsoever, on tabling the Bill for consideration in the Dáil this Thursday, in very undignified haste. Since this legislation has the potential to proceed to litigation at a later date, this is really regrettable. I ask that this item be removed from Thursday's business to allow the Seanad to debate the issues properly and so we can come back here as a House to address these matters properly after the recess.

**Deputy Mattie McGrath:** I am in agreement with Deputy Clare Daly. There was considerable opposition last week, and rightly so. As Deputy Clare Daly said, the Government was assuming that there would be only a few amendments. The deadline had not been arrived at. We do not know how long it is going to take so it is a guessing game. I do not know whether the tail is wagging the dog here again regarding this legislation. It looks like it. I refer to the Independent Alliance. What is happening is wholly inappropriate. I ask that the item be with-

drawn also.

**Deputy Brendan Ryan:** The business for Thursday is not agreed by the Labour Party, nor was it agreed at the meeting of the Business Committee, as indicated by Deputy Clare Daly. As the Ceann Comhairle knows, there was wholesale opposition to it. The Aircraft Noise (Dublin Airport) Regulation Bill is being dealt with in the Seanad only today and there are over 30 amendments. It is to come back to us on Thursday. Even if the Bill is passed in the Seanad this evening, the Bills Office will struggle to have the legislation printed and available for us tomorrow. It is a very important Bill and the Minister has indicated he intends to replace some decisions made previously here in the Dáil.

Standing Orders 194 and 195 deal with amendments made in the Seanad to Bills that originated in the Dáil. A Bill must be returned to the Dáil for limited Committee discussion. The Seanad amendments may be agreed to or amended. In order for the Dáil to decide whether to accept or amend any of the amendments made in the Seanad, it must have sight of the printed amended Bill. That will not be available until late on Wednesday. The normal time limit for amendments to amendments is two days. If this arises on Wednesday, it is open to the Ceann Comhairle to suspend that but if it is the case and there is no urgency — there is no urgency — it is inadequate and wrong in principle to provide for less than two days between two important Stages of this very important Bill. Therefore, I agree with others that this business should be put off until we return after the recess.

**Deputy Louise O'Reilly:** Thursday's business is not agreed by Sinn Féin either, for all the reasons outlined. The perception among residents is that the Government is somehow trying to railroad this through and is acting with extreme haste. When we see the legislation on the Order Paper, we can only assume that is the case. We will be objecting to Thursday's Order of Business. It needs to be taken off the agenda to allow for full discussion in the Seanad, for discussion on amendments and for any consideration by ourselves with the requisite amount of time. This is very serious legislation and it will have serious implications for people. We cannot allow it simply to be rushed through.

**Deputy Eamon Ryan:** I concur with the four preceding speakers. We did not hear at the meeting of the Business Committee the reason the Government had to put this legislation through this week. In the absence of such a reason, we all oppose the proposed business.

**Minister of State at the Department of the Taoiseach (Deputy Seán Kyne):** We had a debate on this and a number of other issues. This week, in Government time, the Government is facilitating discussion on the Ireland-US pre-clearance agreement, youth homelessness and the children's hospital. These debates have all been facilitated at the request of the Opposition. The Government has to be allowed to pursue its legislative agenda, and this is priority legislation for the Government.

**Deputy Mattie McGrath:** It is indecent haste.

**Deputy Seán Kyne:** It has been discussed on numerous occasions in this House. These are amendments back from the Seanad.

**Deputy Clare Daly:** It has not even got through the Seanad yet.

**Deputy Seán Kyne:** The Order of Business states that it cannot be taken on Thursday if it has not concluded in the Seanad today so based on that the Bills Office has indicated it can turn

this around for Final Stages here in the House on Thursday.

**An Ceann Comhairle:** There certainly was an unprecedented level of dissent when it came to the last meeting of the Business Committee on how this would be dealt with. Nonetheless, Standing Order 27B is absolutely unambiguous in setting out the fact that the Government has the sole prerogative to determine the legislation to be taken in Government time. That has always been the case and it continues to be the case today.

**Deputy Mattie McGrath:** What about new politics? Where is the new politics where we agree?

**An Ceann Comhairle:** We are not talking about new politics.

**Deputy Michael Creed:** It cannot just be because Deputy McGrath agrees.

**Deputy Mattie McGrath:** No, it is not me. We were all in agreement. Everybody objected.

*3 o'clock*

**An Ceann Comhairle:** Deputy, please. Is the proposal for dealing with Thursday's business agreed to?

**Deputy Mattie McGrath:** No.

**Deputy Brendan Howlin:** It is not agreed.

**Deputy Louise O'Reilly:** It is not agreed.

Question put:

<i>The Dáil divided: Tá, 71; Níl, 46; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Brassil, John.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Breathnach, Declan.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Burton, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Collins, Michael.</i>	
<i>Butler, Mary.</i>	<i>Connolly, Catherine.</i>	
<i>Byrne, Catherine.</i>	<i>Coppinger, Ruth.</i>	
<i>Byrne, Thomas.</i>	<i>Crowe, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Cullinane, David.</i>	
<i>Calleary, Dara.</i>	<i>Daly, Clare.</i>	
<i>Canney, Seán.</i>	<i>Doherty, Pearse.</i>	
<i>Cannon, Ciarán.</i>	<i>Ellis, Dessie.</i>	
<i>Carey, Joe.</i>	<i>Ferris, Martin.</i>	
<i>Casey, Pat.</i>	<i>Fitzmaurice, Michael.</i>	

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<i>Chambers, Jack.</i>	<i>Harty, Michael.</i>	
<i>Collins, Niall.</i>	<i>Healy-Rae, Danny.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Healy-Rae, Michael.</i>	
<i>Cowen, Barry.</i>	<i>Howlin, Brendan.</i>	
<i>Creed, Michael.</i>	<i>Kelly, Alan.</i>	
<i>Curran, John.</i>	<i>Kenny, Gino.</i>	
<i>D'Arcy, Michael.</i>	<i>Kenny, Martin.</i>	
<i>Deering, Pat.</i>	<i>Martin, Catherine.</i>	
<i>Doherty, Regina.</i>	<i>McDonald, Mary Lou.</i>	
<i>Donnelly, Stephen.</i>	<i>McGrath, Mattie.</i>	
<i>Dooley, Timmy.</i>	<i>Mitchell, Denise.</i>	
<i>Doyle, Andrew.</i>	<i>Munster, Imelda.</i>	
<i>English, Damien.</i>	<i>Murphy, Catherine.</i>	
<i>Farrell, Alan.</i>	<i>Murphy, Paul.</i>	
<i>Fitzgerald, Frances.</i>	<i>O'Brien, Jonathan.</i>	
<i>Fleming, Sean.</i>	<i>O'Reilly, Louise.</i>	
<i>Griffin, Brendan.</i>	<i>O'Sullivan, Jan.</i>	
<i>Harris, Simon.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Haughey, Seán.</i>	<i>Ó Broin, Eoin.</i>	
<i>Heydon, Martin.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Humphreys, Heather.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Kehoe, Paul.</i>	<i>Penrose, Willie.</i>	
<i>Kyne, Seán.</i>	<i>Pringle, Thomas.</i>	
<i>Lahart, John.</i>	<i>Quinlivan, Maurice.</i>	
<i>Lowry, Michael.</i>	<i>Ryan, Brendan.</i>	
<i>Madigan, Josepha.</i>	<i>Ryan, Eamon.</i>	
<i>Martin, Micheál.</i>	<i>Shortall, Róisín.</i>	
<i>McGrath, Finian.</i>	<i>Stanley, Brian.</i>	
<i>McHugh, Joe.</i>	<i>Wallace, Mick.</i>	
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		

<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Clare Daly and Mattie McGrath.

Question declared carried.

**An Ceann Comhairle:** There are 17 minutes remaining to deal with promised legislation and 22 Deputies have indicated. I call Deputy Micheál Martin.

**Deputy Micheál Martin:** I ask Deputies to clear the floor in order to allow me to get the attention of the Taoiseach.

**An Ceann Comhairle:** Members, please.

**Deputy Micheál Martin:** I wish to raise the issue of the fair deal scheme and ask a very basic question. Have the funds for the scheme been frozen? I have before me a response from the HSE in respect of a person on behalf of whom Fianna Fáil wrote a letter. The response states that State support has been approved in this case subject to the availability of funding at the time of the placement in an approved nursing home. It confirms that the application has been completed and the applicant placed on the national placement list for funding under the scheme. It asks the applicant to please note that there is currently a waiting time of three to four weeks for funding and that the office will write again to confirm when funding is available. It further states that where financial support has been approved, such support will be payable in respect of admissions to approved applicants, etc. That response to this individual is dated 6 March. We are looking at a six-week delay in a situation where the person has been approved for funding under the fair deal scheme but the funding has not been made available.

There is wider public concern about the scheme. The indication is that the allocation may have been used up. Can the Taoiseach allay such concerns? When will the legislation pertaining to the reform of the fair deal scheme be announced?

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**The Taoiseach:** The budget for the fair deal nursing home support scheme for this year is €985.8 million, an increase of more than €20 million on last year. I guarantee the Deputy that it has not all been used up.

**Deputy Micheál Martin:** Why are letters such as this being issued?

**The Taoiseach:** I cannot answer questions on letters to individuals that I have not seen.

**Deputy Mattie McGrath:** Many people have received such letters.

**Deputy Micheál Martin:** It is a general letter and I am making a general point. The funds are not available.

**The Taoiseach:** The funds have not been used up.

**Deputy Micheál Martin:** Where are the funds?

**Deputy Mary Lou McDonald:** My question relates to the commitments in the programme for Government to support people with disabilities in maximising their potential and to remove barriers which impact on access to services, education or healthcare. Last week in County Mayo, I met Cillian Mearns, who is seven years of age, and his mother, Lorraine. Cillian and his friend, Grace, are two of the children in Mayo who are awaiting a decision to approve the drug Spinraza to treat spinal muscular atrophy. Cillian's mother told me that time is of the essence for him because his condition worsens by the day and he needs this drug. The decision in February not to approve what has been described as a life-changing drug is morally wrong and has trapped very ill patients, including children such as Cillian and Grace, in the middle of a bidding war between the Government and the pharmaceutical industry. The HSE stated in February that it is likely that there would be further discussions in the following weeks about funding the drug. I understand that a new application has been submitted. These families are desperate for answers. What was the outcome of the discussion with the HSE? When will we see a decision on the latest application? When can we expect a definitive conclusion and the approval of the drug Spinraza?

**The Taoiseach:** So far this year, 23 new medicines have been approved for reimbursement by the HSE. In 2013, the House concluded that decisions on which drugs should be approved should not be political decisions. Such decisions are, therefore, not made based on political considerations but on medical evidence and the necessity, for all sorts of reasons, to ensure that we pay a fair price. If we pay an unfair price, other things will suffer and nobody wants that. It is always open to companies which have a medicine that they want reimbursed to come back in with more data supporting the clinical claims they are making or with a fairer price.

**Deputy Brendan Howlin:** The horrific vision of fire tearing through the historic Cathédrale Notre-Dame de Paris last night is a reminder of the vulnerability of our built heritage. The roof of the cathedral, including oak beams of up to 1,000 years old, has been all but destroyed. In the light of the tragedy, are there plans for an audit of our built heritage, including places such as Dublin Castle, Christ Church Cathedral, St. Patrick's Cathedral and similar structures across the country, to ensure they are equipped with the latest in fire protection systems? Are there detailed plans to respond to fires in such buildings? Is it a requirement for a fund to be made available to provide support to the private and public sectors to ensure that preventative measures are taken in advance of any such tragedy occurring here? This should be a wake-up call. I am interested in hearing the views of the Taoiseach on this matter.

**The Taoiseach:** There are no current plans to do as the Deputy suggests. However, it is a helpful suggestion and may be a good idea. After the Grenfell Tower fire, we carried out an analysis to see if we would be equipped to deal with a similar fire. I suppose the same issue arises in respect of some of our heritage properties that may be vulnerable to fire. I will take the issue up with the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, and see if it would be a good thing to do.

**Deputy Richard Boyd Barrett:** The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, who is sitting alongside the Taoiseach, has made several very welcome commitments to deal with the issues of bogus self-employment and the failure of employers to vindicate employment rights. Approximately five minutes' walk from Leinster House, there is a public contract job to refurbish the Irish Stock Exchange building. The main contractor is Duggan Brothers. If an official of the Department of Employment Affairs and Social Protection were to go to the site and meet the workers, he or she would discover that 11 workers have been sacked without notice - which is against the law - and are at the loss of several weeks' pay because a subcontractor upped and left and the main contractor is refusing to take any responsibility for this omission. This is occurring under a public contract worth approximately €10 million.

**An Ceann Comhairle:** Thank you, Deputy. Your time is up.

**Deputy Richard Boyd Barrett:** The public works contract for building workers specifically states that the main contractor is responsible for ensuring the rights of all employees. I would appreciate if a representative of the Department could go to speak to the workers and tell the contractors that they cannot throw 11 building workers out on the street without pay. The workers are owed money.

**An Ceann Comhairle:** If the contractors pay as little attention to what they are told as do the Members of this House, not much will happen.

**Deputy Richard Boyd Barrett:** I have finished. It is very important to vindicate the rights of workers.

**An Ceann Comhairle:** I ask the Deputy to, please, resume his seat. His time is up.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** The arms of the State are there for exactly that purpose - to allow persons who feel they have been treated badly by another party to make a complaint. Such complaint can be made to the Workplace Relations Commission, the Labour Court or, in particular, in the instance referred to by the Deputy, the scope division of my Department, which are open for business all day, every day. I suggest that the Deputy ask one or more of the workers to make contact with one of those organisations or sections in order to allow us to carry out an inspection.

**Deputy Mattie McGrath:** The issue of the fair deal scheme was raised by Deputy Micheál Martin. I wish to raise the issue of the shocking situation at South Tipperary General Hospital where 44 patients are on trolleys and the general manager - who I salute - and her full-time staff have asked people to stay away unless it is an emergency. In the hospital which provides services for the other half of County Tipperary, University Hospital Limerick, there are 56 patients on trolleys. A total of 100 people are languishing on trolleys in the hospitals that service Tipperary. Has the Government become immune to these figures? The situation in health is

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800% worse than it was when the Minister for Health, Deputy Harris, took over, but he is going to be allowed to ignore this issue, the people who are being put through this trauma and anguish and the staff who are under pressure. Is the Government going to do something about it? It is a shocking situation which indicates what the Government thinks of the people of County Tipperary - absolutely nothing.

**Deputy Jackie Cahill:** Last week, the number of patients on trolleys in University Hospital Limerick peaked at 92. When Nenagh hospital was downgraded, we were promised a state-of-the-art facility in University Hospital Limerick. It is obvious that that promise has been broken. I ask the Government to invest in the accident and emergency department in Nenagh hospital. Having it open 24 hours a day would do something to take the pressure off University Hospital Limerick, which is one of the most overcrowded hospitals in the country. Ninety-two patients on trolleys just does not bear description. I ask the Government to invest in the accident and emergency department in Nenagh, which could do something to alleviate this overcrowding situation.

**The Taoiseach:** As the Deputies will know, new bed blocks are under construction-----

**Deputy Mattie McGrath:** No staff.

**The Taoiseach:** -----in Clonmel and Limerick. These will provide additional capacity for those hospitals. We know from experience, however, that additional beds alone do not make much of a difference. Other actions are also required: better use of smaller hospitals such as that in Nenagh, for example, as Deputy Cahill mentioned; greater efficiency in how beds are used in order that patients do not wait days for investigations or to see specialists or weeks or months to be discharged to long-term care or home help; and more investment in primary care and community care in order that people do not end up in hospital in the first instance. This is one of the reasons we signed off on a 40% increase in funding for general practice, as agreed with the Irish Medical Organisation, IMO, only two weeks ago.

**Deputy Eamon Ryan:** I very much welcome the launch today of the report of the Joint Committee on Climate Action. The way in which the committee did its work reflects very well on these Houses. I am now interested to know the Government's timeline in presenting its own national energy and climate action plan by the end of this year, as we have agreed with the European Union. What interactive role does the Taoiseach see this House taking with the Government, as laid out in EU governance rules, in the shaping and development of that report? We will continue our work to the end of this year. The committee has a very good team of advisers. It also has the ability to link into the process relating to the Government's drafting of the report. I am keen to hear how best we might do this.

**The Taoiseach:** The Minister, Deputy Bruton, is finalising his all-of-Government climate action plan, which will be very much informed by the findings of the all-party Joint Committee on Climate Action. He anticipates bringing the plan to Government in May. Obviously, the most important thing then will be to get on with implementing it rather than just having plans. I am pleased that just in recent days An Post has confirmed, for example, that all its deliveries in Dublin within the canals will be carried out by electrical vehicles and that it will extend that to all cities next year. This is just a small example of the kinds of practical things that are happening and that are making a difference.

**Deputy Louise O'Reilly:** Can the Taoiseach indicate when the legislation on exclusion

zones will be forthcoming? I saw at the weekend, as I think everyone did - and it is not just this weekend but every weekend - that women are being intimidated when they try to go into their local general practices and that general practitioners are being intimidated by people protesting outside those practices. This is not acceptable. We were promised legislation on exclusion zones, we were told it would be a priority. We are close to the Easter recess and we still have no idea when the legislation will be introduced. This matter should have been dealt with when we were debating the regulation of termination of pregnancies legislation and it was not, although some of us stated at the time that we should have done it all together. The reason this was not done was that we were told we would have legislation on exclusion zones early in the new year. It is now almost the middle of the year. How long will we have to wait before the legislation is brought forward?

**The Taoiseach:** I am afraid I do not have a date for that legislation. The Minister, Deputy Harris, and the Attorney General are working on it but we are running into real difficulties in the context of restricting peaceful protest and free speech. While we all abhor and disagree with the protests being engaged in - at least, most of us do - we enter a difficult space in a democracy when we decide that certain opinions cannot be held and particular types of protests cannot happen.

**Deputy Louise O'Reilly:** Women have a right to access the service.

**The Taoiseach:** They absolutely do-----

**Deputy Louise O'Reilly:** They are being prevented from doing so and something must be done.

**The Taoiseach:** -----and if one is going to restrict free speech and the right to protest in a democracy, one needs to be on very solid ground.

**Deputy Thomas Byrne:** The Minister for Education and Skills gave a kind of commitment to deal with the issue of pay inequality for teachers at the meeting of the Joint Committee on Education and Skills last February, when there was a general briefing on the Department's statement of strategy. I would like to know where this commitment stands and what efforts the Government has made to finally resolve this issue in accordance with statements and comments made by the Minister.

**Minister for Education and Skills (Deputy Joe McHugh):** This is a major issue. I am on the public record as stating that it constitutes unfinished business. Within the framework and the parameters of the public service pay agreement, we will continue to make it a priority.

**Deputy Thomas Byrne:** The question was what the Minister has done about it.

**Deputy John Brady:** Community employment, CE, supervisors play a pivotal role in our communities and do fantastic work - whether it be through Tidy Towns, meals on wheels or GAA clubs - right across the State. The Taoiseach will be aware that there was a 2008 Labour Court recommendation that occupational pensions be put in place for CE supervisors and their assistants. This morning there was a press conference followed by a massive protest outside the gates here by supervisors and their assistants. They have outlined that a stoppage - a strike - which will go on for five consecutive days will commence on 13 May. There is now an opportunity here for Government to address this massive wrongdoing, address the recommendation from the Workplace Relations Commission, WRC, and put in place an occupational pension as

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per the recommendation. The Taoiseach has the option now to allow the country-----

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

**Deputy John Brady:** -----essentially to grind to a standstill or to sit down with the trade unions representing the CE supervisors.

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

**Deputy John Brady:** I will finish on this. I was told by a SIPTU representative that at least two requests have been submitted to the office of the Minister for Public Expenditure and Reform, Deputy Donohoe, seeking meetings in order to try to address this issue once and for all. Those requests have not even been acknowledged.

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

**Deputy John Brady:** The Taoiseach must stop this protest and address this serious problem immediately.

**Deputy Michael Healy-Rae:** On the same issue of CE supervisors and the pensions they are being denied, the one thing I will say to the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, is not to state that her Department is not their employer. While it may not be their direct employer, it provides the funding for the agencies that do employ them. I want to make that point because I know she has made that statement before. These people came from all around the country today and met politicians in Buswells Hotel. They then also protested outside the gates of the Dáil. They did not want to be here, only they had to be here because they are fighting for their rights and fighting for their pensions. These people do invaluable work in our communities. Every one of us praises the work of the schemes and the supervisors, but I ask the Government now to recognise them by giving them the pension they rightfully deserve.

**Deputy Mary Butler:** I also wish to raise the plight of the CE supervisors who protested outside the Dáil earlier and who announced five days of strike action starting on Monday, 13 May. In April 2018, one year ago, the House, with the exception of the Government, passed a motion that was proposed by Fianna Fáil and that supported a call for the Minister to meet the trade unions. Why has this meeting not taken place, and when will the high-level forum meet again to discuss pensions? The last time it met was December 2017. These supervisors are not going away, they are not giving up and they deserve to be heard. Will action be taken to try to avert these strikes? These people do not only cut grass on GAA fields; they work with the Alzheimer Society of Ireland, meals on wheels and the Irish Wheelchair Association. They do tremendous work. A five-day strike will have a huge impact on communities.

**Deputy Declan Breathnach:** CE is the backbone of many rural and urban organisations. I will not go back over what other Deputies have said but I did hear the Minister, Deputy McHugh, say “unfinished business”. This is clearly unfinished business. The recommendations of the Labour Court and the agreement that there would be a follow-up, with a high-level forum that would deal with this issue need to be dealt with now. There are 25,000 people on CE schemes on which communities rely. Some 1,250 supervisors are involved on those schemes. This issue dates back long enough and it needs to be dealt with now. I implore the Taoiseach and the Minister, Deputy Donohoe, to meet these people and deal with the issue head-on.

**Deputy Fiona O'Loughlin:** The CE schemes and their supervisors play a valued and a key role in supporting our communities. The work they do is absolutely invaluable and supports meals on wheels, crèches, sporting facilities, community halls and many other day-care organisations. Having had the opportunity to meet many of the supervisors in Kildare, both this morning and in recent weeks, I am of the view that it is absolutely key to support them. I will say two things to the Taoiseach: first, the Labour Court recommendations from ten years ago should be implemented; and, second, the Fianna Fáil motion from a year ago should also be implemented. It is really wrong that the Minister has not met the supervisors over the past 20 months. They deserve to be heard and to be treated fairly.

**Deputy Michael Fitzmaurice:** I echo what my colleagues have said. We passed a motion on this issue and the Labour Court has given its recommendations. The work done by CE supervisors and workers is invaluable. We are losing these people around the country and we need to address that. Some of these contracts should be continued. The issue of pensions must be sorted out once and for all.

**Deputy Michael Moynihan:** The Taoiseach and his Ministers have given various answers indicating that CE supervisors are not employed by the State. If we go right back to the start of the CE schemes, however, sponsors were set up as an arm of the State. The best voluntary people in the country fronted these organisations. It is completely wrong to declare they were not employed by the State. These people acted as sponsors in the best interests of their communities. The Labour Court has issued a recommendation in favour of the CE supervisors and a motion on the issue was passed by two thirds of the Dáil. The issue will not go away and must be addressed. An industrial dispute in the second week of May would have a detrimental effect on the fantastic work being done by CE schemes and supervisors. This Minister must address the issue by talking to these people to see where we go from here.

**Deputy Danny Healy-Rae:** I also support CE supervisors. It is wrong to suggest they are not employed by the State. The State would be in a desperate position if it were not for the great work these people do in our communities. The Labour Court agreement from 2008 has not been honoured. Now, 11 years later, I ask the Government to honour it.

**Deputy Michael Collins:** I also echo the sentiments of my colleagues. This issue has been raised many times and a motion was tabled on it. CE supervisors have been waiting for 11 years for their entitlements. No one would expect to wait 11 years for his or her entitlements. The country faces an imminent strike by CE supervisors. I expect that will affect the CE schemes being delivered by the great men and women of this country. The Minister has an opportunity to put right this ongoing wrong. I plead with her to do that.

**Deputy Niamh Smyth:** I add my support to the CE supervisors protesting outside Leinster House today. This is not a new issue. Many CE supervisors have contacted me on this issue in the short time I have been a Deputy. This is about rural Ireland. These people are the backbone of rural communities who lead voluntary organisations throughout the country. A Labour Court recommendation is in place. I urge the Minister to listen to the plight of these people and respond in a positive way.

**Deputy Pearse Doherty:** I echo the words of Deputy John Brady, who has championed this issue for a long time. This matter should have been settled a long time ago. The Workplace Relations Commission has issued a ruling on it and the Dáil passed a motion on it last April through the combined efforts of Sinn Féin, Fianna Fáil and the other Opposition parties. The

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right thing needs to be done now. The Minister has an opportunity to send out a very clear signal that this strike does not need to go ahead and that the Government will honour the Labour Court ruling.

**Deputy Regina Doherty:** I regret I was not invited to this morning's press conference by CE supervisors. I would have been happy to attend and I have been happy to meet CE supervisors up and down the country for the past year. I regret that a strike is imminent. When the ruling was handed down by the Labour Court we had a Fianna Fáil Minister for Public Expenditure and Reform. We then had a Labour Party Minister for Public Expenditure and Reform for five years and we now have a Fine Gael Minister. If the solution to this problem was easy, it would have been found 11 years ago, five years ago-----

**Deputy Brendan Howlin:** It was found.

**Deputy Regina Doherty:** With respect, it was not.

**Deputy Brendan Howlin:** The Minister is being disingenuous.

**Deputy Mary Butler:** Fianna Fáil allocated €10 million-----

*(Interruptions).*

**An Ceann Comhairle:** I ask that the Minister be allowed to answer.

**Deputy Regina Doherty:** I reiterate the point that the previous speakers made-----

*(Interruptions).*

**An Ceann Comhairle:** I ask Deputies to allow the Minister to answer.

**Deputy Brendan Howlin:** The point is that the Minister is not factually correct.

**An Ceann Comhairle:** Please allow the Minister to answer without debate.

**Deputy Brendan Howlin:** I will provide her with documentation.

**Deputy Regina Doherty:** Please do, because no solution was found in the five years that Deputy Howlin was at the helm.

**Deputy Brendan Howlin:** A solution was found.

**Deputy Regina Doherty:** We would not be having this conversation now if there had been a solution.

**Deputy Brendan Howlin:** I will send the Minister the advice of the Attorney General, with the subhead and the Revised Vote for it.

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

**Deputy Regina Doherty:** Everybody is of the same mind-----

**Deputy Declan Breathnach:** It is unfinished business.

**Deputy Brendan Howlin:** It is shocking.

**Deputy Regina Doherty:** The services provided by CE supervisors, assistant supervisors and every participant in community employment schemes in rural and urban areas are extremely valuable and appreciated by the State and the communities that each of us serves. A solution must and will be found.

**Deputy John Brady:** The Minister will not even talk to the supervisors. How will a solution be found if she will not even talk to them?

**Deputy Regina Doherty:** The current Minister for Public Expenditure and Reform, Deputy Donohoe, has been meeting the trade unions for some years. A number of proposals have been put forward by the unions to solve the issue but no solution has been found as yet. We will not stop until we find one.

**An Ceann Comhairle:** We are substantially over time. The four Deputies who were not reached today will be given priority tomorrow.

### **Reports Regarding Service by the Defence Forces with the United Nations in 2017 and 2018: Referral to Select Committee**

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

That the proposal that Dáil Éireann approves the reports by the Minister with Responsibility for Defence, regarding service by the Defence Forces with the United Nations in 2017 and 2018 respectively, copies of which were laid before Dáil Éireann on 7th February, 2019, in accordance with section 13 of the Defence (Amendment) Act 2006, be referred to the Select Committee on Foreign Affairs and Trade, and Defence, in accordance with Standing Order 84A(3)(b), which, not later than 16th May, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

### **Ministerial Rota for Parliamentary Questions: Motion**

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

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Education and Skills, shall be set down to Ministers in the following temporary sequence:

Minister for Agriculture, Food and the Marine

Minister for Business, Enterprise and Innovation

Minister for Justice and Equality

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Communications, Climate Action and Environment.

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 Martin Kenny - to address the future of the Alzheimer's unit at St. John's Hospital, Sligo; (2) Deputy Donnchadh Ó Laoghaire - to discuss the need for additional schools to be designated DEIS band 2; (3) Deputies Darragh O'Brien and Clare Daly - to discuss the shortfall in ASD units and school places for children with special needs in the north Dublin area; (4) Deputy Eamon Scanlon - to address the urgent need for increased paediatric physiotherapy staff and resources in the north west; (5) Deputy Thomas Pringle - to discuss the unfilled autism therapist position for the Lifford, Castlefinn and Raphoe area in County Donegal; (6) Deputy John Lahart - to address the importance of the significant archaeological find at Scholarstown, Knocklyon, and plans to preserve and protect the site; (7) Deputies Fiona O'Loughlin, Thomas Byrne, Barry Cowen and Sean Fleming - to address the situation regarding a new school building for St. Paul's secondary school, Monasterevin; (8) Deputies Alan Kelly, Jackie Cahill and Mattie McGrath - to request An Post to review the decision to move a post office in Thurles, County Tipperary; (9) Deputy Mick Wallace - to examine if Gorey, County Wexford, should be designated a rent pressure zone; (10) Deputy Jim O'Callaghan - to address the absence of special classes within mainstream national schools in Dublin 6 and 6W for children with autism; (11) Deputy James Browne - to address the lengthy waiting lists for speech and language therapy, particularly in County Wexford; and (12) Deputies Timmy Dooley and Richard Boyd Barrett - to address the announcement of the decision to delay the delivery of the national broadband plan.

The matters raised by Deputies Kenny; Lahart; Kelly, Cahill and Mattie McGrath; and Dooley and Boyd Barrett have been selected for discussion.

### **Message from Select Committee**

**An Ceann Comhairle:** The Select Committee on Housing, Planning and Local Government has completed its consideration of the Residential Tenancies (Amendment) (No. 2) Bill 2018 and made amendments thereto.

### **Ceisteanna - Questions**

#### **Taoiseach's Meetings and Engagements**

1. **Deputy Michael Moynihan** asked the Taoiseach if he discussed the undocumented Irish at his meetings in the United States of America; and, if so, the response he received. [13892/19]

2. **Deputy Michael Moynihan** asked the Taoiseach if he will report on the meeting he had with the Vice President of the United States of America, Mr. Mike Pence; the issues that were

discussed; and if they included climate change. [13894/19]

3. **Deputy Joan Burton** asked the Taoiseach if he will report on his St. Patrick's Day visit to the United States of America. [13946/19]

4. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his visit to the United States of America and his meeting with President Donald Trump and representatives of Congress; and the other meetings he held. [13954/19]

5. **Deputy Michael Moynihan** asked the Taoiseach if he discussed climate change with President Trump when they met in the United States of America. [14015/19]

6. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent visit to the United States of America. [15013/19]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together. I travelled to the United States last month for the annual St. Patrick's Day visit to Washington DC, following which I also visited Chicago. In Washington D.C. I had a series of political discussions and meetings, including with President Trump, Vice President Pence, Speaker Nancy Pelosi, Senate Minority Leader Chuck Schumer, Senator Patrick Leahy and Congressmen Richie Neal and Peter King. In each meeting, we discussed the Ireland-US bilateral relationship, including the importance of the two-way economic relationship between us, and the relationship between the USA and the EU. I explained the Government's position on Brexit and the importance of ensuring there is no return to a hard border on the island of Ireland. As ever, there was clear and unambiguous backing, both within the Administration and across Congress, for the Northern Ireland peace process and the provisions of the Good Friday Agreement. I highlighted the continuing problems facing the undocumented in the USA and called for a speedy resolution of this issue, acknowledging the issue affects people from countries other than Ireland also. I also expressed the Government's appreciation for the strong backing last year, both from the Administration and across the aisles in Congress, for the E-3 Bill, which we hope will be reintroduced shortly. I did not have an opportunity for detailed discussion of climate change issues during this visit.

My programme in Washington DC also included a number of engagements with an economic focus, including events hosted by the US Chamber of Commerce, Enterprise Ireland, Science Foundation Ireland and Tourism Ireland. At these events, I met people from Irish-owned companies which, in total, employ more than 100,000 workers in the USA. I also met a number of US companies with significant investments in Ireland. I attended a number of other St. Patrick's Day events, including the White House reception, a breakfast hosted by Vice President Pence, receptions hosted by the Irish ambassador and a dinner hosted by The Ireland Funds. In Chicago, I had a meeting with a number of emigrant support groups that receive Irish Government funding and had the opportunity to reaffirm the Government's commitment to finding a resolution on the status of the undocumented. I also met with political leaders, including the Governor of Illinois, Jay Pritzker, and the Mayor of Chicago, Rahm Emanuel, and we discussed bilateral relations and topical issues, including Brexit. I also met Chicago's incoming mayor, Ms Lori Lightfoot. I attended Chicago's annual St. Patrick's Day events, including a dinner hosted by the Irish Fellowship Club. I read at mass in Old St. Patrick's Church and attended the Chicago parade. Finally, I launched Tourism Ireland's new publication marking the tenth anniversary of the Global Greening initiative on the Chicago river.

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The visit was an invaluable opportunity to promote Ireland's interests with the US system and political, business and community leaders and to deepen the political, economic and cultural links between Ireland and the United States of America.

**Deputy Micheál Martin:** The decision of President Trump to withdraw the USA unilaterally from the Paris Agreement has been immensely damaging to the climate change agenda worldwide. Added to this, the obsessive attempt of President Trump's Administration to promote fossil fuels above cleaner and sustainable alternatives means the USA, at least at federal level, is not only opting out of the agreement, but actively trying to undermine its objectives and prevent it achieving its goals. Did the Taoiseach raise this issue in any of his discussions with the President and Vice President or any member of Congress?

As appears now to be the custom, the White House announced a presidential visit to Ireland before our own Government did. While the Taoiseach has an uncanny ability to announce Prime Minister May's activities, it appears President Trump fulfils this role for him. Can the Taoiseach explain what has actually been agreed? Did the Taoiseach issue an invitation to President Trump to visit Ireland, when is the visit due to take place and when does the Taoiseach propose to make the basic detail available, as is customary?

At a moment when two of the three strands of the Good Friday Agreement are suspended and the third is dysfunctional, does the Taoiseach think the cause of peace and reconciliation is served by senior Irish politicians reverting to old practices and marching behind simplistic banners bearing quotes such as "England get out of Ireland" or, indeed, by attacks on anyone who questions this? A new Ireland, as envisaged by the Good Friday Agreement, is accepted to be underpinned by three sets of relationships, namely, the British-Irish relationship, the North-South relationship and the relationship between the two traditions on this island. In any future evolution of that agreement, those three sets of relationship have to be centre stage. Does the Taoiseach agree with that proposition?

**Deputy Joan Burton:** Since Donald Trump became President of the USA, the US Agency International Development has reverted to a Republican position of boycotting all programmes in developing countries which involve support for women's health issues, in particular access to contraception and medical services specifically for women. Successive Irish Administrations have raised this with the US Administration. Did the Taoiseach do so?

Did the Taoiseach raise also the ongoing situation between Israel and Palestine? Did he raise, in particular, the enormous suffering in Palestine and in Palestinian areas of Israel? The Taoiseach's predecessors have acted through the decades as peace brokers to try to reach a peaceful settlement. Did the Taoiseach raise the issue specifically with President Trump? If so, what advice did he give the President and what information did he provide on the position of the Republic of Ireland on peace between Israel and Palestine?

**Deputy Brendan Howlin:** On the same issue, the people of Israel went to the polls last week and the incumbent, Mr. Netanyahu, was again elected as Prime Minister of Israel. President Trump and Prime Minister Netanyahu are close friends and allies. In fact, President Trump called Prime Minister Netanyahu a great ally and friend and said there was a much greater chance of peace if he was elected. Did the Taoiseach discuss the long-expected peace proposals and Middle East plan from the American Administration? The Taoiseach's own programme for Government commits to recognising Palestine as part of a two-state solution and, last year, the Tánaiste indicated that Ireland would recognise Palestine if the peace process continued to fail.

What point are we at now in that regard? Does the Taoiseach expect, having had these discussions with the American Administration at various levels, that there will be a peace initiative? What stage is that at and what are the criteria the Taoiseach would use to determine whether the process was making progress or whether we should recognise the state of Palestine?

I refer to the undocumented. I have raised with the Taoiseach that it would greatly strengthen Ireland's moral stand on the undocumented in the United States of America if we regularised the undocumented here. Is there any prospect of that happening?

**Deputy Mary Lou McDonald:** It is very welcome that a congressional delegation led by Speaker Pelosi will visit Ireland for a two-day tour. I note Speaker Pelosi's remarks setting out clearly that there will be no trade arrangement with Britain in the event that the Good Friday Agreement is in any way damaged or undermined. That is most welcome. I note that members of the Committee on Ways and Means of the US House of Representatives will form part of the congressional delegation and that Congressman Richie Neal will also be in Ireland. Those are all very positive things. I acknowledge the role of the United States of America in so many facets of Irish life, in keeping faith with Ireland and in being an innovator in the peace process by internationalising the issue of Ireland. Irish Americans across the board have been most effective and, indeed, some on the delegation that will visit Ireland were instrumental in those events. Did the Taoiseach raise with President Trump the issues of Palestine, the relocation of the US Embassy to Jerusalem and the other interventions by President Trump? What is happening in Palestine is profoundly worrying. It is incumbent on us to raise these issues. Did they form the basis of any of the Taoiseach's conversations?

I wish to mention the 50,000 undocumented Irish citizens in the US. They live in a state of fear and worry. This is a complex issue and does not concern just the Irish, but we need to find an arrangement for them. Will the Taoiseach expand on this matter?

**Deputy Richard Boyd Barrett:** The list of threats that Donald Trump poses to the world is too long to go through, but I will ask about two. Trump's sabotage of the Paris climate change agreement is an open declaration that he does not care about the existential threat to humanity and life on the planet that is facing our children and grandchildren. In the aftermath of the school students' climate change strike and their call for radical and urgent action to save their future, did the Taoiseach raise this issue? More importantly, does he believe it to be appropriate in that context to invite a climate saboteur like Donald Trump to this country? Will the latter not inevitably be met with fury from those young people and many more who are concerned about the climate?

I also wish to mention the issue of Palestine. Donald Trump has endorsed and legitimised the effective illegal annexation of East Jerusalem by moving the US Embassy to Jerusalem, which is a breach of international law, the annexation of the Syrian Golan Heights, and the ongoing administrative detention and subjection to military law of hundreds of children, which I discussed last week. Does the Taoiseach really believe that someone who poses this kind of threat to peace in the Middle East and the wider world should be welcomed to this country by him?

**The Taoiseach:** In relation to climate change, as Deputies will be aware, the US Federal Government has decided to withdraw from the Paris accords but has not actually withdrawn yet. There are a number of years that it has to wait before it can withdraw, and it may not actually withdraw until after the next US presidential elections. The US has to give notice and the

withdrawal only applies-----

**Deputy Micheál Martin:** It has withdrawn in spirit.

**The Taoiseach:** -----in 2021 or 2022, but it has withdrawn in spirit, as Deputy Martin rightly says. Notwithstanding that, many states and many cities in the United States are continuing to take climate action, and have taken the view that not only is this the right thing to do in terms of preventing climate chaos, but they also think it makes sense in terms of long-term economic policies, with future jobs being in the green sector, not in importing fossil fuels. It is very possible that the United States will meet its 2020 targets while it is very unlikely that we will. I think that, when we are critical of the United States and the US Administration's attitude to climate change, we should bear that in mind. The best thing that we can do is to catch up and to meet our targets in 2030 at the very least. Then we will be in a stronger position to give an example and speak to other countries.

In terms of a visit, there is a standing invitation to the President and Vice President of the United States to visit Ireland. As of today, there is no date agreed and no programme discussed, but as Deputy Martin correctly pointed out, President Trump can be somewhat unconventional in his communication methods and may well inform us by electronic means of his imminent arrival, but that has not happened so far.

**Deputy Micheál Martin:** He is as good a tweeter as the Minister for Health, Deputy Harris.

**The Taoiseach:** We did not have an opportunity to discuss Palestine or Israel on this occasion, but we did last time, specifically in relation to the status of Jerusalem. The Tánaiste, however, is very engaged on this issue. Deputy Boyd Barrett will know that, a few months ago, he organised a retreat in Farmleigh, which was attended by Arab foreign Ministers and EU foreign Ministers. I think he has been engaged with Jared Kushner as well on the long-awaited US peace initiative on the Middle East peace process.

**Deputy Richard Boyd Barrett:** He will be waiting a long time for that with Jared Kushner.

**The Taoiseach:** We very much welcome exploratory US efforts to relaunch a process to reach a comprehensive peace agreement. We will be interested to see the proposals when they emerge. We have had no sight of them. We have already said to the US that any proposal must meet the needs of both peoples and not be one-sided. We have also urged President Abbas and the PLO to keep an open mind on these proposals. Of course, recent US actions, such as cuts to UNRWA funding, the decision to move its embassy to Jerusalem and its recent statement recognising the annexation of the Golan Heights, are all damaging to the prospects for peace in our view and are not actions that are conducive to laying the ground for a successful peace initiative.

### **Cabinet Committee Meetings**

7. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee E, health, last met; and when it is scheduled to meet again. [15014/19]

8. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee E, health, last met. [15023/19]

9. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee E, health, last met. [16348/19]

10. **Deputy Micheál Martin** asked the Taoiseach when Cabinet committee E, health, last met. [16669/19]

**The Taoiseach:** I propose to take Questions Nos. 7 to 10, inclusive, together.

Cabinet committee E last met on 22 November 2018. A date for the next meeting has not yet been scheduled. However, I met trilaterally with the Minister for Health, Deputy Harris, and the Minister for Finance, Deputy Donohoe, to discuss health issues last week. In addition to the meetings of the full Cabinet and Cabinet committees, I often meet with Ministers on an individual basis to focus on particular issues. In this regard, I regularly meet with the Minister, Deputy Harris, to discuss issues relating to our health service.

The Government's continuing commitment to improve access to health and social services for the people of Ireland through investment across community and hospital services is reflected in the significant increases in health investment in recent years. This year will see the highest ever level of health funding in the history of the State at around €17 billion. We have also committed €11 billion in capital investment over the next ten years in the national development plan.

However, in order to ensure meaningful and sustained improvement in the health service over the coming years, we also need to deliver a major programme of reform. The publication of the Sláintecare action plan for 2019, the first of what will be annual plans, sets out in detailed and measurable ways how the ambitious ten-year reform programme can be delivered and advanced this year. The first quarterly report has been completed and quarterly reports will now go to Cabinet.

An agreement has also been reached with the Irish Medical Organisation, IMO, on a major package of GP contractual reforms that will benefit patients and make general practice a more attractive option for doctors. This runs to a 40% increase in funding for general practice over the next three to four years.

The Minister, Deputy Harris, also recently launched the €20 million Sláintecare integration fund for new models of health and social care, which will help share and scale up examples of best practice and encourage innovations in the shift of care to the community. On 1 April, primary care enhancements announced in the budget came into effect. These include reduced prescription charges for people aged over 70 with medical cards and reduced drug payment scheme charges and ceilings for those who do not have medical cards. A 10% increase in the GP-visit card income thresholds also came into effect, meaning that more low-income families will qualify for free GP healthcare.

A new HSE board has been appointed and is being established in law to strengthen the management, governance and accountability of the HSE. Appointments to the board have been made on an administrative basis after these positions were advertised through the State board process operated by the Public Appointments Service. Following an open competition by the Public Appointments Service, Mr. Paul Reid has been appointed as the new director general of the HSE and is expected to take up the position on 14 May.

Finally, a new contract for staff nurses has been agreed with the Irish Nurses and Midwives

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Organisation, INMO, SIPTU and others following discussions at the Labour Court. This will result in an increase in pay for staff nurses, but also some important changes in work practices.

**Deputy Mary Lou McDonald:** News broke at the weekend that private patients were now able to access cancer drugs that are denied within the public system. This is a disturbing and worrying development, not because those with private health cover can access drugs that they need, but because public patients will be denied equal access. The drugs approval process for public patients has hit a brick wall in recent years because the HSE's budget for new medicines is being underfunded. Political decisions have caused this - decisions made by the current and former Ministers for Health, the Taoiseach included.

*4 o'clock*

The differential between public and private undermines the public health service and makes a mockery of Sláintecare, which has a focus on the elimination of the subsidy provided for private healthcare. We all know that the public health system is crumbling under mismanagement on the watch of the Minister for Health, Deputy Harris, and the public-private divide in the health services is growing.

The unfairness in respect of access to cancer drugs echoes the recent revelation that women in the public system are being left to wait for the results of smear tests for up to 33 weeks, while those who can pay get their results within three weeks. I again emphasise again this is not to grudge in any way any woman within the private system but to highlight the gross inequality and unfairness of the disparity between three and 33 weeks for any woman waiting for the result of a smear test. It is unacceptable. None of it is accidental. It is the outworking, logic and consequence of Government policy. Whatever the Taoiseach is doing at his meetings with the Minister, Deputy Harris, whether the meetings are bilateral, trilateral or otherwise, they are not getting to the root of the issues and inequities within our system.

**Deputy Brendan Howlin:** SIPTU has begun to ballot 17,000 hospital support staff over the implementation of pay rises following the evaluation of individual roles. A firm commitment was made to SIPTU, which has abided by the terms of the Lansdowne Road agreement, negotiated freely in 2015. The roles of those members of staff were to be evaluated and that has occurred. My understanding is that the Department of Health and the HSE wish to fulfil the obligation. There has been a blanket refusal, however, by the Department of Public Expenditure and Reform to comply with the solemnly agreed terms of the Lansdowne Road agreement to the effect that this relatively low-paid grade of workers would have its skills re-evaluated by an independent mechanism and that the results of that mechanism would involve regrading. That has been done but it has yet to be implemented. It would be a disastrous decision to allow all these ancillary support grades to go on strike for want of the Government complying with its freely entered-into agreement.

My question is straightforward and direct. Will the Taoiseach ensure that solemn agreements, such as the Lansdowne Road agreement, which were important in maintaining public services through crises, will be fully supported by the Government and implemented to the letter of the agreement, as they have been by SIPTU workers?

**Deputy Joan Burton:** What happened to the Fine Gael Government promise of a four-week turnaround for the fair deal scheme? The Fine Gael Government also promised farm families that the arrangements and qualifications for the fair deal scheme would be improved to

give more farm families access to the scheme. While demand for the scheme has risen significantly, the four-week turnaround for the scheme that was promised seems to have vanished. We have heard nothing more about Fine Gael's promised improvements to the fair deal scheme for farm families. Many families experience serious distress when one of their relatives, usually an older person, is in need of a nursing home bed. As the Taoiseach will be aware, people cannot leave major hospitals until they are given such a bed, if their condition is serious.

In the Taoiseach's bilateral or trilateral meetings, or whatever they are, with Ministers, that is, not with the whole Cabinet committee or the civil servants who brief that committee, did he discuss the Government's promise to farm families? Did he discuss what is happening to the fair deal scheme? Does he appreciate that the fair deal scheme is likely to run out of money? I know the Taoiseach says there is plenty of money and that it is not a problem. If it is not a problem, why can the Government not deal with the issue?

**Deputy Micheál Martin:** Last week, it was confirmed that the final cost of the children's hospital will be dramatically higher than was predicted or evaluated, that a governance failure is at the heart of the increased costs-----

**The Taoiseach:** It was not.

**Deputy Micheál Martin:** That is what the PricewaterhouseCoopers report stated.

**The Taoiseach:** To which page is the Deputy referring?

**Deputy Micheál Martin:** The entire report. The Taoiseach should go back to the recommendations.

**The Taoiseach:** It does not state that in the recommendations.

**Deputy Micheál Martin:** It does state that in the recommendations.

**Deputy Brendan Howlin:** Oversight is mentioned.

**Deputy Micheál Martin:** There are references to missed red flags, fragmentation, a lack of co-ordination and so on. The Taoiseach, as well as some Ministers, lives on a different planet in respect of what reports say and his interpretation and presentation of them.

**Deputy Brendan Howlin:** Unless it states "Leo Varadkar", he does not see it.

**The Taoiseach:** Unless it is stated in black and white, I do not see it.

**Deputy Micheál Martin:** The bottom line is that one of the central findings is an absence of any challenge of public infrastructural projects at Government level. That is stated in the final recommendations. There was a lack of challenge, with nobody questioning anything about the project because the Government was too politically invested. The Government line, which the Taoiseach has stated, is that it had nothing to do with him or the Minister for Health. The Taoiseach will remember that the Government reviewed the work of the National Paediatric Hospital Development Board last August and decided to re-appoint the entire board. This happened more than nine months after the Minister became aware that a significant overrun of costs was on the way. It was at the end of a period during which senior Ministers seemed to spend half their time putting on branded hard hats and speaking about how everything was perfect at the hospital. Will the Taoiseach explain why last year he appointed a board which he is now

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reported in various newspapers to be angry with? Is he sticking to the line that a massive overrun on the project has no implications for any specific projects under the national development plan?

I listened to Deputy Howlin's comments. There is an air of unreality around many of the projects that have been committed. When one compares commitments and announcements with the reality of these projects' progress on the ground, there is a yawning gap between announcement rhetoric and delivery. The health system is in real difficulty and crisis. There is a consistent pattern at the accident and emergency department of University Hospital Limerick, while at Cork University Hospital, there was a code black alert. I referred to the fair deal scheme earlier and quoted from a letter in which it was stated that when funds become available, the funds can be allocated to an individual, but that was written six weeks ago. This is not the demand-led scheme that we believed it to be.

Similarly, €10 million was apparently included in the Estimates for new medicines. How realistic was that from the outset? There was never any prospect of new medicines being made available within the parameters of €10 million. The idea that valid and important forms of immunotherapy are only available to patients via private health insurance is a damning indictment of where we stand after all the advances we made in earlier decades in respect of clinical trials for cancer, developing new drugs and providing new therapies.

**Deputy Richard Boyd Barrett:** I have a simple question. Does the Taoiseach think it immoral that somebody who receives the devastating diagnosis of cancer but who happens to be a public patient who does not have or cannot afford extortionate levels of private health insurance, may have a less chance of surviving cancer because he or she may not be prescribed drugs that others who have private health insurance would get to improve their life chances? That is immoral. A two-tier health system is outrageous but two-tier cancer treatment is obscene. What will the Taoiseach do about it? It is just not acceptable. Professor John Crown expressed his disgust at how he will have to provide different levels of treatment, which will have consequences for people's chances of life and survival. It is shocking. Does the Taoiseach accept that it is immoral and share the sense of shock? What will he do about it to ensure that people who receive a diagnosis of cancer have an equal chance of survival and equal treatment?

**The Taoiseach:** It is important to point out again that so far this year 23 new medicines have been approved for reimbursement. I do not know how many weeks have passed this year so far, perhaps 15 or 16, but that is more than one new medicine a week being approved by the HSE.

**Deputy Micheál Martin:** Some of those approved have not been funded.

**The Taoiseach:** They have been approved for reimbursement by the HSE. I do not know how there is a suggestion we have hit some sort of brick wall, as 23 new medicines this year so far, and it is only the middle of April, is quite a lot. They have been approved for reimbursement. Spending on medicines in Ireland by our public health service is not low. It is average to high. We already spend a lot of money on medicines in the Irish public health service. There is certainly scope for savings, whether it is better prescribing or greater use of generics. There are lots of ways in which savings can be made on our medicines bill. Any of those savings are retained in the medicines budget and can be used to approve new medicines. I understand from what was in the media over the weekend that one of the private insurers, the VHI, has agreed to fund some new medicines for cancer patients but this only applies to VHI patients in private hospitals. It does not apply to patients in public hospitals. Patients in public hospitals, whether

they are insured or not, will continue to have access to medicines on the same basis. What happens in private hospitals is not under our control.

Hitherto, private insurers had waited until the HSE had made a decision on whether a medicine should be reimbursed and were no more willing than the HSE to fund medicines judged to be cost ineffective. This is a change. We need to examine the implications to see what can be done. I understand the other private insurers have indicated they do not intend to follow suit.

Deputy Howlin asked about the industrial relations dispute relating to support staff in our hospital. I understand engagement is taking place with the unions with a view to coming to a resolution and avoiding any unnecessary strike action.

On the fair deal scheme with regard to farm families, and this does not just apply to farm families but also to business owners, Government policy is to limit to three years the number of years for which somebody makes a contribution against their assets, that being a farm or business. The Minister of State, Deputy Daly, is working on this. It requires primary legislation to change it. The current target is to have the heads of the Bill next month but targets have been missed on a number of occasions on that matter so I would not want to stand over that or may not be able to stand over that. The budget for the fair deal scheme is at its highest ever. It has increased by €20 million to €980 million this year.

**Deputy Micheál Martin:** The demographics are going up.

**The Taoiseach:** It certainly has not all been spent, or anything remotely close to it. The target time for approvals is still four weeks.

Deputy McDonald mentioned many of the problems and failings that exist in our health service and she was totally within her rights to do so. On the same basis, for balance and accuracy, it is worth pointing out some of the good things happening in our public health service and we should acknowledge the good experiences most patients have and the really hard work of our professional staff and health service. We should find some space to talk about some of the good things that are happening and I will give a few examples.

The reduced cost of health care will kick in this month. There are reduced prescription charges for those aged over 70 with a medical card and reduced drugs payment scheme charges for those who do not have medical card.

We have the progressive extension of free GP healthcare. We started with the under sixes and over 70s, then moved on to all children with severe disabilities and those in receipt of domiciliary care allowance. Last year, people in receipt of carer's allowance and carer's benefit were included. This year we have a 10% increase to the income limits, bringing in more low income working families to free GP care. We have signalled our intention to extend free GP care to children aged six and seven next year, eight and nine the year after and ten and 11 the year after that.

At long last, we have an agreement with GPs to increase resources and activities in primary care. We will have a 40% increase in resources over three to four years. GPs will take on new work, particularly in the area of chronic disease management, which I believe will make a big difference in the longer term. We have a new staff nurse contract that provides for pay increases for them and important work practice changes that we need to reform our health service. A patient experience survey shows that 83% of patients in our public health service state they had a

good or very good experience of our health service.

We have had a considerable reduction in waiting times for operations if we compare where we were 18 months ago. The number of those waiting more than three months for operations is down significantly. I like to use the figures for those waiting for more than three months because no matter how well we run a health service we will always have people waiting two, four or six weeks. For the purposes of this, the figures I will use are for those waiting more than three months. The figure for veins has reduced from 2,000 to 724, down more than half. The figure for angiograms has also decreased by more than half, from 2,000 to 914. The figure for cataracts has decreased by half, from 8,000 to 4,000. The figure for hips and knees is down from 2,400 to 1,777. The number of children waiting to have their tonsils removed has gone down by three quarters, from 2,600 down to 764. There have been some real improvements.

**Deputy Micheál Martin:** Is that through the treatment purchase fund?

**The Taoiseach:** Yes; not entirely but in part. It is working in a very different model to what was done in the past.

**Deputy Micheál Martin:** That was one of the Fianna Fáil policies, of which the Taoiseach says we have none, that he adopted and it is having an effect. The Taoiseach never acknowledges it, he just keeps saying we do not have policies.

**The Taoiseach:** There is more to that story than Deputy Martin's negotiating team told him. I will tell him about it.

**Deputy Micheál Martin:** You will.

**The Taoiseach:** Extra beds are being provided in the system, again reversing a Fianna Fáil policy on this occasion of taking hospital beds out of the system. Fianna Fáil and the Green Party in government, as Deputies will remember, even before the financial crisis started to reduce the number of beds in the hospital system. We have been reversing that for the past couple of years. It is making a difference in terms of overcrowding. Yes, we did have some very bad figures two or three weeks ago-----

**Deputy Micheál Martin:** Does the Taoiseach have the outpatients waiting list figure?

**An Leas-Cheann Comhairle:** We must make a decision now, if the Taoiseach is ready. We have seven minutes left for the next group of questions. I guesstimate that because of the length of the reply the Taoiseach will take a good four minutes. Do Deputies want to continue with these questions and have the next question as the first one tomorrow? It is with regard to the Taoiseach's Department's input into Brexit.

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

**Deputy Mary Lou McDonald:** Brexit.

**Deputy Brendan Howlin:** We will move onto the next question or what?

**An Leas-Cheann Comhairle:** We can go to the next group of questions, and it will take the Taoiseach approximately four minutes to give a reply. Three minutes will remain for questions and there will be no replies to the supplementary questions.

**Deputy Micheál Martin:** Could we ask a brief supplementary on this question?

**An Leas-Cheann Comhairle:** Do Deputies want a quick supplementary question on this question?

**Deputy Brendan Howlin:** Yes.

**The Taoiseach:** I have not finished my reply.

**An Leas-Cheann Comhairle:** Okay, Taoiseach.

**Deputy Brendan Howlin:** He has spent six minutes-----

**Deputy Micheál Martin:** He spent six minutes on it. Come on.

**Deputy Brendan Howlin:** He is six minutes over time on his reply.

**Deputy Mary Lou McDonald:** Extolling the virtues of his-----

**An Leas-Cheann Comhairle:** Will the Taoiseach use it in response to the supplementary questions?

**The Taoiseach:** It does take longer to answer questions and than to ask them, in fairness.

**Deputy Brendan Howlin:** Six minutes over time.

**An Leas-Cheann Comhairle:** I will give 30 seconds for a supplementary question to each Deputy who tabled a question.

**Deputy Mary Lou McDonald:** The Taoiseach spoke about the cost effectiveness of drugs and cited the fact there is a procedure to establish the efficacy of any medicine and its economic value but I ask him to address the issue of that disparity between public and private cancer patients and whether he can justify the fact that a person, because his or her pockets are not as deep, will not receive the same care and, accordingly, his or her health and life are jeopardised.

**Deputy Brendan Howlin:** I am trying to get my head around the actual attitude of the Taoiseach and whether he is completely oblivious to the real crisis in our health system. I spent a chunk of yesterday in Wexford General Hospital talking to staff. People who had been evaluated expect the deals they do with the Government to be delivered upon, given that they stuck with those deals through the hard times. Giving praise to people and saying everybody is doing a great job is well and good but when we shake hands and do a deal with people, and they stuck with the Government through the hard times, it really is important that we deliver upon the deals that are struck. In terms of my very straightforward question on the support staff in hospitals, will the Taoiseach tell me now that the deal struck with SIPTU under the Lansdowne Road agreement will be delivered this year as promised?

**Deputy Joan Burton:** The Taoiseach said the Minister of State, Deputy Daly, was working on the legislation required to implement the Government's promise to farm families on the fair deal. Will the Taoiseach tell the House if a memorandum on the legislation has gone to the Cabinet yet? Will he tell us how long it will take to finalise the legislation and when it will arrive in the Dáil and the Seanad so that farm families can get better treatment for relatives who urgently need a nursing home place and the fair deal promised by him, a promise he has now broken? Families are very upset over this.

**Deputy Micheál Martin:** On the outpatient waiting lists, I understand that there are more

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than 100,000 people waiting over 18 months for an outpatient appointment. When the Taoiseach was the Minister for Health he had a target for this figure to be zero by June 2015. The figure has, however, gone up 800% since the Minister for Health, Deputy Harris, came into office in 2016. Will the Taoiseach indicate why this is and what the Government's plans are to tackle this figure?

The National Treatment Purchase Fund, NTPF, has been somewhat effective in reducing the inpatient waiting lists, although not all the way and it has been slow to get off the ground. It is in the confidence and supply arrangement and in the last budget we asked for an increase to go to the NTPF to allocate funding to patients. Perhaps the Taoiseach will undertake to get for me - officially - the timeline for receipt of the fair deal scheme once an applicant is approved. I am aware of a case that is taking six weeks and other Deputies have told me this is similar to their own experiences from applicants. I would appreciate someone clarifying that timeline for us. Why is there such a delay? That timeline is getting longer for recipients who have been approved under the fair deal.

**Deputy Richard Boyd Barrett:** The Taoiseach did not answer my question, which was simple and specific. Does he believe it is immoral that a person who receives a cancer diagnosis would get a different level of treatment and access to potentially life-saving drugs depending on whether or not he or she can afford particular private health insurance plans? I believe this is medical apartheid. It is as simple as that. Whatever about the general debate around a two-tier health system, which is unacceptable, does the Taoiseach believe it is acceptable in cancer care? If he does not, does he think it is immoral? If so, what is he going to do about it?

**An Leas-Cheann Comhairle:** There are two minutes left Taoiseach. Make the best of them.

**The Taoiseach:** I thought I had answered Deputy McDonald's question but I will give my answer again. In public hospitals, patients will receive the same medicines. Whether they have VHI or any other form of private health insurance will not make any difference in public hospitals. Patients will continue to receive the same medicines. What happens in private hospitals is not under our control. I do not wish to, nor do I believe myself qualified to, pronounce on morality but I believe it would be right, good and proper for us to continue to do what we have done until now, which is private insurers taking their lead from the National Centre for Pharmacoeconomics. If, based on clinical and objective criteria, the National Centre for Pharmacoeconomics judges that a medicine is not cost effective, the State would make an initial decision to not fund it and the private insurers would follow suit. That is the way it was previously. We will enter into a very difficult situation if private insurers decide on an arbitrary basis or a commercial basis which medicines should or should not be approved. Whatever we do, it should be done on an objective basis, based on clinical evidence and on a fair price, not based on insurers deciding unilaterally which medicines should be approved, which should be reimbursed-----

**Deputy Micheál Martin:** The drugs are approved. Are they not already clinically approved?

**Deputy Richard Boyd Barrett:** They are clinically approved.

**Deputy Micheál Martin:** The medicines are clinically approved by the respective bodies.

**An Leas-Cheann Comhairle:** The Taoiseach, without interruption.

**Deputy Micheál Martin:** I believe it is the same. This is the record of the House so I do not think the Taoiseach should make commentary like that.

**An Leas-Cheann Comhairle:** The Taoiseach, without interruption.

**Deputy Micheál Martin:** I do not think I would like it as part of the reason.

**An Leas-Cheann Comhairle:** We must afford the Taoiseach the same opportunity.

**The Taoiseach:** My apologies, I meant reimbursed.

On Deputy Howlin's question on support staff, the Government will of course honour its agreements. There may be different interpretations as to what the agreement says and how it is to be implemented, but we will of course honour agreements made with staff.

Deputy Burton asked about memorandums. To the best of my recollection there was a memo last July but I may be incorrect on this. The Minister of State, Deputy Jim Daly, is working on the heads of the Bill and these will be ready to go to Cabinet in May. Given previous missed deadlines, I do not know if I can stand over that date. Once the heads of the Bill go to Cabinet, legislation will be published and then we are in the hands of the Houses. A lot of legislation has, unfortunately, been held up in this House and the other House by the Opposition.

Deputy Martin asked about outpatient waiting times and I acknowledge that they are very bad, very long and getting worse. The Deputy mentioned my time as the Minister for Health. I might also recall that during Deputy Martin's time as the Minister for Health he did not publish the outpatient waiting lists. They were kept secret and not published so the public would not know how long they were. We have adopted a different approach in being much more transparent about these things. The most important thing is what can be done about it. Obviously, additional clinic capacity-----

**Deputy Brendan Howlin:** We are going back to Ardnacrusha.

**An Leas-Cheann Comhairle:** Please, Deputies.

**The Taoiseach:** Deputies will always talk over us when we talk about solutions. They are not interested in them-----

**An Leas-Cheann Comhairle:** The Taoiseach, without interruption.

**The Taoiseach:** That is my experience anyway. There are a number of solutions to outpatient waiting times. There are issues to be looked at in the following areas: making sure referrals are appropriate; providing additional capacity in clinics; ensuring the ratios are correct in making an adequate number of slots for new patients rather than having patients returning more frequently than is medically necessary; and looking at validation. Almost 500,000 people do not turn up for their outpatient appointments, which is more people than the number who are waiting over three months. This is a huge problem. It is not as simple as saying that the slots are there but are not being filled. Clearly, there is a big problem when huge numbers of people do not turn up for appointments. I do not believe the people are to blame for that: there must be a systemic issue. We need to look at investment in primary care, although this will not happen quickly. The increase of 40% in funding for general practice will make a difference, but it will take some time to see that.

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I will check up on the issue of waiting times for the fair deal. I am not aware of any significant deterioration over the last two weeks but some Members have raised the issue and I will endeavour to check it out.

**An Leas-Cheann Comhairle:** That concludes questions to the Taoiseach. I remind the House that the third group will be taken as the first tomorrow.

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

### **European Parliament Elections**

48. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps being taken at EU level to address potential interference from outside actors in the upcoming European Parliament elections; and if he will make a statement on the matter. [17781/19]

**Deputy Niall Collins:** I ask the Minister what, if anything, is being done at EU level to address the political interference from outside actors in the forthcoming European Parliament elections? I ask this against the backdrop of alleged outside interference in numerous other major elections across the globe, which we have seen reported and argued on across the media.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** The European Council conclusions of June 2018 called for the formulation of an action plan with specific proposals for a co-ordinated EU response to disinformation. A joint action plan was subsequently developed by the Commission and the European External Action Service and endorsed by the European Council in December 2018, with the aim of improving the detection and analysis of disinformation, strengthening co-operation and joint responses, mobilising the private sector, raising awareness and increasing societal resilience. The objective of the action plan is to create a consolidated approach among the EU institutions and member states to disinformation activities, especially in the context of the upcoming European parliamentary elections. In particular, the EU has established a rapid alert system focused on electoral disinformation. Comprising national points of contact, this system informs member states of disinformation activities and facilitates information-sharing on threat analysis, trends, best practices and lessons learned.

The EU Commission has also prepared a code of practice on disinformation, which was signed in October 2018 and saw a range of online platforms, leading social networks, advertisers and the advertising industry agree a self regulatory code of practice to address the spread of online disinformation and fake news. This code of practice sets out a wide range of commitments from transparency in political advertising to the closure of fake accounts. The code is an essential step in ensuring transparent, fair and trustworthy online campaign activities ahead of the European elections.

**Deputy Niall Collins:** We all agree that the European parliamentary elections are important in light of Brexit, the rise of nationalism and the suffocation of civil society and the threat to the rule of law in some EU member states, including Poland and Hungary. While interference in and manipulation of elections is not necessarily new the methods being deployed are new. The European Parliament elections in May will take place in a different political and legal environ-

ment to that which prevailed in 2014 and so all the actors involved, in particular member states and political parties, have to assume a responsibility.

The Tánaiste will be aware of the nine conclusions adopted by the European Council in February. I would welcome an update on what has been done to ensure that we have free and fair elections and on what actions the Government has taken in recent weeks following on from the European Council conclusions in regard to this matter.

**Deputy Simon Coveney:** I share the Deputy's concerns. The European elections, because they will be taking place across the entirety of the EU, potentially can be undermined by disinformation, fake news and people paying for false information to be used on social media platforms to try to impact the result of elections. The sense across the European Union that we need to work together to combat this activity is strong. The Deputy is correct that in February the General Affairs Council adopted conclusions under which countries have committed to work together to share information and best practice and to red flag issues emerging in one country so that they can be looked for in another country. Ireland is very much part of that discussion. We have a cybersecurity response in Ireland that is active anyway. It is managed by the Department of Communications, Climate Action and Environment and is linked to An Garda Síochána when necessary. No one country can combat this threat on its own, particularly in a Union that is as open and border-free as the European Union. For this reason, a collective approach across the European Union, with countries leaning on and learning from each other in terms of best practice, is the approach we are taking.

**Deputy Niall Collins:** I am sure the Tánaiste will agree that the integrity of our democratic processes is of paramount importance in any election, particularly in light of the advance of disinformation and fake news. It is a silent agenda, as we know, operating in the dark web across social media platforms.

In regard to the Online Advertising and Social Media (Transparency) Bill 2017, sponsored by my colleague, Deputy Lawless, I would like to see more urgency on the part of Government in regard to the progression of this Bill. I would also like to note that in June 2018 the Government published the report of the interdepartmental group on security and Ireland's electoral process and disinformation, which concluded that the risks to electoral processes in Ireland are relatively low taking into account the mitigating factors already in place but that it is recognised that the spread of disinformation online and the risk of cyber attacks on the electoral system pose a more substantial risk that is in line with EU findings in recent international experience. Has the Government taken any specific actions on foot of the 2018 interdepartmental group report on the security of Ireland's electoral processes and disinformation? The Fianna Fáil Party supports sanctions against countries that manipulate elections. Will the Tánaiste outline the Government's position in that regard?

**Deputy Simon Coveney:** On the interdepartmental group on security of Ireland's electoral process and disinformation, which reported in December 2017, there are three initiatives in this area that are worth noting: an open policy forum on regulation of transparency of online political advertising to identify balanced and transparent policy solutions to protect our electoral processes from hidden influences and disinformation; the opening of public consultations by my colleague, the Minister of State with responsibility for local government and electoral reform, on the establishment of an electoral commission, which I think will have a strong role in this area; and the establishment by Media Literacy Network Ireland, supported by the Broadcasting Authority of Ireland, of a media literacy campaign entitled, Be Media Smart. This campaign

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aims to tackle disinformation and support our citizens in learning how to critically analyse the information they consume.

### **Good Friday Agreement**

49. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the ongoing difficulties being faced by Irish citizens in Northern Ireland in asserting their Irish citizenship and that in certain cases Irish citizens are being forced to renounce British citizenship even though they are not and have not claimed to be British citizens; the steps he is taking to ensure that the British Government fully upholds the Good Friday Agreement in all its parts, including those relating to citizenship; and if he will make a statement on the matter. [17697/19]

**Deputy Seán Crowe:** I tabled this question because I am deeply concerned about the rights of Irish citizens, particularly those living in the North. Time and again, we have seen attempts by the British Government to row back on provisions of the Good Friday Agreement and subsequent agreements. Citizens in the North are angry and frustrated that we have celebrated the 21st anniversary of the Good Friday Agreement and it has not yet been implemented in full. Has the Tánaiste raised these issues with his British counterpart and will he update the House on developments?

**Deputy Simon Coveney:** I thank the Deputy for giving me the opportunity to address this issue because I know there has been a lot of online activity in regard to these concerns in recent weeks.

The Government is committed to ensuring that the vital citizenship and identity provisions of the Good Friday Agreement are respected and upheld in all relevant policy areas.

I am fully aware of the concerns that recent statements by the UK Government raise for Irish citizens in Northern Ireland, particularly given the uncertainty linked to Brexit. It is important to clarify that these statements in no way change the position that Irish citizens in Northern Ireland continue to be EU citizens in all circumstances.

In the Good Friday Agreement, the Governments “recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both” and “confirm that their right to hold both British and Irish citizenship is accepted by both Governments.” The Good Friday Agreement therefore includes an explicit right to both Irish and British citizenship and an explicit right of people to identify and be accepted as Irish or British or both. These rights must be fully respected and taken account of in all relevant circumstances. The Good Friday Agreement was agreed at a time when both Irish and British citizenships also entailed EU citizenship. After the UK exits the EU, this will no longer be the case. In order to fully uphold the spirit of the Agreement, where issues arise they should be addressed in a way that avoids any difference in entitlements based on citizenship. In particular, people in Northern Ireland should not be required to renounce Irish or British citizenship in order to access an entitlement.

This question has specifically arisen in relation to immigration rules. Last December, I wrote to the Secretary of State for Northern Ireland to raise the case of Ms Emma De Souza, with whom the Deputy will be familiar, and the concerns in regard to the citizenship and iden-

tivity provisions of the Good Friday Agreement and to ask for a review of the issues. In February, the British Prime Minister acknowledged the serious concerns in this area and pledged to “review the issues around citizenship urgently to deliver a long term solution consistent with the letter and spirit” of the agreement. The Government is now actively seeking the outcome of that review.

**Deputy Seán Crowe:** As we know, the Good Friday Agreement is an internationally binding agreement between two sovereign states. As the Tánaiste said, it recognises the “birthright” of the people of Northern Ireland to choose to hold Irish citizenship, British citizenship or both. Emma DeSouza, who is a citizen’s rights campaigner from Derry, published material earlier this month which shows that the British Government has changed the definition of “European Economic Area national” in its updated immigration laws. This fundamentally undermines the rights provided for in the Good Friday Agreement. Irish citizens are angry that the specific provisions they were promised regarding their rights in the North are not being delivered. Does the Tánaiste accept that the current situation is leaving people deeply exposed and worried and is creating a tiered level of citizenship? The Tánaiste has said that the Irish Government, as a co-signatory, is aware of the concerns that exist in this regard and is fully committed to alleviating them. What is the next step for the Government in relation to this matter? The Tánaiste has said that Irish citizens in Northern Ireland will continue to enjoy EU citizenship. What rights are they losing as a result of what is happening?

**Deputy Simon Coveney:** From the start of the Brexit discussions, we have been working to ensure Irish and British citizens in Northern Ireland will continue to be able to access the rights and privileges that come with EU citizenship. Irish citizens in Northern Ireland are EU citizens, just like Deputy Crowe and me. They will not be resident in the EU, however. Obviously, this poses obvious challenges. The Deputy asked about the rights associated with EU citizenship. We have been working on certain EU programmes and benefits, notably the EU health insurance card, in this context. When EU citizens travel across the EU, they have health insurance cover. We are working to extend this right to Northern Ireland and we will ensure this happens. That will involve passing legislation here. If necessary, the Irish Government will pay for citizens in Northern Ireland to be able to avail of that insurance cover in the same way as EU citizens. Likewise, we want to make sure students in Northern Ireland can continue to benefit from accessing universities across the EU under the Erasmus programmes. We are working to make sure the practical benefits that come with EU citizenship continue to apply to people in Northern Ireland. If necessary, we will fund that to make sure it is paid for as part of the package that will be necessary in the cases of the EU health insurance card and Erasmus.

**Deputy Seán Crowe:** After centuries of conflict, the Good Friday Agreement indicated to the world on a legal basis that we had created a path out of conflict which involved upholding and respecting people’s identity, allegiances and rights. The worry is that this aspect of the agreement is dissipating in front of our eyes. There are significant concerns about the rights of citizens’ partners. What is the Government’s view on that? What can it do? The Tánaiste has spoken about the provision of funding to some extent to uphold citizens’ rights. Are there other measures that the Government intends to take in respect of this matter?

**Deputy Simon Coveney:** We are trying to ensure that where necessary, we ask for the British Government to review its approach towards immigration issues. When asked for that, the British Prime Minister responded positively. We have not yet seen the result of that review. I expect we will see it shortly. It is a matter for the British Government. We expect that the British Government will follow through on both the language and spirit of the Good Friday Agree-

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ment by ensuring there are no consequences or disadvantages for people when they choose to be Irish or British, or both, in the context of who they are and where they come from in Northern Ireland. I think that is important. I expect that the British Government will respond to that, just like we need to. That is why the Good Friday Agreement has become such a central part of the Brexit negotiations and discussions. We are seeking to ensure that being Irish means one enjoys the rights and privileges of EU citizenship, regardless of whether one is north or south of the Border on this island. Regardless of whether it costs money, in these negotiations we will continue to prioritise the actual recognition of those rights to ensure they can be enjoyed.

### **Brexit Negotiations**

50. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade the status of Brexit in view of the granting of a flexextension to 31 October 2019; and if he will make a statement on the matter. [17782/19]

**An Leas-Cheann Comhairle:** I understand permission has been given to Deputy Niall Collins to introduce this question.

**Deputy Niall Collins:** I would like to ask for an update on Brexit in light of the recent granting of a flexextension until 31 October. Given the damage that a no-deal Brexit could potentially inflict on the country, Fianna Fáil welcomes the extension until October.

**Deputy Simon Coveney:** As we all know, the European Council agreed on 10 April last to extend the date of the UK's departure from the EU until 31 October. If the UK ratifies the withdrawal agreement before then, it will leave the EU on the first day of the following month. One of the conditions of the extension is that the UK must now hold European Parliament elections. If it does not, the UK will leave the EU on 1 June. I am glad the necessary preparations to hold European Parliament elections in the UK are under way. Although many people do not want those elections to take place, preparations for them are necessary for the reasons I have outlined. The Government welcomes the European Council's decision, which gives the UK more time to ensure there is an orderly withdrawal. Of course, the UK retains the right to revoke its Article 50 notification at any time if it chooses to do so. The European Council has reiterated that the withdrawal agreement, including the backstop and the Irish protocol, cannot be renegotiated and that any unilateral commitments made by the UK Government should be compatible with the letter and the spirit of the withdrawal agreement. We welcome these important assertions.

The European Council has made it clear that the additional time which has been made available cannot be used to begin the negotiations on the future relationship, which will begin when the UK's withdrawal from the EU has taken place. If the UK's position evolves, the EU will be prepared to reconsider the political declaration on the future relationship. The UK will remain a full member of the EU throughout the duration of the extension. We welcome the UK's commitment to act in a responsible and constructive way during the extension. While we had no expectation that the UK would act in any other way, this commitment is important because we must safeguard the effective functioning of the EU. Therefore, the EU 27 can discuss matters relating to long-term decisions without the UK. Responsibility for avoiding a no-deal Brexit now lies firmly with the UK. We hope the ongoing process between the UK Government and the main opposition party in that country, the British Labour Party, will lead to a positive outcome and an orderly withdrawal, which is what we are all looking for.

**Deputy Niall Collins:** I am sure the Tánaiste will agree that we are not out of the woods. While the prospect of a no-deal Brexit may have diminished, there can be no room for complacency or assumptions in light of the political chaos and instability in London that we are witnessing. We know that the UK will ultimately leave the EU, but the type of Brexit is still uncertain. It is fair to say that people are growing weary of Brexit. The ongoing uncertainty and the shifting deadlines are having an impact on the environment in which small and medium-sized enterprises and other businesses operate. According to a recent report in *The Irish Times*, Ms Verona Murphy of the Irish Road Haulage Association believes “State agencies were trying to deflect blame by saying that businesses had not made sufficient preparations” and considers “the State would struggle to process the millions of additional customs declaration forms if it is going to be a hard Brexit”. She continued:

They are unable to answer basic questions for us. If Brexit happens on Friday, it is just going to be utter chaos. The least of their worries will be who has signed up for an EORI.

The point I want to reinforce is that preparations seem to be rather patchy. Against this backdrop, and in the hope of trying to allay people’s fears and concerns, has the Tánaiste any insight into how the talks between the Labour Party and the Conservatives are progressing, particularly in regard to a customs union, which has such an impact on business?

**Deputy Simon Coveney:** I assure the Deputy that our contingency planning for no deal will continue. We would have been able to manage no deal but there is no question but that it would have put a lot of pressure on the system. There are certain areas of the economy that would have been, and still are, very vulnerable to a no-deal Brexit.

I do not believe anybody is trying to blame anybody else. Ireland is trying to act collectively here. There are businesses working with State agencies, policymakers and politicians from all political parties to try to raise awareness of what we all need to do to prepare for the consequences of a no-deal Brexit. Part of that includes the discussion to try to ensure the 82,000 or so companies in Ireland that trade with or across the United Kingdom regularly are registered for customs in a way that will allow them to continue to trade in a no-deal Brexit scenario. I and many others have been raising the profile of this issue to ensure that people take the time to get the number they need in order to register online with the Revenue Commissioners.

We have done a really good job so far in preventing sectors of the economy or political parties from blaming one another regarding preparations for Brexit. Unlike in the United Kingdom, we have worked together and we are much stronger for it.

**Deputy Niall Collins:** I agree. On an obviously related matter, has the Tánaiste had any recent conversations with the Democratic Unionist Party, DUP, regarding its continued opposition to the withdrawal agreement? Could he enlighten us on any contact or discussions he has had?

**Deputy Simon Coveney:** The most recent conversation I had was with Mr. Jeffrey Donaldson at the Fine Gael national conference. I have not had any detailed discussions. I suspect there may have been some back-channel conversations between the Government and the DUP but certainly nothing of any real substance. I do not get the impression that the DUP is proposing to change its position so we are now focusing on the talks between the Conservative Party and the Labour Party. It will be no news to this House that I am in regular contact with David Lidington in particular but we also reach out to the Labour Party to understand its approach to

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the discussions between the two parties. I do not believe we should comment on the progress or otherwise of the talks because they are at a sensitive point. They are continuing this week, as one would expect. Of course, the hope is that the Labour Party and Conservative Party will be able to agree a middle-ground position that may involve a change of approach to customs issues and alignment with the Single Market. Obviously, it will involve a discussion in regard to a confirmatory people's vote as well but that is a political matter for the two parties concerned.

### **Passport Services**

51. **Deputy Michael Healy-Rae** asked the Tánaiste and Minister for Foreign Affairs and Trade if airlines will be contacted to request the passport details of persons when they book flights (details supplied); and if a printing service will be provided in the Cork passport office. [17821/19]

**Deputy Michael Healy-Rae:** What I would call the passport season is upon us. Unfortunately, many people run into difficulties at this time because of a lack of preparedness in having their passports ready. There are very simple, straightforward measures that could be put in place to alert people to the need to check their passport expiry dates. If when booking flights they were prompted to furnish their passport numbers and expiry dates, it would certainly help. It would prompt people to check their passports. I am sure the Tánaiste could not argue about providing a service in Cork.

**Deputy Simon Coveney:** A number of us in this Chamber know a lot about passports.

My Department engages in advertising and public messaging where there is important information on passports that needs to be brought to the attention of citizens. Several passport service public information campaigns have been initiated in recent years, including promoting the online passport renewal service. There has also been engagement with airlines and other travel-related agencies on how they can encourage good passport practice among citizens. My Department shall be raising the matter of airlines encouraging good passport practice at the next meeting of the national facilitation committee, which is chaired by the Department of Transport, Tourism and Sport and of which all Irish-based airlines are members.

Early this year, the Passport Office ran a three-week public information campaign targeting citizens planning their holidays abroad. It included adverts on social media, video and other digital platforms, print advertisements in national and regional news papers, radio advertisements and radio interviews with the director of passport services. Another campaign will commence early next month.

The passport service will continue to promote good practice among citizens and encourages Deputies to remind citizens to register their details on the passport e-reminder service online.

The passport service operates three passport-printing machines, two of which are located in our main production facility in Balbriggan, County Dublin, and one of which is located in the Passport Office on Mount Street. All production facilities can print a passport irrespective of the channel in which the application was processed. This printing system allows for flexibility between printing machines if any one machine has reached capacity.

The three printing machines meet the passport service printing demands and have additional

capacity remaining. The printing requirements of the Passport Office in Cork are met by these machines. As a result, there are no plans to add a printing facility. If, however, an applicant needs to travel for emergency reasons, an emergency passport can be issued in the Cork office to facilitate travel. I will elaborate on that when I get another opportunity.

**Deputy Danny Healy-Rae:** I ask the Tánaiste to relay, on behalf of all Members, our gratitude to the people who work in the passport offices. At times, they must deal with customers in a state of distress because of their having to travel in emergencies. Even a person going on holiday may be in a distressed state if he or she finds he or she does not have a passport with which to travel in a day or two. All I can say about everybody working in the service is that they are courteous, kind and understanding. They may be working in pressurised circumstances in many cases and dealing with people who are upset. Having said all that, I really believe our airlines could be more proactive. If when booking a holiday, the passenger were specifically asked to give a passport number and expiry date, it would help.

Enhancing the service in the Cork office would require further investment but it would create balance and take pressure off the office in Dublin. It would service the lower part of the country. One could get a passport and avail of a printing service in Cork.

**Deputy Simon Coveney:** I thank the Deputy for his comments on the staff of the Passport Office. They do an extraordinary job under very pressurised circumstances. There has been a dramatic increase in the number of applications for passports this year, on top of a big increase last year. We have made a significant amount of change in the office in terms of efficiency and extra staff. We strengthened the capacity of the passport service by recruiting over 80 permanent staff to respond to the general increase in passport applications. The passport service has obtained sanction for the recruitment of over 230 temporary clerical officers. The new staff will be spread across all offices, including in Cork.

The challenge over timelines is not just about printing the passports themselves, for which the printers are necessary, but the processing and associated security issues. This is very much a feature in the other passport offices, including in Cork. If I felt we needed another printing facility, we would consider it. It would be expensive but we would seek to achieve it. We have increased the capacity significantly.

*5 o'clock*

We have seen a pretty good result from that so far this year compared with the challenges faced last year when many Members came to me or my office seeking assistance with significant numbers of passports. We have not had a repeat of that this year because we learned lessons and put better systems in place this year.

**Deputy Michael Healy-Rae:** I welcome any additional resources for extra personnel. They certainly will not be idle because of the massive increase in applications over the last two to three years. More people are travelling, including people who may not have travelled in a decade, and that is most welcome. There are simple measures that we can take to alert people that they ought to check their passports. It is a simple error to make when people do not check their passports, but people do make it. When it is only in a day or two from travelling they look for their passport and find it is out of date. There is an emergency service for people who find themselves in that position and I know the staff always push out the boat and do everything that is humanly possible. We should recognise that they do brilliant work at the last minute to get

people travelling if at all possible.

**An Leas-Cheann Comhairle:** Can the Deputy ask a question, if there is one?

**Deputy Michael Healy-Rae:** Is there any possibility of really looking at the value for money of a printing machine in Cork?

**Deputy Simon Coveney:** That is a question that I have asked in the Department. The assessment has been that the focus needed to be on more staff. Last year, many people who were waiting for the return of renewed passports were simply unable to get someone at the end of a phone to give them accurate information because there were too many calls and not enough people to answer them. Because we do have the capacity to print the volumes we need with the three printing machines we have, the focus this year has been on the staff who are focused on processing, process delivery and answering phones and queries, to keep people up to date. The result has been quite impressive. We now turn around both online and postal applications on time, and sometimes ahead of the recommended time.

We respond as best we can with emergency passports. Sometimes political intervention is needed and justified. We try to accommodate emergency cases when we can.

## **Ceisteanna Eile - Other Questions**

### **Israeli Settlements**

52. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the plans announced by the Israeli Ministry of Construction and Housing to move settlers into the illegally occupied Golan Heights; his further views on whether continued flouting of international law should be condemned more robustly by the EU; and if he will make a statement on the matter. [17593/19]

60. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the comments of the Israeli Prime Minister that if he wins re-election he will annex illegal Israeli colonial settlements in the occupied West Bank; if he will condemn these comments; and the response he will take if Israel moves towards annexing illegal Israeli colonial settlements in Palestine. [17558/19]

69. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the recent developments at EU and or international level to try and halt the expansion of illegal Israeli settlements on Palestinian land; and if he will make a statement on the matter. [17586/19]

94. **Deputy Jonathan O'Brien** asked the Tánaiste and Minister for Foreign Affairs and Trade the diplomatic response of Ireland to the policy of Israeli Prime Minister to promise to break international law and annex occupied Palestinian land; the way in which he will respond to a far right Israeli Government; and if he will make a statement on the matter. [17598/19]

95. **Deputy Eamon Ryan** asked the Tánaiste and Minister for Foreign Affairs and Trade the position of Ireland on the recent announcement from the Israeli Prime Minister regarding plans to annex Israeli settlements in the West Bank. [17626/19]

**Deputy Maureen O’Sullivan:** Can the EU be more robust in its condemnation of what is flouting of international law?

**(Deputy Simon Coveney):** I propose to take Questions Nos. 52, 60, 69, 94 and 95 together. The relentless process of settlement expansion and related activities in the West Bank, including forced removal of Palestinians from their homes, is critically damaging the viability of a future Palestinian state, and thus the prospects for a peace agreement and an end to the conflict. I have consistently made this view very clear here in the Oireachtas, at EU and international level and directly to the Israeli authorities during my visits to the region.

Settlements are illegal under international law, undermine the very basis of the two-state solution and erode the credibility of Israel’s commitment to a peaceful solution to the conflict. The pursuit of the settlement project also inevitably involves a range of injustices to Palestinians, such as evictions, demolition of homes and seizure of land and a wide range of security and other measures discriminating against Palestinians in their daily lives for the benefit of settlers. For all these reasons Ireland has focussed on settlements as a major driver of the continuing conflict.

These same concerns arise in relation to settlement building on the Golan Heights. I am aware of reports of a new Israeli Government plan to transfer more settlers into the Golan Heights. Should these reports be confirmed, it would be extremely worrying. Such transfer of population into an occupied territory was explicitly outlawed in international law after the events of the Second World War. Annexation of territory by force is also illegal under international law, including the UN Charter. Any attempt to legitimise this illegal annexation ignores the wishes of the inhabitants of the area and would be a flagrant violation of the principles of international law.

In a statement on 8 April I condemned the latest reported decisions by the Israeli authorities to advance plans for further settlement construction and related activities in the West Bank. Also last week, there was a clear and principled EU statement, referring to these decisions on construction in settlements and on the legal status of an illegal outpost. The statement reiterated that:

The European Union’s position on Israeli settlement policy in the occupied Palestinian territory is clear and remains unchanged: all settlement activity is illegal under international law. It erodes the viability of the two-state solution and the prospects for a lasting peace.

The Middle East peace process is at a critical impasse and the actions taken by both sides in the conflict can have serious repercussions. Continued expansion of settlements in these areas is not compatible with a good faith effort to reach a peace agreement and this is undermining many Palestinians’ faith in a political path.

Reckless election promises in Israel in recent weeks, including some reportedly threatening to annex lands in the West Bank, can only add to these concerns. Unhelpful election rhetoric is not unique to Israel, and Ireland and the EU will judge the new government, which is still to be formed, on what it actually does rather than on what may have been said in the heat of the campaign. However, that does not mean such words are of no consequence since they send dangerous messages to militant settlers and contribute to a climate of fear and insecurity among many Palestinian communities.

It has long been proposed that a future peace agreement may involve some agreed mutual

border adjustments, if the parties so wish it. Such changes can only be by mutual agreement. Any unilateral statement of annexation by Israel of occupied territory would be illegal under international law, would have no legitimacy and would not be recognised or accepted by Ireland or the international community more generally.

The European Union has taken a number of actions relating to settlements. These include the levying of higher tariffs on goods from settlements compared with goods from within Israel's recognised borders, prohibiting the use of EU research funding in institutions located in settlements, and rules to prevent misleading labelling of goods from settlements as being from Israel. Ireland has been to the fore in securing many of these actions.

With the prospects for peace continuing to deteriorate on the ground, EU Foreign Ministers have discussed the peace process on numerous occasions over the last year. Most recently, as Members will be aware, I held a meeting in February on the current state of the Middle East Peace Process with a small group of EU and Arab Foreign Ministers and the Secretary General of the Arab League. At this meeting we considered how the EU, together with the international community, can productively engage and better use all the levers at our disposal to influence the parties to the conflict.

Ireland and the EU stand by the internationally agreed parameters for a negotiated peace agreement and continue to urge the Israeli Government to uphold its international legal obligations, including under the Fourth Geneva Convention, on the treatment of a civilian population.

**Deputy Maureen O'Sullivan:** The EU is saying the right things, however statement after statement goes completely unnoticed by the Israeli authorities. Look at what has happened to date. Already, there are 34 illegal settlements in the Golan Heights and 167 illegal settlement businesses. That has meant the displacement of 340 Syrian villages and over 130,000 Syrian civilians already. That is what has happened to date. If this plan goes through, by 2048, 250,000 people will have been transferred into the Golan Heights, which will also see the construction of two new cities. We know that this violates all international law including the Fourth Geneva Convention, which relates to the protection of civilians in time of war and unambiguously outlaws population transfers into occupied territory. The altering of the status of occupied Golan Heights has been condemned on numerous occasions, including by the Security Council, yet the situation continues. If this is a ploy by Prime Minister Netanyahu as part of his election campaign, it has brought tremendous stress, tension and uncertainty to residents in the Golan Heights who already face severe challenges.

**Deputy Simon Coveney:** I have been clear on recent comments by the United States on the Golan Heights. We have been consistent and clear about the corrosive impact of expanding settlements in terms of the expanding size of some existing settlements and new settlement activity, both in the West Bank and on the Golan Heights. It fundamentally undermines the capacity to function in the context of the two-state solution for a future Palestinian state. That is stating the obvious.

In truth, the EU has found it difficult to make decisions on the Middle East peace process in many ways. However, it has been unanimous in its collective criticism of settlement activity, and I believe that will continue. The High Representative, Ms Mogherini, has been very strong on this issue. She has repeatedly issued collective EU statements on the European Union's concerns regarding settlement activity. We have taken action. I outlined three actions we have taken on labelling, tariffs and ensuring that consumers understand what they are buying.

**An Leas-Cheann Comhairle:** The Tánaiste will have further opportunities to contribute.

**Deputy Simon Coveney:** We have supported all of those.

**Deputy Seán Crowe:** My question is on the annexation of illegal Israeli colonial settlements in the West Bank. The comments of Prime Minister Benjamin Netanyahu during the recent election were inflammatory but not surprising. They have swept him to power. The balance of power in the Knesset is now held by smaller right-wing parties and religious parties that have previously sat in coalition with Likud. They will potentially allow Netanyahu to form the next government. These extremists want to formalise the illegal occupation of Palestine, harden Israel's apartheid regime and expand its territory. We cannot brush this aside as being purely an election ploy. Netanyahu has repeatedly spoken out against the two-state solution and Palestinian sovereignty. Not only that, he has also facilitated the increase in the number of illegal colonial settlements. People are asking what will Ireland do and what action will we take. We must end Israel's impunity. It is time for Ireland to stand up and recognise the state of Palestine. We cannot wait any longer. Will the Tánaiste reconsider his refusal to abide by the motion unanimously passed by this House calling for such recognition?

**Deputy Simon Coveney:** Deputy Crowe knows only too well what the Government's position is on the recognition of Palestine. We have a clear programme for Government commitment that we want to recognise the state of Palestine, but in the context of an agreed solution. The Deputy asked what Ireland is doing. The answer is that we are doing a lot at the UN and EU levels. I have been to Israel and Palestine on three occasions in my first 12 months as a foreign Minister and have met all of the key principals in political leadership on both sides. We will continue to do so. I look forward to travelling to Israel and to Palestine again in the coming months, meeting the new government and outlining the Irish perspective on what we regard as the way forward for a peace process. We are expecting a US intervention in terms of a new peace plan in the coming months, if not weeks. I have spoken at length to the key architects of that peace plan on the US side and we have made very clear what the Irish position is. We want this to work and to be successful but it has to be fair to both sides. Ireland will continue to be vocal on the international stage on these issues.

**An Leas-Cheann Comhairle:** I call Deputy Eugene Murphy on behalf of Deputy Niall Collins.

**Deputy Eugene Murphy:** I will make a few brief comments rather than repeat the points made by Deputy Maureen O'Sullivan, all of which Deputy Niall Collins and I agree with. As Deputy Crowe said, the language of Prime Minister Netanyahu in the recent general election was shocking. One has to ask if he was playing politics or if this is a more serious agenda by his followers. Prime Minister Netanyahu won the election by the skin of his teeth alongside a coalition of right-wing parties which will support his policies. The injustice experienced by the Palestinian people will obviously continue.

I understand and hear what the Tánaiste is saying. He has spoken strongly and I know where his heart is on this issue. Will he give an assurance that he will further progress the European Union's objections to what is being done to the Palestinian people and the settlements being forced on them? The EU will nearly need to redouble its efforts in this matter.

**Deputy Simon Coveney:** The answer to the Deputy's question is "Yes". I have been consistent on settlements, whether I am speaking to Prime Minister Netanyahu, Dr. Saeb Erekat, a

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European Commissioner or other Ministers for foreign affairs. It is important that we say the same things in this House as we would say in Tel Aviv, Jerusalem or Ramallah. We challenge people but also try to work with them to find a way forward. Ultimately, we have to be part of an international effort to broker a peace agreement that Israelis and Palestinians can live with. We have to be blunt, honest and consistent in our messaging and critical at times, where that is justified. However, we should not be seen as one-sided. It is not being one-sided to call out inconsistencies with international law when it comes to the illegality of settlements and their expansion. Unfortunately, some people view my comments as being one-sided when they are not. They are consistent with the views of the international community and the European Union as a collective, even on an issue that can be divisive, particularly within the EU.

**Deputy Eamon Ryan:** The Tánaiste will be aware of the grave situation in Tripoli. General Haftar's forces are on the outskirts of the capital and engaged in an assault on the city where the UN-backed-----

**Deputy Simon Coveney:** Are we still discussing Palestine?

**An Leas-Cheann Comhairle:** Deputy Ryan tabled Question No. 95, which is part of the group.

**Deputy Eamon Ryan:** My apologies. I thought the Leas-Cheann Comhairle had moved to the next question.

**An Leas-Cheann Comhairle:** If the Deputy has a supplementary question, he is entitled to ask it.

**Deputy Eamon Ryan:** I will leave it.

**Deputy Maureen O'Sullivan:** The word "corrosive", which the Tánaiste used, was correct because that is the effect of the settlements. The point is that if the settlements continue, there will not be any lands left from which the Palestinians could create a state. The Golan Heights had been untouched by conflict for many years. It had been part of an Israeli peace plan under which Israel was prepared to transfer the area to Syria as part of a comprehensive peace deal. The position is now very different, however. There are 27,000 Syrians, mainly Druze, still living on the Golan Heights and they are under extreme pressure. We met a group of residents from the Golan Heights some time ago and we heard at first hand what life is like for them. The Tánaiste mentioned the US peace plan, on which another question has been tabled. When President Trump states that it is time for the US to fully recognise Israel's sovereignty over the Golan Heights, how could that possibly complement a US peace plan? That is a highly inflammatory statement. Sovereignty is so important to Irish people who know the lengths to which we had to go to assert our sovereignty. The violation of international law is continuing.

**Deputy Seán Crowe:** While the Tánaiste has worked extremely hard on this issue, with all due respect, I do not believe his approach is working. He asked us to give him time but the problem is that the Palestinians do not have time. The approach of Europe and certainly the United States is not working or helping to build a peace settlement. Things are becoming measurably worse for Palestinians every day. The Prime Minister of Israel has stated that he will annex swathes of Palestinian sovereign territory. The US has moved its embassy to Jerusalem and declared that city capital of Israel. It has now also declared that Israel has sovereignty over Syria's Golan Heights.

I appeal to the Tánaiste to listen to the democratic voice of this House and the demands of Irish people. We want to see the formal recognition of the state of Palestine and a ban on goods from Israeli settlements entering Ireland.

**Deputy Simon Coveney:** I agree with the Deputy that the approach has not worked but we have to make a judgment as to what is likely to produce positive results. Trying to introduce a Bill that we know to be illegal and unenforceable might make some-----

**Deputy Seán Crowe:** That is the Tánaiste's opinion.

**Deputy Simon Coveney:** It is the opinion of the Attorney General.

**Deputy Seán Crowe:** There are different legal opinions available.

**Deputy Simon Coveney:** The day we set aside the Attorney General's opinion in this House will be a sad day for democracy. Any party that has been in government would know that. Having said that, I understand the frustration which gave rise to the Bill. I have said that on many occasions in this House and in the Seanad. We cannot propose to introduce legislation or policies that are unenforceable or illegal in order to make a point. That is not what we should be doing.

We have debated the recognition of Palestine and it remains under consideration but we are trying to ensure that Ireland has an influence over what a new peace plan which is likely to come forward in the coming weeks will look like. We want to ensure that we can continue to talk to, challenge and work with both Governments. Ireland wants to be part of a solution rather than simply taking a position that may sound good but that will not actually result in any change. That is a constant judgment. I share the frustration of many in this House but it is not realistic to suggest that, by recognising Palestine next week, the problem will be solved.

### **Foreign Conflicts**

53. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to recent anti-Government protests in Sudan (details supplied); and if he will make a statement on the matter. [17562/19]

**Deputy Seán Crowe:** I tabled this question before Omar al-Bashir was removed as President of Sudan. I was moved by seeing the huge crowds of citizens that had gathered to protest his continued autocratic rule and demand civilian government. Things have moved quickly in the past week and we can all state our support for the end of military rule in Sudan and that a democratic civilian Government needs to be put in place. I look forward to hearing the Minister of State's comments on this.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon):** On 11 April, it was announced that a transitional military council had assumed control in Sudan and that Omar al-Bashir, who had held the office of President for three decades, was being held in a safe place. The transitional military council has said it will govern Sudan for a two-year transitional period after which it promises presidential elections. Sudan's constitution has been suspended, its parliament has been dissolved, and a three-month state of emergency has been declared.

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Despite al-Bashir's removal, the Sudanese Professionals Association, which is one of the main organisers of the protests, has called for a continued sit-in outside the Defence Ministry. This is to demand a return to constitutional and civilian Government. In an attempt to placate the protestors, the initial appointment of the Minister of Defence as head of the transitional military council was withdrawn over the weekend, replaced by another senior military figure. Negotiations between protestors and the military are continuing and the situation on the ground remains dynamic.

Events continue to evolve and my officials are monitoring developments, through the Irish Embassy in Nairobi, which has responsibility for Sudan, and through our membership of the European Union. Officials from my Department visited Sudan earlier this month on a UN organised visit, a key element of Ireland's chairing of the donor group supporting the Office of the UN Humanitarian Coordinator.

The political changes of the past week follow five months of demonstrations, triggered initially by spiralling costs of living. These protests took on renewed emphasis earlier this month, coinciding with the 34th anniversary of a bloodless coup against a former President, Jaafar Nimeiri.

In attempts over the past months to suppress and disperse protests, Sudanese security forces have used tear gas, stun grenades and live bullets. The use of violence against demonstrators has been widely condemned.

On 11 April, European Union High Representative, Federica Mogherini, issued a statement complementing a statement by the chairperson of the African Union Commission which highlighted that a military council does not provide the answers and breached the principles of the African Union Charter. High Representative Mogherini said that only a credible and inclusive political process can meet the aspirations of the Sudanese people and lead to the political and economic reforms Sudan needs. That can only be achieved through a swift handover to a civilian transitional government. In that process, she called on all concerned to exercise calm and the utmost restraint. I fully endorse her statement.

**Deputy Seán Crowe:** Omar al-Bashir was an autocratic leader of Sudan for just under 30 years. He came to power in a military coup and ruled Sudan with an iron fist and a strict, conservative, Islamic legal system. His ousting came after months of protests against the Government. Protesters accused the Government of mismanaging the economy, as the Minister of State indicated, and some peaceful protests have been attacked by security services. Last week, the military in Sudan stated that it had arrested Omar al-Bashir and would oversee a two-year transitional period. However, as events continue to unfold, I do not think that position will hold. People do not want to be controlled by a military council made up of army personnel who ruled and supported Omar al-Bashir over the years. Protesters remain outside the army and military headquarters in Khartoum demanding a civilian Administration and that the military immediately and unconditionally hand over power to a civilian Government. Will the Minister of State call on the protestors to ensure that protests remain peaceful and on the army to ensure that it does not forcibly remove or attack protest groups?

**Deputy Ciarán Cannon:** We call on all involved to ensure that the protests remain peaceful and that the response to them remains proportionate. The Irish Embassy in Nairobi, which is accredited to Sudan, continues to monitor the political situation closely in co-operation with a delegation of the European Union in Khartoum. Senior officials from the Department of For-

Foreign Affairs and Trade met with the Sudanese ambassador to Ireland earlier this year to discuss the situation in Sudan.

Ireland is also responding effectively to the ongoing humanitarian needs in Sudan with almost €29 million in direct humanitarian assistance provided through our UN, NGO and Red Cross partners since 2012. In conjunction with our EU partners, we have urged that peaceful demonstrations be permitted, that political prisoners be released and that the call for change prompts a commitment to a peaceful, credible, legitimate and inclusive process that will allow Sudan the breathing space to carry out essential reforms.

**Deputy Seán Crowe:** In another development, 13 people were reportedly killed in an armed attack on protestors in the troubled region of south Darfur over the weekend. Gunmen attacked the anti-Government protests at a camp for displaced people, according to local reports.

Omar al-Bashir has been indicted on charges of war crimes and crimes against humanity in Darfur by the International Criminal Court and a warrant is out for his arrest. The military council has said it will not extradite Omar al-Bashir to face accusations in the International Criminal Court although he could well be put on trial in Sudan. What is the Government's view on that and will it be pushing for his extradition to face these charges in the International Criminal Court in The Hague?

**Deputy Ciarán Cannon:** The Government's position is that it should, and will, continue to monitor the situation closely, particularly in conjunction with our EU partners and the United Nations. Any actions that would be considered inflammatory in the context of an unstable political situation in Sudan should be avoided at all costs.

### **Passport Applications Data**

54. **Deputy Martin Heydon** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the increased take-up of the online passport service; his plans to extend the online service for more applications; and if he will make a statement on the matter. [17588/19]

**Deputy Martin Heydon:** I am seeking an outline of the increased level of take-up in respect of the online passport service. We are heading into the Easter holidays and people will be taking summer holidays shortly after, so this is a time of increased pressure for passport services. Unfortunately, some people are caught at short notice. I wish to put on the record that the new online system is a great improvement on the alternative process. I ask the Tánaiste to outline the plans to extend the online service to more applications than is currently the case.

**Deputy Simon Coveney:** I thank the Deputy for allowing me to put on the record the success of the new online passport renewal service launched in March 2017. Since its launch, more than 440,000 online applications have been received. For applications received so far this year, over 70% of eligible applicants have utilised the online renewal service rather than a paper application, which is very welcome from our perspective. The online service brings significant benefits to citizens, including faster turnaround times averaging ten working days plus postage, a user-friendly application process, greater customer satisfaction and fees reduced by €5 across all online applications.

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The second phase of the online passport renewal service was rolled out in November 2018 when the online service was expanded to accommodate renewal applications for child applicants and additional cohorts of family applicants. With this expansion, more than half of all passport applicants are now eligible to renew online.

The online passport renewal service is part of the ongoing passport reform process. This programme is delivering major upgrades to the passport service technology platforms and business processes as well as making significant customer service improvements to the Passport Service. It is envisaged that as part of this reform the online application process will be rolled out to first-time applicants by 2021.

A strong take-up of online services will greatly improve the capacity of the Passport Service to manage increasing application volumes. Efficiencies gained mean that staff resources can be redeployed towards the processing of more complex applications, protecting the integrity of the Irish passport and enhancing the customer service we offer to citizens.

**Deputy Martin Heydon:** I thank the Tánaiste for his response, which is in line with my experience in the constituency that moving to the online system has been of assistance. Approximately how many children's passport renewals have been processed since the second phase allowing such applications to be made online was rolled out last November? How much more complex is it to process a first-time application than a renewal? The Tánaiste indicated that service will be available online in 2021. I acknowledge that we must maintain the integrity of the passport system, but the Tánaiste is indicating that half of current applications are being processed online and the processing of first-time applications online would be another major step forward.

**Deputy Simon Coveney:** A total of 446,383 online applications were received between 30 March 2017, when the service was launched, and 31 March 2019. The total number of applications of all types received in the same period was slightly more than 1.7 million. A total of almost 148,000 online applications have been received since the expansion of the online service on 28 November. The total number of applicants received in that period was 240,000. We are now seeing comfortably more than half of renewals happening online, which makes a significant difference in terms of efficiency.

When I was the Minister for Agriculture, Food and the Marine, my Department was trying to shift Common Agricultural Policy, CAP, applications online. Many people said it could not be done as applicants would not have the broadband links to be able to make the applications and so on. All such applications are now made online and that is where we want to go with passports. However, we must do so in a phased way to ensure that people are comfortable doing it and there are information campaigns to reassure people and give clear instruction on how to apply. In the meantime, we have an efficient postal process, but I encourage people to consider the online system because it helps everybody.

**Deputy Martin Heydon:** Have extra staff resources been freed up which could be redeployed to more complex cases in order to progress them more quickly? Many complex cases may be for business purposes and involve an urgent need. If we are getting through such cases more quickly, that is positive.

What is the level of uptake of passport cards? Has it increased? Is the online service proving quicker than passport express? Obviously, it is cheaper, and if it is also quicker that should

be highlighted to encourage people to avail of it.

**Deputy Simon Coveney:** In some ways, under the current system the term “passport express” is almost a misnomer because the online application process, which has a ten-day turnaround time, although people often receive their passport after three or four days, is far quicker. We set a target of ten days plus postage but it is often far quicker than that. The postage process takes 15 days, or 50% longer, although it is quite an efficient turnaround time. The online system is the most safest, fastest and most efficient passport application process and we very much encourage people to use the online resource. It is relatively easy to use. Although the older system involving filling out forms and sending them off in the post is still relatively efficient, it is not nearly as efficient as applying online. We have received much positive feedback this year on the online system for children and adults. We wish to continue this step-by-step shift to online application. It is hoped that all passport applications will be made online by the end of 2021 or 2022.

### **Religious Persecution**

55. **Deputy Thomas Byrne** asked the Tánaiste and Minister for Foreign Affairs and Trade the diplomatic steps Ireland is taking to highlight and end the persecution of Christians worldwide. [17616/19]

**Deputy Thomas Byrne:** One of the founding principles of the State, the European Union and the European Convention on Human Rights is freedom of religion and freedom to practise religion. As the Tánaiste will know, the persecution of Christians and other minorities seems to be rearing its head again. I note that the British Government has ordered an independent review of the matter to see what it can do about it. What is the Government response on this issue?

**Deputy Simon Coveney:** Under Article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion. This right, which is replicated in the International Covenant on Civil and Political Rights, includes the freedom to change one’s religion or belief and the freedom, either alone or in community with others, to manifest one’s religion or belief in teaching, practice, worship and observance in public or private.

Ireland strongly condemns all forms of persecution on the basis of religion or belief, irrespective of where they occur or who the victims are. We are committed to promoting freedom of thought, conscience and religion, as well as the rights of persons belonging to religious minorities. This commitment to promoting freedom of religion and belief is reaffirmed in the Global Island strategy.

Ireland advocates for inclusive societies through our work with the UN Human Rights Council and, in particular, its universal periodic review of the human rights records of UN member states. We are also a member of the International Contact Group on Freedom of Religion or Belief, an informal cross-regional network which aims to encourage information sharing and co-operation between governments to discuss joint advocacy strategies for the promotion and protection of freedom of religion or belief internationally.

Ireland works within and alongside the EU to address the persecution of Christians and other religious minorities. We played a key role in the adoption of EU guidelines on freedom

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of religion or belief during our Presidency of the Council of the EU in 2013. The current EU action plan on human rights and democracy 2015-2019 includes express reference to the promotion of freedom of religion or belief. We will continue to work to ensure that freedom of religion or belief is addressed within the framework of EU external human rights policy.

**Deputy Thomas Byrne:** I appreciate the response of the Tánaiste. Although I am primarily highlighting the persecution of Christians - mainly because it is increasing worldwide, as shown by statistics - countries which persecute Christians are likely to also persecute other minorities. It is an indication of the type of country in question. The worst country in the world for persecuting Christians is North Korea, although I am not suggesting that the Tánaiste will have much influence on it. However, in countries such as China and India in particular the persecution of Christians has been driven up a notch. It is frightening, particularly in a country such as India, which is the world's largest democracy, that the persecution of Christians is rife. India is now, according to global statistics, among the top ten countries in the world in this regard. Similarly, we know that there are human rights issues in China. I strongly encourage the Tánaiste to raise those issues with China, where Christmas is banned and where those practising religion are not given the freedom they deserve. China, probably rightly, is engaging in forming many relationships with local authorities at present. I would appreciate it if the Tánaiste gave guidance to the County and City Management Association on human rights issues when its representatives meet Chinese officials.

**An Leas-Cheann Comhairle:** I want to take two more questions after this so I ask the Tánaiste to be brief.

**Tánaiste and Minister for Foreign Affairs and Trade Deputy Simon Coveney:** I recognise that the response I gave earlier was quite technical in referring to conventions, etc., but it was important to put that information on the record. We are seeing an increase in intolerance and persecution of minorities across the world. In some cases, the states involved feel that they almost have a licence to act as they do in the aftermath of the actions of other countries. We have seen an increase in the persecution of LGBT communities, for example, in a number of African countries. Yes, we have seen persecution of the Christian community in India. As I have stated, Ireland strongly condemns the targeting of religious minorities. Acts of violence and discrimination based on religion or belief committed in the name of religion or national security, whether by individual states or otherwise, must be challenged. I have asked my officials, including our embassy in New Delhi - Deputy Byrne mentioned India - to continue to monitor the situation in India in this regard and in co-operation with the EU. I also believe it would be appropriate to raise our concerns at the next meeting of the EU-India human rights dialogue.

**Deputy Thomas Byrne:** I am glad to hear that. I was just about to say that I think many of our county managers and council officials meet Chinese officials and representatives regularly. In this context, I am concerned that human rights issues would be on the agenda and not simply glossed over in the interests of business and employment, which, of course, are important. There are serious human rights abuses happening in China. I am glad the Tánaiste is going to raise this at Council level but I also ask him to look to what his counterpart in the UK is doing and see whether there is anything Ireland can do following on from that. The Tánaiste is correct to state that the best action we can take is probably in the context of the EU, and I welcome that. Britain will not be part of the latter, which is unfortunate because we have more influence in the EU than Britain will have on its own. That is the truth. I recognise the cases of other minorities. A question we will not get to concerns the new homophobic laws in Brunei. It is important we stand up for what our beliefs are in this country and that people have an entitlement to practice

whatever religious beliefs they want in absolute freedom.

**An Leas-Cheann Comhairle:** Does Deputy Eugene Murphy have a short supplementary question? I want to take two more questions.

**Deputy Eugene Murphy:** I have just a very quick question. The matter raised by Deputy Thomas Byrne is very important. It should be noted that women, not men, suffer most in terms of intimidation for their Christianity, and it is a fact that in Asia, the Middle East and Africa, there is an increasing abuse of people for their Christian beliefs. I learned recently that 350 people die every month as a result of their Christian beliefs. There is also the burning of Christian buildings all over the world, which has increased significantly in recent times. Again, beyond bringing this up with the EU - I know the Tánaiste is genuine about this as well - what can we do-----

**An Leas-Cheann Comhairle:** We are going to run out of time.

**Deputy Eugene Murphy:** -----to highlight this further?

**An Leas-Cheann Comhairle:** I will give the Tánaiste one minute only because we are taking a group of questions next.

**Tánaiste and Minister for Foreign Affairs and Trade Deputy Simon Coveney:** We have a closer relationship with China now than we have ever had previously. This involves more trade delegations, more interaction and more meetings that involve local government as well as national Government. I have taken the approach of being respectful but, at the same time, being upfront about human rights concerns and the approach to governance in China from a human rights perspective, as well as from a trade opportunity perspective. When one is upfront and respectful about this, it is a real conversation. I will certainly speak to the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, about this matter from the point of view of guidelines. The best thing we can do is to try to lead by example. Deputies will see Ireland working with New Zealand and other states on trying to build tolerance within our own countries in order to try to ensure that we do not see Islamophobia, for example, raising its head and that there is freedom of religion and belief, not a demonisation of it.

**An Leas-Cheann Comhairle:** Go raibh maith agat. I want to deal with the next group of questions.

**Tánaiste and Minister for Foreign Affairs and Trade Deputy Simon Coveney:** I hope countries such as Ireland, New Zealand and others can lead by example in order that we are more credible when we make criticisms.

## **Foreign Conflicts**

56. **Deputy Eamon Ryan** asked the Tánaiste and Minister for Foreign Affairs and Trade Ireland's position on the situation in Libya in the context of the recent advance of a person (details supplied) on Tripoli. [17627/19]

57. **Deputy Mick Wallace** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on the most recent discussions at the Foreign Affairs Council meeting on 8 April 2019 on recent developments in Libya; the stance taken by representatives of Ireland at those

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meetings; and if he will make a statement on the matter. [17603/19]

66. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to renewed fighting in Libya and the fact that the UN is reporting significant civilian casualties and that thousands are fleeing fighting around Tripoli; and the steps Ireland is taking to ensure a new ceasefire is negotiated. [17560/19]

91. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade if consideration has been given to the way in which the recent conflict in Libya could affect migrants who are already being kept in appalling conditions in detention centres there; and if he will make a statement on the matter. [17584/19]

**Deputy Eamon Ryan:** As stated earlier, I am very keen to hear the Government's position on events in Libya, where there is real concern about a mounting conflict on the edge of Tripoli, the capital, in a country that has already been devastated and has for many years been in turmoil, particularly in light of the clear divisions that appear to exist within the European Union position. A different position is being taken by France and Italy, both of which have a lot of interest, or seem to have interest, in the region, which may be guiding some of the positions they are taking. What was the position of the Government, or what actions does it want the European Union to take in order to try to reverse the military escalation occurring at present? Where does Ireland stand in the context of the various European positions that appear to exist?

**An Leas-Cheann Comhairle:** The Tánaiste will have sufficient time.

**Tánaiste and Minister for Foreign Affairs and Trade Deputy Simon Coveney:** I propose to take Questions Nos. 56, 57, 66 and 91 together.

I am deeply concerned about the ongoing fighting around the Libyan capital, Tripoli. The military attack launched by the so-called Libyan National Army, LNA, which led to this escalation, is putting civilians at risk and disrupting efforts to find a peaceful resolution to an ongoing conflict.

As of Friday, 12 April, this fighting had claimed the lives of dozens of people, including at least 17 civilians, and displaced almost 10,000 people. I am especially concerned for the safety of civilians in the area of conflict. I fully support the UN's call for an immediate humanitarian truce to allow access for emergency services and to facilitate civilians who wish to move away from conflict areas.

At the Foreign Affairs Council on 8 April there was an exchange of views on Libya which highlighted the EU's shared concern about the recent violence and our conviction of the urgent need for all parties to implement immediately a humanitarian truce, to refrain from further military escalation and to return to negotiations. Member states also reiterated their support for the efforts of the UN special representative Ghassan Salamé in working towards peace and stability in Libya. He has come to speak to Foreign Affairs Ministers on two occasions, if not more.

In a declaration agreed by all member states on 11 April, the EU called on all parties to cease military operations and specifically called on the LNA and all the forces that have moved into Tripoli or its vicinity to withdraw. The EU reminded the parties involved in this confrontation that they must respect international law, including international humanitarian law, and that those who violate it will be held to account. The EU's unequivocal message to the parties is that there is no military solution to this crisis, only a political one. We strongly urged all parties

to resume political dialogue without delay and to continue to engage in the UN-led process for an inclusive political settlement.

EU diplomats regularly discuss the situation in Libya, taking stock of any opportunities to exert a positive influence on the situation and to support political efforts. I expect that the next Foreign Affairs Council in May will have a further discussion on the situation in Libya but I very much hope that conditions will have improved on the ground before then.

The Libyan people have suffered greatly from years of conflict and political fragmentation and deserve to live in a peaceful and prosperous society. The political process, which is the only way to bring this suffering to an end and to return Libya's governance to a more stable footing, has unfortunately become a casualty of this recent violence. The UN-organised national conference, which had been scheduled for 14 to 16 April, has had to be postponed due to a deteriorating security situation. Ireland and the EU continue to believe that the national conference should be held as soon as circumstances allow in order to bring together the various political factions in Libya, with the aim of holding democratic elections. This is the only way to unify the country's institutions and to set Libya on the path to stability and economic recovery. Ireland and the EU continue to support the efforts of the UN special representative to bring this about. All Libyans and all international parties should give their full support to the UN political efforts. I am deeply concerned that the current violence might put already vulnerable migrants and refugees in Libya at even further risk. I welcome the work of the Office of the United Nations High Commissioner for Refugees, UNHCR, to relocate a number of refugees and migrants who were in more dangerous areas into safe zones. In EU discussions of the situation in Libya last week, Irish officials highlighted the importance of guaranteeing the safety of refugees and migrants. Ireland and the EU continue to support the work of the UN migration and refugee agencies to monitor and improve conditions for refugees and migrants in Libya, including inside detention centres, and to assist with the voluntary return of migrants to their countries of origin. We are aware that the current instability in Libya unfortunately limits further the capacity of the international community to do this important work in some areas.

In December 2018, the Council adopted conclusions on Libya noting that there can only be a political solution to the Libyan crisis that needs to come from the Libyans themselves through an inclusive political process. This continues to be the case. Ireland and the EU will continue to monitor the situation in Libya and will support efforts to bring about a peaceful resolution to the conflict and build a better future for the Libyan people.

Linked to the challenges faced by and suffering of migrants, it is very regrettable that Operation Sophia has now been dramatically scaled down. It no longer includes the presence of ships and is now effectively a surveillance mission by air. That is a mistake by the EU and it is something we need to reflect on and correct. Getting collective agreement in the EU regarding ports that can facilitate the landing of refugees will prove very difficult, however.

**An Leas-Cheann Comhairle:** For the information of the House, we are dealing with Questions Nos. 56, 57, 66 and 91. Given the time constraints, I suggest we take all supplementary questions together. I call Deputy Eamon Ryan and ask him to adhere to the limit of one minute.

**Deputy Eamon Ryan:** Part of the problem in Libya is that the EU's position is being driven by a desire to stop any movement of migrants. Out of sight is out of mind applies in respect of refugees in Libya and the countries to which they are returning. The outcome of the EU's single-minded position is that refugees often become subject to criminal gangs. Critically, the

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Tánaiste stated there was an unequivocal European Union position. My understanding from reading reports is that the French Government originally tried to block the statement of 11 April and succeeded in amending it to take the French viewpoint into account. What position did the Government take regarding these internal EU negotiations? It seems the French are taking one side, while the Italians and others take a different position. Where did Ireland stand on the attempt to block that declaration and why did we agree to its amendment?

**Deputy Mick Wallace:** I know the Tánaiste could not make the meeting in question. I wonder how he feels about the position taken by France. France has been supporting General Haftar. French weapons helped him take over Benghazi in 2017. The Tánaiste stated that the people of Libya have suffered terribly. That is the case but he should add that this suffering is directly linked to the NATO bombing of 2011, which was a total disaster and caused a major humanitarian disaster. No one has been held to account for it. France is selling almost €28 billion worth of arms to countries in the Middle East, including €4 billion worth of arms to the United Arab Emirates alone. Much of the weaponry sold to the UAE has ultimately gone to General Haftar in Libya. When we allow arms to be poured into places such as Libya we are guaranteed to get absolute chaos and anarchy. That is what we are seeing. Is the Tánaiste happy with the role that France has played in Libya?

**Deputy Seán Crowe:** The World Health Organization, WHO, has stated that at least 174 people have been killed and 758 injured in the battle for control of the Libyan capital. Many of us would see Libya as a failed state. Armed militias seem to control the country. The Tánaiste stated that Ireland supports the idea of an inclusive process but that seems less and less likely as events move on. We have seen that General Haftar believes there is a military solution. Part of the difficulty is that we have different states supporting the aim of a military solution. Libya is one more example of disastrous NATO military intervention alongside Iraq and Afghanistan.

My concern is that the next EU budget is set to provide €13 billion for military spending. This will be the first time that military spending will be in the EU budget. Using public money to fund arms companies and spending more on military projects will not increase Europe's security. Instead it clears the way for more arms exports to fuel conflicts around the world such as the conflict in Libya. Will the Tánaiste call on international actors, including EU members, to stop fuelling this conflict and instead use their influence to ensure there is an immediate cease fire and a political resolution found for Libya?

**Deputy Simon Coveney:** The outcome we all want is an end to armed conflict and a politically negotiated solution. There was much hope for the future of Libya when President Gaddafi was removed. What we now have, unfortunately, is a broken state with armed factional leaders. The Irish position in trying to move this process is to support the approach of the UN special representative rather than the approach of individual countries that may be advocating for certain courses of action. The whole point of having a UN special representative is to try and have a clear role for the international community. That is the position the EU is now collectively supporting and it is also the position the Irish Government supports.

*Written Answers are published on the Oireachtas website.*

**Saincheisteanna Tráthúla - Topical Issue Debate**

## **Nursing Home Accommodation Provision**

**Deputy Martin Kenny:** The Alzheimer's unit at St. John's Hospital, Sligo, which has more than 30 beds, was closed down last year and all of the patients were moved out. The reasons given for the closure at the time were that the Mental Health Commission had issues with the unit and it also needed to be refurbished. No work has been done since and there is a rumour that the building is to be turned into office space.

*6 o'clock*

I ask the Minister of State to reassure the House that it will not happen at a time of significant bed capacity problems.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank Deputy Martin Kenny for raising this important issue. The Government's core stated objective is to promote care in the community so that people can continue to live with confidence, security and dignity in their own homes and communities for as long as possible. That 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 wellbeing is of paramount concern. The HSE is responsible for the delivery of health and personal social services, including those at facilities such as St. John's which is a 132-bed community hospital on the outskirts of Sligo town. Services provided include rehabilitation, convalescence assessment and long-term residential care. The hospital is registered with the Health Information and Quality Authority to provide 95 beds.

As the Deputy is aware, community hospitals like St. John's are an essential part of our national infrastructure and we are determined to maintain our public stock. While the standard of care delivered to residents in these units is generally very high, we recognise that many public units are housed in buildings that are less than ideal in a modern context. Without these units, however, many older people would not have access to the care they need. On that basis we need to upgrade our public bed stock and this is the aim of the five-year capital investment programme for community nursing units which was announced in 2016. The programme provides the framework to replace, upgrade or refurbish these care facilities, as appropriate. Significant work has been undertaken to determine the optimum scheduling of projects within the phased provision of funding to achieve compliance and registration with the Health Information and Quality Authority. This programme includes St. John's hospital.

The Alzheimer's unit referred to by the Deputy is located within the grounds of St. John's hospital. Historically, the unit admitted people who suffered with dementia related illness, mental health difficulties and acquired brain injuries. The unit was registered with the Mental Health Commission under the Mental Health Act 2001. This registration has ceased and the unit has only recently being vacated. This was in line with conditions set by the commission. Residents were facilitated in a number of different facilities, including older person services and nursing homes. The unit is now under the governance of the social care division's older persons' services. The plan for the immediate use of St John's is to facilitate the capital works in the long-term care area of the hospital which will require a number of residents to transfer from their existing wards to allow for the essential upgrade works to be completed. Once these works are completed, it is proposed that a designated dementia service will be developed in the existing Alzheimer's unit.

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The Deputy will appreciate that all healthcare infrastructure developments require a lead-in time to complete the various stages. These stages include appraisal, project brief, design feasibility, a review of costing estimates and finalisation of financing. The project will proceed under the capital investment programme, which is part of Project Ireland 2040. The HSE's capital plan for 2019 is currently being finalised and will be submitted to the Minister for Health for consideration and approval. This will propose the projects that can progress in 2019 and beyond, having regard to the total available capital funding. All health capital projects, currently at various stages of development, are considered as part of this process.

**Deputy Martin Kenny:** While I appreciate that some of these facilities are old and need a great deal of work, this one was built 25 years ago. It is not an old unit but is in fact quite modern. Shortly after it was built, it was recognised that there were issues regarding in particular the toilet and shower facilities, sewerage works which had not been done properly and air quality. Nevertheless, it operated for 20 years and people lived there and were happy. It was their home. Over a year ago, however, they were moved out because it was said these works needed to be done. I understand it is a more than 30-bed unit and that very little work would put it back into service. If it was only built 25 years ago, it is not an old building that needs a great deal of work.

In his reply, the Minister of State said a feasibility study and all of that had to be done and he referred to the finalisation of financing, which is the big one. We need to see the finalisation of financing because there are huge bed pressures in the general hospital in Sligo. We are trying to get people out of the hospital. It is an issue that is always being raised. We raised it in the last few weeks in relation to trolley numbers. All of this is having knock-on effects. The absence of these beds at St. John's hospital has a knock-on effect on trolleys as it is all part of the same system. We need to see the works done as quickly as possible.

The Minister of State did not refer to the story which is going around and which appears to have legs in the view of people in Sligo. That story is that an assessment has been carried out to convert the unit to provide office space for the HSE. In the context of huge pressures on beds in facilities locally, to do that would be counterproductive and contrary to what any sensible person would want.

**Deputy Finian McGrath:** I thank the Deputy again for raising this very important issue. I want to reassure him on the points raised, in particular in relation to the toilets, the 30 beds, the financing, the bed pressures and also questions about office space. The national development plan is to provide for the continuation of the programme of replacement and refurbishment of community nursing units and long-term residential care facilities for older people. The Department and the HSE are engaged in the process to finalise the capital plan for 2019. This will determine what projects can progress in 2019 and beyond having regard to the total available funding and the relative priority for each project. The HSE and I recognise absolutely the value and importance of the services provided at St. John's. That is why a refurbishment plan is in place for the hospital in compliance with HIQA. Once these essential works are complete, the HSE advises that it is proposed that a designated dementia service will be developed in the existing Alzheimer's unit. I will raise the other points and concerns the Deputy raised with the Minister, Deputy Harris.

## Archaeological Sites

**Deputy John Lahart:** I thank the Ceann Comhairle for allowing me to raise this issue. While I am grateful that the Minister of State, Deputy Cannon, is here, I ask him to express my serious disappointment to the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, at her non-attendance. It is not often that the Minister for Culture, Heritage and the Gaeltacht is called on for Topical Issues. If she had sent word to me that she was unavailable, I would have happily deferred the matter as it is an issue of significant gravity.

**An Ceann Comhairle:** Is the Minister of State attached to that Department?

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon):** I am not.

**An Ceann Comhairle:** If the Minister of State is not attached to the Department, the Minister should have informed Deputy Lahart that she was not available. As she has not, we can reschedule the matter if Deputy Lahart wishes.

**Deputy John Lahart:** If it could be rescheduled within the current week.

**An Ceann Comhairle:** We will attempt to do that. As I understand it, the procedure is that if the responsible Minister informs the Deputy raising a Topical Issue that he or she is not available to deal with it, that Minister may assign it to a Minister of State with responsibility within his or her Department. However, it cannot be assigned to someone who does not have responsibility without the agreement of the Deputy raising the issue.

**Deputy John Lahart:** The matter is one of significance for the constituency of Dublin South-West, in particular the Scholarstown area, and I would like the Minister to respond in person.

**An Ceann Comhairle:** We will try to reschedule for tomorrow. That gives us additional time to move to the third matter on which four Deputies are offering. The matter was listed by Deputies Alan Kelly, Jackie Cahill and Mattie McGrath and they have now been joined by Deputy Michael Lowry.

### **Post Office Network**

**An Ceann Comhairle:** I understand that the Minister of State, Deputy Canney, will be taking this matter on behalf of the Minister, Deputy Bruton.

**Deputy Alan Kelly:** An Post's decision, which came out of the blue, to move the post office from Liberty Square in Thurles to the shopping centre on the edge of the town was met with shock and disgust by the public, with thousands coming out onto the streets to protest, and by business people who are utterly dismayed by a Government and a company that would make such a decision, given the loyalty that has been shown to the service provider for many decades. I have represented Thurles since entering politics. In that time, I have never seen anger such as that expressed in respect of this decision. A number of years ago, the sorting office was placed outside the town. It was understood that the post office in the town would be done up as a result. That has not happened.

Financially, this decision does not make sense. Why move to a shopping centre where there is less footfall? Why pay rent, rates and other charges on top of a capital cost when all An Post

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has in the town centre now is a capital outlay for a building that it owns? This move is contrary to Government policy. As a former Minister, I can tell the House that a State agency contravening Government policy is a serious matter. The Minister, as an advocate of Project Ireland 2040 who has spoken about it with great fanfare, is aware that town centres are to be renewed. How can he say that An Post is adhering to Government policy if it moves this facility out of the town centre, which the Government, through Tipperary County Council, is about to spend over €6 million doing up? Financially, what is happening does not make sense. The board cannot stand over the decision and the board members' reputations will be damaged by a decision that is financially inept. It is up to the Minister and his Department to take this issue on board and change the decision for the good of the people of Thurles.

**Deputy Jackie Cahill:** An Post's proposal to move the Thurles post office from Liberty Square is wrong. We have an €8 million plan to revitalise the square, which is being spearheaded by Tipperary County Council. That plan adheres to Government policy, which is supported by the Dáil, on regenerating rural town centres. It is a disgrace that the management of a State-owned company like An Post is acting in direct conflict with a national strategy that is investing large amounts of taxpayers' money in rural town centres. There is a significant question mark over An Post's reasons for wanting to make this move. In all of its press releases, it has failed to give a credible financial reason for the proposal. These facts require the Minister to change his stance on the issue. He must engage in a meaningful way with the elected representatives of the people of my home town of Thurles. He must immediately engage with An Post and instruct it to review its decision, which does not add up.

I have offered a solution. A Thurles businessman is willing to purchase the listed building, renovate it to the highest standard and lease it back to An Post. However, An Post has done everything in its power to ignore this solution.

The Minister of State should be assured that the people of Thurles will not let this issue go. If the Minister cannot be convinced to force An Post to review its decision, I intend to get to the bottom of the reasons for the move. The Dáil has a committee structure in place, and I will use every means possible to get An Post to come to account. This decision makes no financial sense, the people of Thurles do not want it and it is contrary to Government policy.

**Deputy Mattie McGrath:** I thank the Ceann Comhairle for selecting this important matter. Along with my colleagues, I am disappointed that the Minister, Deputy Bruton, is not present. He is in hiding. The Minister of State is newly reappointed. I mean nothing personal, but sending him in here with a script is a disgrace. The Minister is hiding behind the board of An Post.

This is a reckless decision. The people of Thurles have supported the post office's current location in Liberty Square for decades. The House has heard about the sorting office moving out with a view to reinvigorating the post office. There is something tangy about this. It is not in line with Government policy, so An Post cannot hide behind that. The company has stated that this is one of its few remaining profitable post offices. Why will the Government not tackle the shocking waste in the GPO, which is grossly overstaffed and so on? Why pick on rural towns? Why pick on rural Tipperary, which has already lost six post offices this year? Thankfully, a postmistress gave up her redundancy package in order to try to retain the service for local people.

This decision is outrageous and the people of Thurles will not accept it. They have set up a hard-working, dedicated committee of business people and community activists who look after

people from the cradle to the grave. Will the Government please reconsider its position? The Minister cannot keep hiding. The committee will hunt him down. Fine Gael election candidates are running around the county, yet the Thurles committee cannot get the Minister or An Post's action committee to meet it or Deputies from Tipperary. When we met the company last week, we were treated with disdain by Mr. McRedmond and others from An Post. It was all waffle. There is no business sense or economic reasoning behind this decision. Above all, it is a slap in the face of muintir Dhúrlas Éile - the proud people of Thurles, founding location of the GAA.

**Deputy Michael Lowry:** I concur with my colleagues from Tipperary. We have met the chief executive and senior management of An Post. I met the Minister, Deputy Bruton, last week, but he refused to meet the Oireachtas representatives from Tipperary, which was disappointing. As a result of our conversation, the Minister communicated with me in writing today. He is holding the line on An Post's justification for this decision. The contents of his response to me are almost identical to what we were told by An Post's chief executive and management. Effectively, the Minister is refusing to engage, interfere in the decision or have any role in having it revoked. I would have thought that the Minister would have found this topic of such urgency and importance that he would be present this evening to give an explanation to the House, particularly the Members from Tipperary. That he is not is disappointing.

It is important to remember that the decision contravenes and contradicts Government policy on urban regeneration and renewal. As my colleagues mentioned, there is an investment programme for Liberty Square, which is an iconic centre and the heart and soul of Thurles town. Without the post office's footfall, there will be a severe impact on all of the businesses around the square and on people who depend on those businesses for their livelihoods. The decision is detrimental to the business community and is having a harmful impact on the attitude of older people, who feel that they are being let down by An Post in relocating the service.

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney):** I thank the Deputies for airing this issue. The Minister is not available, so I am taking this matter on his behalf.

**Deputy Mattie McGrath:** Cá bhfuil sé?

**Deputy Seán Canney:** The Deputy can take that up with him.

The Minister for Communications, Climate Action and Environment has responsibility for the postal sector, including the governance of An Post. However, it is important to remember that An Post is a commercial State body with its own board. Decisions relating to the post office network are an operational matter for An Post directly.

The environment in which the post office operates is changing and the network needs to change with it in order to thrive, particularly given the move to digital transactions. These changes are impacting on the revenue being generated by the network as a whole. In the face of serious declines in the volume of mail and post office business, An Post faced growing losses and has had to undertake a major restructuring of its business to continue to be able to provide its services. There is a widespread acceptance that the post office network requires modernisation to build, maintain and protect a service that meets the needs of communities across the country.

An Post's renewed vision for the post office network centres on the availability of new ser-

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vices in a modernised, revitalised network. In this context, An Post has confirmed its move to a new flagship post office in the Thurles shopping centre and the closure of its Liberty Square premises. The move comes as part of An Post's effort to transform the post office network and to invest in improved facilities for customers in locations with high footfalls. Thurles will become one of the first towns in the country to host the new post office design, which is intended to improve the service offering for post office users and attract a new generation of customers.

It is important to acknowledge that the move has understandably caused upset in Thurles, as the post office has been *in situ* in Liberty Square for many years and is part of the fabric of the square. However, delivery of An Post's ambitious plans for the post office network requires renewal of the physical infrastructure of the network and the move is part of this process. I understand that the CEO of An Post and company officials have met with Deputies and local representatives in recent weeks to hear the perspective of the local community and to discuss the issues raised due to the relocation of the post office from Liberty Square to Thurles Shopping Centre. An Post has advised that the new office will be in line with the company's transformation programme, offering a new-look retail offering for customers, with a move away from old-style post office counter layout. This is driven by An Post's move to offer new services and products, including financial services, to customers, and integrating its growing e-commerce business. The new layout will include dedicated customer areas, parcel lockers and self-service options. An Post has also indicated that any plan to revamp the Liberty Square premises would be hampered by the condition of the three-storey listed building, the lack of available development space and the prohibitive cost of overcoming either of these obstacles. Furthermore, the building has been the subject of repeated complaints over accessibility and excessive queuing caused by the lack of space in the office. Given the challenges it is facing, the company needs to pursue an ambitious agenda across its various business areas, and significant change and new business models are likely to be implemented in the coming years.

The willingness of the public to use the service the post office provides is essential for the survival of the network. Investment of €50 million in the network by An Post is based on encouraging communities to use the enhanced services that their local post office will provide through a modernised network. The company is continuing to make good progress in implementing its strategic plan, which will see a range of developments across the mail and retail businesses. A refreshed and modernised An Post brand was launched in recent weeks, alongside a new financial services proposition, An Post Money, and a new business-to-business brand, An Post eCommerce Solutions. It is Government policy that An Post remains a strong, viable company in a position to provide a high-quality, nationwide postal service and that it maintains a nationwide customer focused network of post offices in the community. The Government remains fully committed to a sustainable post office network, which is an important piece of economic and social infrastructure for both rural and urban areas.

**Deputy Alan Kelly:** We have heard all this before. I accept that the Minister of State is only standing in for the Minister but his reply was frankly rubbish. I have spoken to Mr. McRedmond and the chairman, Mr. Divilly. Their credibility is on the line. The decision is symbolic, An Post is going against Government policy, and the finances of the decision just do not work, as I have outlined. It makes no sense and the taxpayer is losing big time - hundreds of thousands, if not millions, of euro. The real issue is that An Post made a bad decision and cannot back down. It does not want to set a precedent but it did the same in Ballinskelligs, County Kerry. It was going to close that post office but there was an independent review, it reconsidered the matter, and - holy smoke - the post office is still open. I will visit it this weekend

because it is run by my niece, the youngest postmistress in Ireland, who is 22 years of age. An Post got that decision wrong, considered what the community and local representatives said, and it reversed the decision.

It must do the same in the case of the post office in question. I call on Deputy Lowry, Fine Gael representatives and everyone else who supports the Government to ensure that An Post does the same in Thurles as it did in Ballinskelligs.

**Deputy Jackie Cahill:** The Minister of State said the viability of the post office depends on the people using the service and I fully agree. The reality, however, is that people in Thurles do not want the post office moved to the shopping centre and will refuse to use it there. The car park is crammed and the shopping centre is difficult to access, especially for elderly people.

The Minister of State noted that An Post is a commercial, semi-State body, which I fully accept, but it made a decision that is not commercially viable and does not stand up. It complains the post office building and square are in bad condition, which they are but the responsibility rests on one company only, namely, An Post. Given that no money has been spent on the building for 40 years, how would a listed building of that age not be in bad condition?

On the current site's ability to provide facilities, there is 30% more foot space than in the premises in the shopping centre. The size is suitable and all it needs is a refurbishment. There can be all the necessary modern infrastructure in the post office on the square. If the move happens, the people will react by not trading with the post office at its new premises.

**Deputy Mattie McGrath:** I concur with what has been said. The Minister of State has used many terms such as "flagship", "customer service" and "customer focused", but the Government does not give a hoot about the customers. It is trading recklessly, as I have stated on several occasions. We in the Rural Independent Group tabled a motion, which was passed comfortably, that supported introducing community banking services at An Post. Why has the Government not done that? It is stripping services. Last week, the CEO of An Post stated the Government is reducing social welfare and refusing to provide other services. It is one untruth and falsehood after the other. *Ní neart go cur le chéile.*

I urge the people of Thurles and the surrounding districts not to make the move, if the Government continues with it, and to keep their businesses in the square. While I hate division and I said, "*Ní neart go cur le chéile*", I encourage them to speak to the people in charge of the shopping centre. There are no big brand names. The small ratepayers - *na siopaí beaga, na daoine beaga* - want the service to be in the square and we support them in that regard. They should tell the people in the shopping centre that they do not want to move out there, that they will not move out there, and that they will not trade there. That might put a smile on the other side of their face. It is wrong and An Post is trading recklessly. It took accountants to force another board to resign today for trading recklessly. The Government will be found out yet. It is hiding, as is the Minister. He can keep hiding but he has nowhere to run.

**Deputy Michael Lowry:** We very much welcome An Post's commitment for a new brand, design and offering of services in Thurles. Our contention is that the new flagship post office can be delivered from the existing headquarters of An Post in Thurles. The facility exists, and is capable of being extended and refurbished and of housing the newly designed service of An Post. Will the Minister of State convey to the Minister, Deputy Bruton, that the Oireachtas representatives for County Tipperary, the local representatives, the local action committee and the

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people of Thurles, especially the business traders, are unhappy with the decision and are asking the Minister to intervene and tell An Post that the decision must be revoked?

**Deputy Seán Canney:** To respond to Deputy Lowry, I will convey the feelings of the Deputies to the Minister. Deputy Kelly stated the decision in Ballinskelligs was reversed. An Post can change its mind if it finds that something is wrong. Deputy Mattie McGrath mentioned community banking in post offices. As I stated, An Post Money, which is a financial service, and An Post eCommerce Solutions, which is a business-to-business service, have been introduced. They are in place and in operation.

The question one might ask is why move premises and why not refurbish the existing premises. An Post has indicated that any plan to revamp the Liberty Square premises will be hampered by the condition of the three-storey listed property, the lack of available development space and the prohibitive cost of overcoming either of these obstacles. The building has also been subject to repeated complaints over accessibility and excessive queuing caused by the lack of space in the office. I am not from the area and I do not know the situation but I presume that the Deputies have received complaints in that regard.

I understand that the new premises is in Thurles Shopping Centre, which contains a number of retailers. There is a footfall of 55,000 and a multistorey car park with large volumes of available space, and it is located within 500 m of the existing branch office. Is that correct?

**Deputy Jackie Cahill:** All the Minister of State's facts are wrong.

**Deputy Seán Canney:** That information was provided by An Post.

### **National Broadband Plan Implementation**

**Deputy Timmy Dooley:** I welcome the Minister of State. On a daily basis, the entire process of the national broadband plan is becoming more and more like the national children's hospital debacle. We have claims that this project is different and the costs are not inflated. In my view, these claims do not stand up to scrutiny. Today, we have heard a claim by the Taoiseach, one which we heard previously, that the national broadband plan is not the original broadband plan and is some sort of new more expensive plan. That claim does not stand up. I draw the Minister of State's attention to a statement made by the then Minister for Communications, Energy and Natural Resources, Mr. Pat Rabbitte, in 2012 that the Government's commitment was to high-speed broadband availability throughout the country during its lifetime. That was the Government of 2012 that lasted until 2016. The crucial point is that he stated there would be a minimum of 30 Mbps for every remaining home and business in the country no matter how rural or how remote. That lends a lie or mistruth to the Taoiseach's assertion in the Dáil today that what was envisaged back then is different from what is envisaged now. He needs to come to the House and correct the record. Back then, the expectation was that the State would invest approximately €500 million. The plan has not changed.

We also now have new revelations about the potential cost of the broadband plan. Today, the Taoiseach announced to the House that rather than the original estimate of €500 million, it is now expected to cost taxpayers €3 billion. When the plan began the objective was clear. There was an expectation the Government would spend in the region of €500 million to subsidise the creation of a fibre broadband network, which industry sources had estimated at the time would

cost approximately €1.5 billion to build. We are dealing with an overspend greater than that of the national children's hospital.

The two major industry players, SIRO and Eir, pulled out before ever submitting a tender, believing the Government was not prepared to commit the necessary funds to deliver the rural broadband plan. In the Dáil today, the Taoiseach confirmed the remaining bidder, a private investment firm based in Boston with limited experience in the Irish market, expects €3 billion of taxpayers' money to build a project that everybody else estimated would cost €1.5 billion.

**Deputy Richard Boyd Barrett:** Today, the Taoiseach stated he did not know how much the biggest infrastructural project to be undertaken in the State in a very long time, which the Government committed to deliver, will cost. It is €3 billion and rising but he is not actually sure how much it will cost. We do not know when the plan will be decided, how it will be delivered or by whom it will be delivered. It is an absolute mess. I wonder whether lessons are being learned by the Government in all of this when we take into account the children's hospital fiasco. The lesson that needs to be learned is this. Once upon a time in this State if we needed public transport - trains and buses to go to every single part of the country - we had a State company to deliver it. If we needed telecommunications, we had a State company that delivered telecommunications. If we needed electrification throughout the country, we had a State company that delivered electrification. If we needed a postal service to get post to every village, town and house, we had a State company to deliver it. What we have done is dismantle those State companies bit by bit and allowed vultures, domestic and international, to asset strip those companies to the point that we cannot deliver anything. We are then dependent on vultures coming in, putting us over a barrel and dictating to us how much it will cost. They do not want to do it. They drop out if they cannot make a profit so we are left with one bidder and then that one bidder, a US investment fund, has us over a barrel. We have to go to dinner with them to see what we can possibly negotiate to deliver a plan that is of critical State importance. It is pathetic. Could we get the ESB to do it, please?

**Deputy Seán Canney:** I thank the Deputies for raising this matter. As a rural Deputy, I have a serious interest in the issue. I apologise on behalf of the Minister for Communications, Climate Action and Environment, Deputy Bruton. He could not be here due to an overrun in his time.

It is the Government's commitment to ensure that every home, school and business in Ireland, regardless of how remote or rural, has access to high speed broadband. This is being achieved through a combination of commercial investment and State intervention in areas where commercial operators are unlikely to invest. Many of these areas are in more remote and difficult to access areas. This is a complex and challenging problem to solve given Ireland's dispersed rural population and density of road networks.

In 2012, fewer than 700,000 or 30% of all premises had access to high speed broadband. When the Government came into office, this figure had risen to 52%. Today, more than 1.75 million, or 74%, of all premises can access high speed broadband services. Over the past five years, the telecommunications industry has invested more than €2.75 billion in upgrading telecoms networks and services. I welcome recent announcements signalling that the industry is set to continue to build on that investment, mostly in cities, towns and villages, in the coming years. However, commercial operators will only invest so far. There are approximately half a million homes, schools, businesses and farms that are unlikely to receive access to high speed broadband from the private sector in the near future. The State must step in to bridge this gap.

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The national broadband plan entails not only the initial deployment of a predominantly fibre solution across 100,000 km of road network and 96% of the land mass of Ireland but also a 25-year commitment to operate and upgrade the service for the 1.1 million people in the intervention area. This is a key investment in Ireland's future and one which will impact on public spending for a number of years.

The national broadband plan is managed in the Department by an experienced team, including national and international experts. Work is ongoing to ensure the appropriate due diligence is undertaken on this key project before any decision is made or money spent. The cost of the national broadband plan has always fallen to be determined through the procurement process and, in the event that a subsidy is awarded, it will be subject to a cap to mitigate risks of overruns. It will be a costly project and the appropriate governance and contractual safeguards must be in place to protect public investment.

There is no intention to drag out this process. There is a determination to reach a decision in a timely manner but it is an important decision and one we are determined to get right. I am aware that the Government's ambition to deliver high speed broadband is shared throughout the House. The solution must be one that serves everyone and leaves no one behind. The Minister intends to make information available following any decision for a detailed and informed debate on this important project. He expects to bring a recommendation to the Government on the national broadband plan shortly.

**Deputy Timmy Dooley:** There might be no intention to drag it out but the Government has certainly achieved a monumental dragging out of a process that started back in 2012. The key fundamentals have changed in the intervening period of course. Earlier, the Taoiseach incorrectly told the Dáil there were three bidders for the national broadband plan and, as such, that gave confidence to the Government with regard to the pricing. The reality is there was only ever one bid placed. Other potential bidders had taken part in a dialogue but only one company ever sent in a formal bid. The Minister of State might confirm this is the case and, perhaps, the Taoiseach will correct the record on it also tomorrow. Granahan McCourt, the one remaining bidder, wants €3 billion of taxpayers' money for a €1.5 billion network, as estimated by most other companies. The company will ultimately own the infrastructure and any profits generated from the network will effectively also be retained by Granahan McCourt. It wants the taxpayer to pony up €3 billion to build a network that has been estimated to cost €1.5 billion. It wants to own it forever and a day and it wants all the profits that go with it. In anyone's mind, this is a fiasco and mess that has left us at this point, where the Government's back is to the wall. There are 542,000 premises and homes dotted throughout Ireland crying out for broadband and the Government has managed to put the taxpayer into this precarious position. It will need much debate and careful explaining by the Government to get out of this one.

**Deputy Richard Boyd Barrett:** It is unacceptable that a US investment fund should have the State over a barrel because of the fiasco of the process. We should draw a line under it, learn the lessons and start talking to the ESB or renationalise what is left of Eircom. The idea that a US investment fund would charge €3 billion and then own the network is just beyond appalling. This is an absolutely predictable market failure on a massive level.

I agree, and we have said much the same as Fianna Fáil, about the need to use our semi-State bodies. I hope that Fianna Fáil will be humble enough to say that it made a mistake when it privatised Eircom. Let us admit that it was a mistake and recognise that "commercial operators will only invest so far", to quote the Minister of State. That is the key to understanding this

fiasco. Unless we learn this lesson, we are doomed to repeat it over and over again. Let us get the State and its agencies and companies to deliver this essential infrastructure for rural Ireland.

**Deputy Seán Canney:** I agree with Deputy Boyd Barrett about the privatisation of Eircom. It was a disaster from day one and it probably gave rise to part of the problem we have now. As the Taoiseach stated earlier, this is a huge project on the scale of the rural electrification scheme. It is a key infrastructure project and likely to be one of the biggest investments in Ireland. It is an investment in an ongoing service for this generation for the next 25 years and more.

In the event that the contract is awarded, the costs will be spread over the term of the contract and strict governance of these costs will be managed. Deputies have highlighted to the House the impact of not having broadband and how this has affected their constituents. They have also given examples. We need to ensure that the national broadband plan is delivered in order to enable all people to have access to the equal opportunities that high-speed broadband brings. High-speed broadband is the key to unlocking the potential that advances in digital technology can offer. The Taoiseach also stated that we want to do this right. To do so, the Government needs extra time. There is no intention, however, to draw this out. A decision will be made soon.

A question was asked on whether the ESB could roll out national broadband. The European Commission and the Attorney General have made it clear that it would not be possible to provide a subsidy to a commercial semi-State body such as the ESB to roll out the national broadband plan without a new public procurement process. We are where we are. The Attorney General has advised that there are significant legal risks around procurement law and state-aid law if the State was to mandate a fund directly outside a procurement process and economic undertaking, including a commercial semi-State owned entity such as the ESB, to carry out the national broadband plan.

**Deputy Richard Boyd Barrett:** I do not accept that.

### **Air Transport Preclearance Agreement: Motion**

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin):** I move:

That Dáil Éireann approves the terms of the Agreement Amending the Agreement between the Government of Ireland and the Government of the United States of America on Air Transport Preclearance, done at Washington on 12th March, 2019, a copy of which was laid before Dáil Éireann on 3rd April, 2019.

I thank the House for the opportunity to debate this very important motion on the terms of an agreement between the Government of Ireland and the Government of the United States of America on air transport preclearance. I am here on behalf of my colleague, the Minister for Transport, Tourism and Sport, Deputy Ross. This latest agreement was approved by Government on 9 January 2019, signed on behalf of Ireland in Washington on 12 March 2019 by the Irish Ambassador to the United States, Mr. Dan Mulhall, and laid before the Oireachtas on 3 April last.

Deputies will appreciate how valuable the preclearance service is for Ireland. It allows

people to move more easily between Ireland and the USA, enhancing the long and unique relationship between the two countries with 1.9 million passengers availing of the service in 2018. Dublin and Shannon are currently the only preclearance locations in Europe and two of only three locations outside Canada and the Caribbean. The other facility is in Abu Dhabi in the United Arab Emirates. Preclearance at Dublin Airport supports the development of the airport as a secondary hub in line with the objectives of the national aviation policy. Shannon Airport's unique position as the only preclearance facility for general aviation in Europe is key to the development of niche business opportunities for the airport.

First and foremost, preclearance offers a unique service for passengers in providing them with essentially a domestic to domestic service. Airlines flying to the USA using Dublin and Shannon airports are permitted to fly to less congested and less expensive domestic terminals at US gateway airports. This gives them flexibility and provides a more extensive network of seamless onward connections. Second, the commercial and economic benefits of preclearance to Ireland are clear. Preclearance is a key, contributing factor to the growth of US-connecting traffic at Dublin and Shannon airports. While the importance of US companies to the economy is well established, it is also important to remember that the US is Ireland's second largest export market, with almost 800 Irish companies operating there. Given the scale of this trading relationship the current ease of doing business, including the scale of connectivity and the availability of preclearance, is a significant trade and business facilitator.

From a tourism perspective, 28% of the 9 million visitors to Ireland last year were from North America and they accounted for 11% of our business visitors. Spending by North American tourists grew faster than from other markets in recent years helped by a strong dollar, increasing by 14% to reach €1.7 billion last year. More broadly, the expansion of Ireland's international air linkages is a goal of Ireland's overarching trade, tourism and investment strategy and this expansion is facilitated by the provision of US preclearance facilities at Irish airports.

Preclearance has been a huge success but due to the growth of passenger throughput there have been recurring concerns for a number of years about the capacity at the facilities with growing queues. Additional capacity and resources are now required to allow growth to continue and to ensure that all airlines seeking to have flights precleared at Dublin and Shannon could do so in a timely manner. The Department of Transport, Tourism and Sport has been engaging with US officials since 2015 on the need to enhance and expand services and introduce flexibility to the preclearance service in Ireland. Separately, the US has for a number of years been working to expand the preclearance programme to other locations.

One of the preconditions set out for new preclearance facilities is that they can only be progressed if agreements are put in place to reimburse the US for staffing costs as well as providing the facilities. Domestically in US airports, a reimbursement framework has also been rolled out. Negotiations on amending the agreement began in April 2017 and involved the Departments of Transport, Tourism and Sport, Justice and Equality and Foreign Affairs and Trade, An Garda Síochána and the Office of the Attorney General. Under the terms of the amended agreement, a baseline level of services will be borne by US Customs and Border Protection, CBP, with the costs associated with additional services being substantially paid for by the two airport authorities, under the terms of a commercial memorandum of understanding.

The agreement also provides for merchandise compliance agreements for goods being sold in the preclearance area and aboard precleared flights. A number of other operational issues including closer communication and co-operation between An Garda Síochána and CBP, and

the layout of and new signage to be placed in the preclearance area were also agreed and are set out in an accompanying memorandum.

It is the view of the Department of Transport, Tourism and Sport that the deal reached is the best that can be achieved for airports and airlines both of which have indicated their willingness for some time to pay towards the cost of additional or enhanced services at preclearance. This will provide certainty around the resourcing by CBP of the preclearance facilities.

**Deputy Robert Troy:** I welcome the opportunity to speak on this motion. It is not often I get up on this side of the House to acknowledge and welcome an action taken by Government but this is certainly one of them. The expansion of the preclearance facilities at Shannon and Dublin airports is very welcome given the importance of these facilities and the central role they play in supporting the Irish economy and attracting flight links between Ireland and the United States of America. This was why more than a decade ago Fianna Fáil was instrumental in ensuring that Ireland was the first, and remains the only country in Europe, with airports that offer this service for transatlantic flights.

Dublin and Shannon airports are the only preclearance locations in Europe with 1.7 million passengers availing of the service in 2017. This new agreement will allow Dublin and Shannon Airports to provide additional staff to conduct preclearance services, as well as invest in the physical infrastructure needed to expand these services. A baseline level of services will be borne by the US Customs and Border Protection, with the costs associated with additional services being substantially paid for by the two airport authorities. The amounts to be paid and the arrangements for any variability in these amounts will be set out in the memorandum of understanding between the US Customs and Border Protection and each airport. This expansion is not expected to place any cost on the Exchequer. The US preclearance service has been a vital asset to Irish travellers as it reduces travelling times and increases the convenience with which Irish travellers can reach the United States. As the only European location offering preclearance services, Ireland has been a very attractive destination for airlines seeking additional EU-US flight routes, as evidenced by the fact that 1.9 million passengers accessed US bound flights from Shannon and Dublin Airports in the last year or so. As I said, Ireland is the only country in Europe with two airports offering this service. This has the potential to increase the attractiveness of Dublin in particular as an international hub for transatlantic flights and to generate employment and further growth at Dublin and Shannon Airports.

I understand that this agreement will come into force later this month or early next month. It is wholeheartedly welcomed.

**Deputy Imelda Munster:** I welcome the opportunity to speak on this motion. The US preclearance facilities at Dublin and Shannon Airports provide an important service for thousands of people travelling from Ireland every year. Ireland was one of the first countries to offer this service and it has proven to be a significant advantage to the State in terms of attracting airlines and new routes to our two biggest airports. The knock-on economic effects of having tens of thousands of passengers on these routes are obvious.

The US is seeking to expand precleared passenger numbers by 30%. It is important that Ireland's services are operating as efficiently as possible ahead of this planned expansion. If the US is expanding the service, this may have a detrimental effect on the number of airlines who choose Dublin and Shannon Airports in the future. We need to be mindful of this going forward. Passengers have been reporting queues and delays at the service. Hopefully, these issues

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can be addressed by increased resources at the airports. Approximately 1.9 million passengers availed of this service in 2018, which shows the popularity of the service and how important it is to passengers travelling from Shannon and Dublin Airports to the United States. Shannon Airport in particular is reliant on preclearance. People in the region believe that preclearance has played a key role in the success of the airport, in particular during the crash years.

I take this opportunity to call on the airport authorities to ensure that any costs additional to those that the US authorities have agreed to cover will not be passed on to passengers. I understand how important and useful this service is for passengers: that is not in dispute. However, under the Trump Presidency we face a series of new challenges around preclearance. The American President has imposed a travel ban on people from certain, predominantly, Muslim countries, preventing people from those countries from entering the US. We in Sinn Féin find this policy abhorrent. It is fair to say that most Irish people disagree with policies of this type. It is a scapegoating of people travelling from certain countries and we are supportive of recent efforts in the US to overturn this ban. This policy is now being implemented on Irish soil. I understand that Democratic Congress Members have tabled legislation to overturn this ban and I will be supportive of this.

**Deputy Clare Daly:** We are told on the one hand that the revised arrangements outlined in the motion will not result in any direct cost to the Exchequer and on the other hand, via the second sentence of the briefing note, that they will result in a cost to the Exchequer. We are here discussing these arrangements in the first instance because public moneys is expended on the DAA and Shannon Airport and if they are being expended on this service it means they will not be spent in other areas. It is clear these arrangements involve the spend of public money.

The DAA aggressively sells Dublin Airport as a transfer hub, particularly for US flights. While the airport authorities, the Government, and most of the Opposition, believe that this is an unmitigated good proposal, I would like to see it examined further. I am not saying it is a bad move. Rather, I am saying that we need a serious examination of the agreement before we commit the State's resources to an extension of it. No more than the next person, I am very happy to visit to America. I like doing so and I very much welcome that when I do so, I can avail of the preclearance facility at Dublin Airport. It is of benefit in that regard. However, there is need for a cost-benefit analysis of the service in the context of climate change emissions and our obligations under the Aircraft Noise (Dublin Airport) Regulation Bill 2018, which is progressing through the Houses, to ensure that residents nearby are mitigated against the impact of aircraft noise. I would also like that cost benefit analysis to examine the likely increased fines in respect of climate change and noise insulation owing to increased flights versus the benefits of extending this facility. Unrelenting air travel is not sustainable in the modern world.

I would also like the Minister to examine other areas. This is not all about money. The agreement between Ireland and the United States on preclearance requires the Garda to provide an appropriate and sufficient law enforcement presence to ensure the security and safety of preclearance officers, travellers and airport staff. These are Garda resources that are being redirected to this area, which, presumably, if they were not there, could be directed elsewhere. We all know of shortages in Garda resources in so many other areas. There have been many stories, verified, of passengers selected for detention and interrogation by US Government agents in the preclearance area and held in a detention room to the extent that they missed their flights to the US. In many instances, this activity was not legal because US border guards are not empowered to imprison persons at Dublin Airport for any length of time. They can only temporarily detain them and must then hand them over to An Garda Síochána. I know of many instances

where that did not happen and passengers were upset and traumatised by what had occurred. There are sanctions laid out in the 2009 Act for US preclearance officers who behave badly or cross the line but I am not aware of that provision having ever been invoked in regard to cases of arbitrary detention. Perhaps the Minister of State, Deputy Griffin, will outline if anybody has ever been sanctioned for misbehaviour at Dublin Airport in that regard.

I echo the points made by Deputy Munster. Surrendering some of our airport and our soil to the United States comes with a risk, one highlighted when President Donald Trump tried to implement his Muslim ban on travellers from the seven Muslim majority countries entering the United States. At that time, the Government made no move to immediately suspend preclearance services or to protect the Irish Garda and customs and officials involved in preclearance who might have been pushed, therefore, into illegal activity. There was no instruction to them to down tools, which is not surprising. It is part of a broader context of subservience to the United States in terms of our saying “Yes” its illegal war in Iraq and facilitating rendition. In that context, I thank the efforts of WikiLeaks and Julian Assange in highlighting the role of the Irish Government in that regard. The reaction to the Muslim ban was to kick it into a review in the hope it would go away, which shows a similar lack of backbone. This puts us at risk through preclearance in that we will be forced again into complicity in contravention of international law of the European Court of Human Rights and so on. I am not saying we should not have preclearance. Rather, I am saying we have an obligation to evaluate the benefits and costs of this agreement to our State. It is not simply a one-way track such that everything is wonderful and we are so lucky to get this facility. I do not think the costs have been fully taken into account.

*7 o'clock*

**Deputy Mattie McGrath:** I would like to share time with Deputy Danny Healy-Rae.

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

**Deputy Mattie McGrath:** I am happy to speak on this motion, which seeks to amend the Ireland-United States preclearance agreement. I agree with much of what has been said by Deputy Clare Daly. We should not carry on with an attitude of “I’m all right, Jack”. We need to scrutinise. We need to be ever more scrutinising of what is happening with our so-called international partners in the area of preclearance. Preclearance in our airports has existed in some form or other since 1986. As we know, it was updated in 2008. I acknowledge that talks aimed at updating the 2008 version of the preclearance agreement have been ongoing since 2017.

This motion represents a great deal of work and co-ordination between the US Department of Homeland Security, the US Customs and Border Protection, the US Department of State, our Department of Transport, Tourism and Sport and other agencies. My understanding is that from the perspective of the US Customs and Border Protection, this is part of a strategic plan to address continually evolving security threats. We are aware of many of those threats. We have sometimes seen drastic reactions to evolving threats. We have seen what has happened in the Middle East and everything else. We cannot take it on at face value.

I think the Ceann Comhairle knows that I will be as láthair when an eminent speaker comes to this House tomorrow to address the Chamber. I made it quite clear at a meeting of the Business Committee that I will not be in attendance. While I acknowledge the work that is being done to provide support in many areas, I think we are setting a very dangerous precedent by allowing the US Customs and Border Protection to address continually evolving security threats

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by working with foreign law enforcement and commercial carriers to prevent the boarding of potentially high-risk travellers. It is a very delicate balance to do this while also providing unique facilitation benefits. It has to be assessed carefully and sensitively.

I note that the amended motion allows for the reimbursement by airport authorities of the cost of additional and enhanced preclearance services in Irish airports. The additional costs will have to be paid by those who benefit from the enhanced services. We could be having a costly dinner. We have to be realistic about the charges we can pass on. I would like some assurances that such costs will be measured and appropriate and will not be punitive. As I have noted, the primary purpose of this measure is to increase protection and security, which must be foremost in all our minds at all times.

This motion represents a welcome continuity in preclearance arrangements. That definitely has to be welcomed. As I said, all of these things come with price tags and caveats. Freedom is a hard-fought issue. Security has to be enhanced. Preclearance has been beneficial to our travelling public, both in and out of here and beyond here.

**Deputy Danny Healy-Rae:** I welcome the enhancement of the preclearance service for passengers in Dublin Airport and especially in Shannon Airport. It is important to provide this facility for all passengers. Between 1.7 million and 1.9 million people use this facility when they take transatlantic flights across to the United States.

I would like to mention something that is a bugbear of mine. I suppose it does not relate to the actual motion. Maybe it relates slightly to it. We hear a lot of talk about a third terminal at Dublin Airport. At the same time, Shannon Airport has been downgraded. There is less activity at Shannon Airport than there was in years gone by. I wonder whether it is in the Minister of State's remit to try to help that situation. The people of County Kerry who use Shannon Airport frequently would like to see an enhancement of the airport rather than another terminal in Dublin, where there is so much resistance to noise. I believe motions dealing with that aspect of the matter are being advanced currently. We have never heard of any uproar or concern with regard to noise anywhere around Ennis or Shannon. Maybe the Minister of State will try to take some more of the business down to Shannon Airport, rather than putting all the pressure on Dublin Airport.

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin):** We could put the new terminal in Kilgarvan.

**An Ceann Comhairle:** I would have expected Deputy Healy-Rae to be looking for a terminal in Farranfore, never mind Shannon.

**Deputy Danny Healy-Rae:** We have that. We are developing it.

**An Ceann Comhairle:** The Deputy is happy enough with what he has.

**Deputy Brendan Griffin:** Kilgarvan would be an ideal spot for a new international airport.

**An Ceann Comhairle:** The Minister of State could do the official opening.

**Deputy Brendan Griffin:** I could indeed. I am sure there would be competition for that gig.

I thank the many Deputies who contributed to the discussion. As I said earlier, US preclear-

ance is a valuable asset for Ireland. It has been an enormous success in facilitating easier travel between Ireland and the US and incentivising airlines to operate more and more services on transatlantic routes. In 2018, approximately 1.9 million passengers availed of this facility at Dublin Airport and Shannon Airport, which represents growth of almost 140% since 2011. The terms in the amended agreement are crucial to ensure the continued success and growth of US preclearance services in Ireland.

I would like to highlight a significant aspect of the growth in tourism we have enjoyed since 2011. I think we had eight North American gateway cities in that year, whereas we have 25 such cities currently. This increase has been facilitated through a number of initiatives. I have no doubt that the scrapping of the airport tax has been influential in this regard. The brilliant work of Tourism Ireland and the availability of this preclearance facility in Dublin Airport and Shannon Airport have both contributed significantly too. Along with representatives of Tourism Ireland, I am heading to Boston tomorrow to head up a trade mission in the north-east US, which is a critical part of our North American market. We will be using preclearance in the morning, which is very convenient for everybody travelling on that route.

I will respond to some of the issues that have been raised by Deputies, beginning with the issue of cost. As I mentioned in my opening statement, under the terms of the amended agreement, “a baseline level of services will be borne by US Customs and Border Protection, CBP, with the costs associated with additional services being substantially paid for by the two airport authorities”. No direct cost to the Exchequer will arise. The amounts to be paid, and the arrangements for any variability in these amounts, will be set out in commercial memorandums of understanding between the CBP and each airport which will be subject to approval by the Department of Transport, Tourism and Sport. The amount charged to each airline arising from these costs will be a commercial matter for the airports to decide. Airlines, in turn, will continue to decide how much passengers pay to avail of the preclearance service. The extra cost for Dublin Airport, if spread across the 1.7 million passengers who used preclearance facilities in 2017, will not equate to a substantial extra charge per passenger. The incremental growth in passengers availing of preclearance is expected to offset further the incremental cost associated with the provision of extra CBP officers.

While Shannon Airport does not require additional officers, it needs some flexibility with regard to rostering and overtime arrangements to allow the airport to increase its general aviation business, particularly where the service is required outside the standard rostered hours for preclearance of commercial flights. For the additional hours requested, it is understood that the CBP would levy a charge against the airport for the service, and the airport would in turn pass on this cost to the airline.

I would like to speak about the rights afforded to passengers who avail of US preclearance services. As I am sure Deputies will understand, the US has the authority to determine the right of any individual to enter its territory. Each decisions on who may enter the US is entirely a matter for US officials. Eligibility is determined by reference to US immigration rules. Preclearance is not compulsory. Passengers who wish to avail of preclearance do so voluntarily and on condition that they recognise and consent to the right of the US to grant or refuse preclearance in accordance with its immigration rules. Passengers retain the right to withdraw from the preclearance process. Border controls at US airports are also carried out by the CBP, which is the same organisation that processes passengers for preclearance in Ireland. The same procedures and criteria for entry therefore apply whether a passenger preclears or postclears. Airlines choose to apply to have their services precleared at Dublin Airport or Shannon Airport

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on the basis that they may then offer the service as an added bonus for their customers. As Dublin and Shannon Airports are the only airports in Europe with preclearance facilities, passengers can also choose to fly to the USA from other American airports and post-clear for entry on arrival in a USA airport.

With regard to US preclearance and the rights available to refugees or persons wishing to seek asylum, Ireland abides by its international obligations regardless of any decision by US authorities to refuse entry at a preclearance facility. A refusal at a US preclearance facility has no impact on the rights of refugees or persons wishing to seek asylum in Ireland. A person refused at preclearance and who subsequently claims asylum in Ireland is dealt with in accordance with the International Protection Act 2015. The existence of preclearance facilities, therefore, has no effect on the capacity of persons to claim asylum in Ireland, nor on the way such persons are treated.

The issue of noise at airports will be a matter for the noise regulator to decide on. Legislation to establish the noise regulator is currently being enacted.

I assure the Deputies that the US preclearance facilities that are operated at Dublin and Shannon Airports are within Irish jurisdiction, and the laws of Ireland apply at all times. US customs and border protection officers are not equipped with firearms or any other offensive weapons. They are not considered to be law-enforcement officers in Ireland. The Aviation (Preclearance) Act 2009 permits preclearance officers to detain a person in a limited number of circumstances, and any persons detained under these provisions must be delivered forthwith into the custody of An Garda Síochána. I assure Deputy Clare Daly that I will try to obtain from the Department a response to her question as quickly as possible.

I urge the House to approve the terms of the agreement amending the agreement between the Government of Ireland and the Government of the United States of America on air transport preclearance.

Question put and agreed to.

### **General Practitioner Contractual Reform: Statements**

**Minister for Health (Deputy Simon Harris):** I am pleased to be here this evening to update the House on the outcome of the recently concluded general practitioner, GP, contract talks. I genuinely believe this represents a major step forward in terms of the implementation of Sláintecare, with increased resourcing for primary care and widening the range of healthcare services available in the community.

I acknowledge the important role GPs play in the delivery of our health service and to their commitment to providing a responsive and high-quality service to patients. I am aware that the workload in many GP practices remains very heavy and that the last few years have been particularly challenging.

I recognise also that GPs working in rural and socially deprived areas play a particularly important role in ensuring the availability of health services in their communities. I assure the House that the Government is committed to ensuring that general practice in such areas remains a sustainable and attractive option for doctors. Members will see a number of new initiatives in

this new and comprehensive agreement that make that a reality.

The Government, mindful of the difficulties in general practice and in keeping with its commitment to the continued development of GP services, agreed a mandate in 2018 for GP contract talks that would seek to secure agreement on the introduction of new service developments, to include a chronic disease management programme, as well as a suite of reform and modernisation measures. Owing to the range and complexity of the issues to be discussed, the engagement process took a significant amount of time and effort by all parties involved. Following detailed and intensive engagement, the talks finally concluded on 3 April.

The outcome of the process is a comprehensive service development and reform agreement in return for very significant phased increases in funding for general practice for the services provided to medical card and GP visit card patients. This agreement with the IMO is a major milestone for the health service. It provides for a significant package of measures that will benefit patients and also make general practice a more attractive career option for doctors. This is important. We have tried to get the balance right between the introduction of new services and the modernisation agenda, but of recognising, as the Chairman of the health committee reminds me regularly, the need to make the existing services sustainable, and recognising that doctors took significant cuts and hits during the financial recessionary years. We have got the balance right in this agreement.

For the first time we will see the delivery of structured care on a large scale for patients with chronic conditions in the primary care setting. Over 400,000 medical card and GP visit card patients with chronic illness, such as diabetes, asthma, COPD and heart disease, will benefit from new and improved chronic disease management. These patients, who would have been seen in the hospital, are now being seen in the community. They are also patients who, through more regular check-ups, can maintain better health with their chronic conditions.

The programme will start in 2020 and will be rolled out to adult patients over a four-year period, starting, appropriately, with those aged over 75. Patients with an existing diagnosis of one of the specified conditions, those who are assessed by their GP on an opportunistic case-finding basis, in addition to those identified as high risk, will benefit under the new programme.

GPs will be paid to provide services for patients with haemochromatosis, which will mean some 8,000 with this condition will no longer have to attend their hospital for therapeutic phlebotomy but can be managed locally by their GP. This could save patients up to three visits a year to the hospital and will also free up very significant resources in the hospital setting.

It has been agreed to pay GPs a fee for participation in weekly virtual consultations with consultant cardiologists to discuss patients with heart failure and agree or amend care plans for these patients. This is a really good example of using technology and integrated care, and of hospital doctors and GPs working together to discuss cases. These virtual clinics will divert patients from acute settings and outpatient department waiting lists. A pilot currently in operation in the Carlow-Kilkenny area has shown a 95% decrease in referral for admission and an 87% decrease in referral to outpatient departments of these patients. The clinics clearly work. The pilot will be extended, and a further three clinics will be established, with four in place over 2019 to 2022. This will provide 17,500 virtual clinic slots per year when fully implemented during which one or more patients will be discussed.

I welcome the agreement by GPs to co-operate with waiting list validation exercises. This

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will ensure more accurate and current waiting lists, improved access to services and better outcomes for patients.

A wide-ranging set of important modernisation measures also been agreed in the areas of ehealth, medicines management and multidisciplinary working, as well as the increased use of diagnostic imaging and laboratory services.

Over the next four years, patients, GPs and the health service as a whole will significantly benefit from these initiatives. I particularly welcome GPs' agreement to engage strongly with the exciting ehealth agenda, another key Sláintecare initiative, which will enable safer, joined-up patient care and will also help the health service to greatly reduce the use of outmoded paper-based communications and record-keeping. We need to move beyond the paper file to electronic health records.

Over the next number of years, GPs will engage in a wide range of important ehealth initiatives, including the rolling out of electronic prescribing, which will enhance the safety and quality of the prescribing process; and the development of summary and shared care electronic patient records, which will give GPs and other healthcare professionals access to important patient information.

The introduction in 2019 of a system of HSE pharmacist-led medication reviews, initially for patients over 75, will facilitate safer, more appropriate and more cost-effective prescribing. GPs will also for the first time formally co-operate with HSE multidisciplinary networks of health professionals, again key to the delivery of Sláintecare.

In return for all this, the Government will increase investment in general practice by approximately 40%, or €210 million, over the next four years. This will see very significant increases in capitation fees for GPs who sign up to participate in the reform programme and the introduction of new fees and subsidies for additional services, such as chronic disease management. Very important, we will also increase support for rural practices and for those in disadvantaged urban areas. The rural practice allowance will be increased by 10% in 2020 and, for the first time ever, targeted funding of €2 million annually will be set aside to provide additional support to practices in deprived urban areas. This is an important development.

Crucially, we will introduce improved family-friendly arrangements for GPs, increasing the maternity and paternity cover for GPs to try to help make general practice a more attractive career option.

**Deputy Stephen Donnelly:** I will be sharing my time with Deputy Aylward.

It is good to get the detail but I find this exercise very frustrating. The outline of the deal was agreed about two weeks ago. The GPs have not seen it, the public have not seen it, and we have not seen it. We are being given pages of facts and figures now. We have not seen them before. I have asked the Department for them and I have asked the HSE. We have been denied access to any of the detail. We are sort of expected to stand up here now and respond.

The Members present are the health spokespeople, by and large, and they should have had the information ahead of time so they could give a reasoned response. I am not accusing the Minister - I have no evidence - but this is controlling the message. We should have had this information days in advance. In fact, we should have had it the day after it was agreed with the IMO.

There are parts that I welcome but it is important to state this is not a new GP contract. It is being sold very much as a new one but it is not. There is an important new GP contract to be had and it is very ambitious and very different. It would reflect a genuine new world of integrated healthcare, care pathways and GP-led primary care. What we have here is some upgrading of the existing contracts, and some of that is welcome, but that is all it is. The reversal of the financial emergency measures in the public interest, FEMPI, is welcome. It was one of Fianna Fáil's core demands in last year's budget, but four years is too long. General practice is on its knees and I would have preferred that it be done in two years, or three years at maximum.

Free GP care for children under 12 years has a whiff of a pre-election stunt about it. Sláintecare does not say that healthcare should be free, it says it should be universally accessible. That is not defined as free but as access to the healthcare that is necessary without incurring undue financial hardship. I have received replies to parliamentary questions from the Minister in the last few days. I asked how many children this will apply to and the answer was "We don't know" and I asked how much it would cost and the answer was "We don't know". There are no costings and no numbers. That really worries me. The offer of free GP care for children under six years was not properly thought through or executed and it caused a lot of problems.

The proposals on chronic disease management are welcome. It is one part of the agreement I really welcome, and it is moving in the right direction, although some of the numbers are wrong. My concern is not about chronic disease management in the community - that is exactly what should happen - but rather the ability of this Government to implement what is necessary. It is a start which we welcome within reason. We will need a much longer debate on this when we have had time to go through the detail.

**Deputy Bobby Aylward:** Rural communities across Ireland are suffering from a deficit of GPs. This trend has worsened over time as more and more established GPs retire. Recently, in my constituency, two GPs, one in Thomastown, County Kilkenny, and one in Carlow town, were due to retire. Both practices provided crucial step-down care support to older people on discharge from St. Columba's Hospital, Thomastown, and Sacred Heart Hospital, Carlow. Several of their GP colleagues around the constituency contacted me to express their great concern that it would be very difficult to replace these doctors who are so crucial to their local communities. The doctors I have spoken to feel the recruitment and advertising methods being implemented are not effective. It must be closely examined and addressed.

We are not doing enough to incentivise young doctors to take up medical practice in this country, especially in rural areas. We cannot allow a situation to arise where rural communities across the country are left without any access to local GPs. While I remain hopeful that the €210 million announced for investment in general practice will entice some doctors to stay, I do not think that it will go far enough to address the systemic problems. It is proving impossible to recruit GPs to certain rural areas due to increased operating costs and dramatic cuts to the grants used to support surgeries. I am calling on the Government to immediately re-examine the supports available to GPs who seek to start up surgeries. In May 2015, almost four years ago, more than one third of GPs in Carlow were aged over 60 years, and they will be eligible to retire in the next year or so. I am sure this is mirrored in many parts of the country. It highlights the need for urgent and radical action.

The agreement reached between the Government and the Irish Medical Organisation earlier this month is a start but its impact on GP waiting time remains to be seen. A constituent came into my office recently. She moved from north Kilkenny to south Kilkenny recently. When her

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GP took leave of absence for health reasons, an older, retired doctor took over. He said he could not continue to provide her with a service. She tried in Thomastown, with two doctors, and in my parish of Ballyhale, but none of the doctors could take her on. She is a medical card holder but at the moment she has no doctor to look after her. This is serious. It is something that is happening in rural Ireland. If we do not retain the doctors we are training, and put an end to the newly qualified professionals travelling out of the country so that they can provide a service, rural Ireland will have no doctors. That is a serious situation.

**Deputy Louise O'Reilly:** I welcome the opportunity to speak. This is a deal that was done two weeks ago, so it is unfortunate that I did not have more detail in advance of the debate. I hope in his concluding remarks that the Minister will commit to a longer debate once we have had the opportunity to digest the contents of the agreement.

We all know the benefits of primary care. It is a low cost, local service. It is good at delivering preventative, quality care much faster and closer to home than alternatives. I wish to pay tribute not only to those on the union side who negotiated the agreement but also to the officials in the Minister's Department. From experience, I know that much work and many man and woman hours go into getting things like this over the line. The Minister gets to make the announcement but the people in the background do a fair amount of the work and that should be acknowledged.

I am not looking at a new GP contract, however, but merely a revision of the existing contract. We are here to talk about the GP contract negotiations but when will we see a new comprehensive GP contract fit for the 21st century and agreeable to all doctors working in general practice? Some of the areas under discussion in relation to improvements to the current contract and the possible inclusion of the chronic disease management will be welcomed. We wholly welcome that approach which makes complete sense. It is regrettable it was not done earlier but we welcome its inclusion now. However, we must acknowledge that the health service has fallen down in the area of chronic disease management. Far too much takes place in hospital and not enough in GP surgeries. It will take a huge effort on the part of general practitioners and they will need support to ensure that they can deliver. To that end, there must be extensive and ongoing engagement with general practitioners and their representatives to ensure that the chronic disease management section is rolled out and that it is done in a way that benefits patients and enhances primary care.

If I missed it, I apologise, but something which seems absent from the agreement is a women's health programme. The Government's failure to include a substantial women's health programme is regrettable. Much more could have been done to restore the trust of women in our health service and, more importantly, to improve health outcomes for women. In spite of improvements in health service provision for women, we see an area where inequalities are stark. I do not need to tell the Minister that if a woman has the money to pay, she can get the results of her smear test back in a couple of weeks, however if she is unfortunate enough to be a public patient, she will wait for 33 weeks. The Government's failure to fully resource and implement the maternity strategy represents a lack of urgency around issues of women's health.

While I am on the subject, where is the legislation on exclusion zones? All the marvellous GPs in the world will make no difference if women are intimidated on the doorsteps of general practices. When I asked the Taoiseach this morning if he had any idea when this legislation would be available, he said he did not know. That did not fill me with confidence. Maybe the Minister can answer that.

This is the revision of the old contract. Any new contract must look at the area of nursing homes and the provision of GP services to residential care facilities. It is a very pressing matter which has been raised with myself and, no doubt, others. It is not something that is going to go away, if anything the need for it will become even more pressing. This essential service needs to be enhanced. It is provided in many nursing homes on an *ad hoc* basis. Sometimes it is provided by the grace of the general practitioner, usually related to a personal relationship between the staff and the nursing home, and that is not good enough.

I will get on my hobby horse for a moment as there is no mention of additional physical infrastructure. For instance, in Balbriggan, in my constituency, there is a beautiful primary care centre. It is absolutely gorgeous and it is stunning but all it is a glorified GP surgery. There are no scanners or diagnostic equipment in the centre. I put a parliamentary question to the Minister and the response I received is that he is not considering enhancing the equipment or the facilities available in Balbriggan at this time. That is contrary to what his colleagues say in the constituency but it chimes true with me because we see no evidence of any plans in the pipeline.

Finally, there is a real need to look at the issue of salaried GPs. Directly employing GPs will allow doctors to be doctors and they will not have to worry about renting, being employers or any of that. We need to examine how the dual model will work. The small business model has worked well - I do not dispute that - but I believe that directly-employed, salaried GPs have a role to play. There is space for a dual model. When we have our longer and more in-depth debate, hopefully we will be able to tease out those issues.

**Deputy Alan Kelly:** In fairness, I do not want to rain on the Minister's parade. He has enough issues with which to deal.

I do not know why we are having this debate tonight. It would have been time enough to have it at a later date because the information is only coming through. We are having to analyse it and go through it now. I would like to have had time to talk to many of the GPs who I have worked with over the years to go through some of this.

In fairness, the Minister and his colleagues have put a great deal of effort into this. I respect that. I welcome a significant amount of what is proposed. All the measures relating to doctors, such as the family-friendly measures, etc., will make the profession more appealing to those who want to remain in it. The measures to address the number of GPs who leave the country - a matter not dealt with to date - are all welcome. As somebody who was member of the Government that introduced free GP care for children, I welcome that it is being extended to those under 12. However, this is the outline of a deal. We do not know fully how it will be received or how it will be implemented. For example, on the aspect of extending free GP care to those under 12, there is another negotiation that has to go on and then individual GPs will have to decide whether they will participate or not. The process by which that will happen all needs to be worked out.

I do not have enough time to go into the detail of all the individual issues. Following the process the Minister went through with this, I presume there is an estimate of the real impact what is proposed will have on retaining GPs in this country and also on enticing more to remain in the profession. Is he in a position to put figures on the estimate of the impact it will have in that regard? In other words, how are we to arrest the decline and does the Minister of the type of estimates to which I refer?

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I specifically want to discuss GPs in rural Ireland. We have a particular problem in geographically isolated areas. Given that the Government, which does not have long left in office, is intent on implementing Project Ireland 2040, there will be fewer people living in rural areas. As a result, GP contracts in those areas will be less viable. I have no doubt that the Minister will have to resort to a different direct-employee contract for GPs in isolated rural areas. Has that been dealt with? Will that form part of this agreement? Has it been considered? What is the status of that? We must have that. I can categorically guarantee that unless the Minister has that type of contract in certain specific geographical areas, there will not be GPs there. I can tell the Minister that right here. That is the direction in which Ireland is moving; that is the trend. That is where the Government is going with Project Ireland 2040.

Something the Minister cannot throw back of me is ehealth. I speak about this all the time. Few Members have come in here and spoken about this at length as I, coming from that background myself, have done. I read a great deal here about ehealth, e-prescribing and a range of other matters. I actually do not know what these terms mean. Where are they in relation to the public service card? Where are they in relation to the ehealth card? Where are they as regards the data? What will be the process? What infrastructure has to be put in place? What pathways are there for the sharing of information? How will all this work?

I agree with ehealth. Is there a guarantee of consistency? Is there a guarantee that all GPs will participate because when one moves across to such new measures, one must ensure that everyone is on board. One cannot have a situation where some GPs are participating in a new way of doing things and others are not. If one leaves in that scenario, and patients change and GPs change, with different health systems all of that must apply across the board. Can the Minister give us a guarantee in his reply that it will apply across the board? I know by the Minister's demeanour that he is not sure. I would really appreciate knowing. That would be a significant issue.

In the context of health, will analysis of referrals from GPs be supplied into the central system of the HSE? For example, there are serious issues in the mid-west regarding referrals to hospitals. Some GPs practice fantastically not a large amount of referrals. Some others who have a significant amount of referrals do not. I am not saying every area is the same. One is not comparing apples with apples and oranges with oranges. In general, however, there should be some form of trend. I hope that data is being gathered as part of this process as it all would help us.

Without going into the individual components of what we understand to be agreed, there is one final matter about which I am disappointed. I would like to see some emphasis on the GP role in advocacy as regards future screening programmes. If the Minister could stitch that in, I would welcome it. It would not be a major issue. I would take it as a positive if the Minister could go back and look at ensuring that an advocacy role, for all the reasons that we have debated previously in this Chamber, is included in the eventual contract. That would be a welcome development.

**Deputy Mick Wallace:** The current GP contract is 47 years old. There have been no major structural changes to it in that time, bar a little tinkering.

General practice in Ireland receives 3% of the overall health budget and yet general practice in most developed countries receives 10%. This disparity needs to be addressed in Ireland. Research has repeatedly shown that if one spends €1 on investment in general practice, one will

save €5 at hospital level. Seven hundred GPs are due to retire in the next five years in Ireland. Some 70% of GP practices outside of Dublin are closed to new patients. Where are these patients supposed to go? Only 20% of GPs are IMO members, 40% are members of the National Association of General Practitioners, NAGP, while 40% are not members of any union. This new contract has been negotiated without the input of the vast majority of GPs or their representative bodies. The vast majority of GPs have still not seen the new GP contract. Only one-in-five GPs have seen the contract via the IMO.

The proposals relating to reversing FEMPI cuts - amounting to €120 million over three and a half years - will not save general practice. The reversal package is grossly underestimated in terms of what is needed according to the GPs to whom I have spoken. The three-and-a-half year timeframe is far too long.

GPs in Wexford are adamant that for general practice to survive in the county and, indeed, nationally, particularly in rural areas, the following need to happen. First, there needs to be serious acceleration in the context of reversing FEMPI. Second, GPs need an optional out-of-hours commitment. Fifteen years ago, the NHS made out-of-hours optional. This agreement was signed by more than 95% of UK GPs. It has been a success, despite initial British Government fears. The sky did not fall in by giving GPs flexibility in terms of working out of hours. It is nuts for there to be 24-7, 365-days-per-year commitments for GPs. This kind of unreasonable burden for GPs is doing nothing to attract young doctors to the practice. Another vital requirement is a new GP contract. GPs need flexible contracts that are family-friendly. That is crucial. Of course, capitation needs to be increased but flexibility must also be built in to the new contract.

The GPs to whom I have spoken are deeply concerned that after all this time waiting for a new contract, what they are actually getting is not really a new contract at all but, rather, a slow, drawn-out reversal of FEMPI. GPs fear that they will be simply returning to a pre-FEMPI state, that they will be back to square one and that they will not have made much progress. I am only telling the Minister what I am hearing from GPs, I am no expert on medicine.

There is a perception that GPs are rolling in money but, for those on the existing contract, that is far from true. More than 50% of the population has access to free GP care. For example, the fee through the GMS contract for female patients aged 16 to 45 is currently set at €43.79. That fee is per year, not per visit. That is how much Irish GPs are paid for unlimited, 24-hour access, seven days per week, 365 days per year for this group. Ireland is haemorrhaging GPs and cannot attract new people. I spoke to a GP in Wexford town, Dr. Bill Lynch, who had to go to Barcelona in order to try to hire new GPs. A realistic, flexible, indicative staff budget must be agreed. What about sick pay, maternity and annual leave?

I hope that the new contract will clarify the issue of GPs charging for routine blood tests, a practice that is clearly prohibited under the Health Acts. The Minister has repeatedly stated that the GP contractual review will provide clarity on this decades old problem. I am regularly contacted by people who are incorrectly charged for blood tests. I have sympathy with GPs who are so financially squeezed that they are leaving general practice in droves but the situation has, for many patients, created a toxic relationship with some of their GPs. It has caused a significant amount of stress and financial difficulty for patients in Wexford and elsewhere.

Perhaps the Minister can explain why patients I have spoken to must wait for a year and a half to get refunds in respect of charges which never should have been imposed in the first

instance. Some people do not even know their rights when it comes to charges or accessing refunds. Even if they do, the inconvenience and delays involved in getting refunds is infuriating for many individuals. If we are not going to enforce the existing legislation and provisions of the existing GMS contract, can we at least have a fit-for-purpose refund scheme? A very obvious solution to this problem would be to actually recognise the workload GPs do and their importance to communities in delivering primary care services and to properly reward them for this service with the kinds of contracts they deserve.

The Minister stated that he recognises that GPs working in rural and socially deprived areas play a particularly important role and that he wishes to assure the House that the Government is committed to ensuring that general practice in such areas remains a sustainable and attractive option for doctors. It is not a sustainable and attractive option for doctors right now so for the Minister to say that he wants it to remain so is playing with language. The majority of GPs I encounter in Wexford indicate that it is not a sustainable and attractive option. Can we make it sustainable and attractive? Failing to do so makes no sense.

**Deputy Michael Harty:** I thank the Minister for introducing this topic. We have had many conversations about the issue and I welcome the proposed agreement between the IMO, the Department of Health and the HSE which is still under discussion at IMO meetings. I may have an advantage, being an IMO member, in that I have in my possession a document which outlines, in broad brush strokes, what is contained in the agreement.

I welcome the agreement because it will reverse the cuts that were introduced by means of the FEMPI legislation. I also welcome the fact that it starts to integrate chronic care between primary and secondary care, to digitally gather information about population health and hopefully it will start ehealth initiatives, such as e-prescribing, which have tremendous advantages in general practice. This is a reversal of the disproportionate application of FEMPI to general practice. FEMPI made many practices financially unsustainable and led to the disbandment of many practices in urban and rural areas, practices which no longer exist. It has led to the loss of full-time GP services in many areas where practices have been amalgamated with practices in the nearest town. FEMPI has created a vacuum which has allowed to enter general practice commercial entities that may not have the same vocational value as existing general practices. It has also allowed gaps in the system where pop-up GP practices are now appearing in many urban areas which do not supply the same quality of care that established general practices do.

FEMPI has led to the manpower crisis we currently face. Some 70% of practices are not taking on new patients. In many towns and some counties, there are no GPs who are taking on new patients and that is because of the workload that has developed on foot of the manpower crisis. Only 90 GPs under the age of 35 hold the GMS contract and 700 GPs are due to retire over the next decade. There is a real manpower crisis and we need to start training more GPs if we are going to deliver the enhanced services that this agreement proposes and to give free additional care to the first cohort of patients, those under the age of 12. The Minister must understand that under-12s are not the most needy cohort of patients in our community. It is political policy of Fine Gael but healthcare should be delivered to the most needy. That is a policy issue over which we, as GPs, have no influence.

A GP visit card facilitates a free visit to a GP but it does not carry the other services that a full GP card delivers. That is a major fault in only supplying GP visit cards because it disenfranchises people who are expecting to get a full service and who do not.

We need additional GPs to deliver chronic care which is already devolving from our hospitals. This contract copper-fastens what many of us are doing. Some 53% of doctors who left the Medical Council in the past number of years are aged under 35 and many of those are newly-qualified GP trainees who do not see a future for themselves in Ireland. It is in this context that the agreement has been reached. I welcome the agreement because I hope it will reverse some of the trends that I have just mentioned. I hope it will lead to a reversal of the loss of GPs from our general practices and only time will tell.

This is not a new GP contract, it is reform of the existing contract. It appears that a new GP contract is at least four years away, particularly if we are to carry through the reforms outlined in this document. Nevertheless, I welcome the restoration of funding and it is important that it is front-loaded. Some 50% of the restoration of funding will come on 1 July and that is important because it will give hope to practices which are struggling financially. It will allow practices to employ staff, I hope, and also to supply a wider range of services.

The agreement is a tangible first step in implementing Sláintecare. It is the very first tangible step that patients will recognise that Sláintecare is beginning to be rolled out. It reorients the health service back towards primary care. It places general practice at the centre of health reform and starts to develop chronic disease management in general practice but this will only pay dividends if that is integrated with our hospital service. It must be an integration of chronic care between primary and secondary care to get the maximum value.

It is very important that GPs' co-operation with community health networks is from the bottom up and not the top down. GPs need to be involved in organising, financing and making decisions about how resources are dispersed throughout their population in their community health network and the advisory council that has been set up and the implementation office, under Ms Laura Magahy, will be crucially important in ensuring we get this correct. It should not be a diktat but should come, rather, from the bottom up, where GPs are equal to all the other stakeholders in that process.

I welcome the roll-out of ehealth over the next four years. In particular, e-prescribing is the initiative on which the Government should concentrate.

There are many points I would like to discuss but the deprivation fund set up for, most likely, inner city practices is extremely important. The Minister has probably heard from Deep End Ireland how critically important health needs in deprived areas are and how they are not funded properly. This fund is innovative and I welcome it.

**Deputy Róisín Shortall:** I will echo the points made by previous speakers. There was not much consideration given to other Members in providing the detail of this deal. The relevant information should have been provided some time ago, and long before this debate. That was quite disrespectful to Members on this side of the House.

It is 18 years since the primary care strategy was launched. In that time, no Government or Minister for Health has been serious about the primary care strategy. Mere lip service has been paid to it, which is quite incredible when one thinks about the primary care strategy of 2001 and several subsequent related strategies culminating in the Sláintecare report. The reorientation of the health service away from expensive acute hospital care to community, primary and social care is not rocket science but, rather, very basic logic about the right way to run a health service. It makes absolute sense to have early intervention regarding medical conditions and for services

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to be provided locally at the lowest level of complexity and close to where the patient lives. That is the way to get the best health outcomes and, of course, the best value for money. However, for some unknown reason, no Minister has given effect to the aspirations in the primary care strategy. That may have been due to a lack of courage on the part of the many Ministers over the past 18 years because most of the vested interests are located in secondary care. There are some very strong vested interests in that area. We know that the hospital sector has always taken the lion's share of health funding and, for that reason, we have a very skewed, inefficient and ineffective health system. Regrettably, no Minister was prepared to reorientate the health service to where it ought to be and tell the hospital sector and the various vested interests that this was not the right way to run a health service and that we were going to emphasise and prioritise primary care. Unfortunately, that has not yet happened. I very much welcome the fact that the Sláintecare report is so strong on the need to reorientate the health service. There is a clear blueprint for doing so and, as such, there is no excuse for the Minister or any of his successors not to act in that regard. It makes absolute sense to do so.

My concern is that there is a 47 year old contract which has not been fit for purpose for some time. Even after this deal, it will remain unfit for purpose. There is no doubt that the deal contains improvements, but it is not a new contract. We cannot run a modern health service on a contract that is almost 50 years old. Although several elements of the deal are to be welcomed, the reality is that an entirely new contract was needed. I very much regret that after all of the promises and early days talks and so on, the Government came up with a deal which only tinkers with the original contract. There is an acceptance of that fact on the part of the Minister, who stated that there is a need for a longer-term strategic review of how general practice should operate within the health service and that the Department will lead a strategic review of general practice with a view to developing a new contractual framework. There has been 47 years in which to do that. Why is that at this stage, after all the protracted talks, the Government is only now recognising the need for a strategic review? God knows when we will see an outcome from such a review. It is very disappointing that there is no new GP contract, which is what is needed.

That said, I hope that the Minister moves quickly and that this is not the end of what he will deliver in regard to contractual arrangements with GPs but, rather, is only the start. I hope that he is serious about the strategic review and that it will get under way very quickly. I remind the Minister that the Committee on the Future of Healthcare, which examined this whole area in significant detail over a long period, wrote to him and outlined several key areas that needed to be included in a new contract. These issues arose time and again in the course of the Sláintecare process. Key things that are currently missing are the issue of access to diagnostics, the need for an ongoing review of the contract - we should not have such a long contract period - and the need for salaried and part-time GPs.

The agreement goes some way towards restoring the savage FEMPI cuts. The individual measures regarding chronic disease management are to be welcomed, as is the €2 million set aside for GPs working in areas of disadvantage in particular. Deep End Ireland is doing an extraordinary job in that regard. However, far more needs to be done. We can achieve far more through our health service if the Minister takes the lead on this issue and takes bold steps in respect of the much-needed reorientation of the health service away from hospitals and towards primary and community care.

**Minister for Health (Deputy Simon Harris):** I thank Deputies for their contributions. I look forward to a longer debate on this issue at a time of the House's choosing. I assure Deputy

Shortall that I am deadly serious when it comes to the reorientation of the health service, as, in fairness, is she.

The real test for the House will be when I begin bringing forward legislation on issues such as geographical alignment. I intend to publish my proposals on geographical alignment before the summer recess and I expect them to be very closely aligned with the report of the Sláintecare committee. Let us then see Deputies put their money where their mouth is. Deputy Shortall is aware how jittery politicians get when one starts drawing lines on maps and when they hear from the vested interests to which she referred. I will return to the House with proposals that will result in massive reform of the HSE, devolve far more authority to the regions and, crucially, integrate the currently ridiculously disparate situation whereby our community health organisations and hospital groups operate as separate entities and, often, separate fiefdoms. It will take several years to get to where we need to be. I will go to Government with my proposals in that regard and publish them in advance of the summer recess.

Several Deputies stated that the agreement is to be welcomed, but that simply restores the cuts. Of course, in many ways it is restoring funding, but an honest analysis of the situation is that it does more than that. FEMPI accounted for approximately €120 million, but this deal is worth €210 million. I recognise that Deputies have welcomed elements of the agreement, if not all of it. The agreement has been very warmly welcomed by many general practitioners, patient advocacy groups and, indeed, the Irish Medical Organisation, which worked very hard on it, as well as the National Association of General Practitioners in its public commentary to date. I join other Deputies in thanking my officials, led by Fergal Goodman and Eugene Lennon, as well as officials in the HSE who put many late nights and an intense amount of work into arriving at this point.

Several Deputies referred to Deep End Ireland. I met its representatives during the Sláintecare process and am aware that the Sláintecare committee also heard from them. They made the point that we have effectively had a rural allowance for many years, which is proper order. That allowance will be increased by 10% next year on foot of this agreement. However, they also pointed out that, recognising that there are also difficulties and deprivation in urban Ireland, we need a dedicated fund in that regard which may be the equivalent of that for rural Ireland and the details of which could be worked out with GPs. The €2 million annual fund will make a difference.

Deputy Harty was honest and fair in his analysis of the situation when he stated that within the agreement is a tangible sign of movement on Sláintecare. The agreement has at its heart the ehealth agenda, without which Sláintecare cannot be delivered. It also focuses significantly on chronic disease management and integrated care. It is very much Sláintecare in action.

Members are aware of the difficulties experienced in general practice. I acknowledge those difficulties and this deal is recognition of them. However, I must also put some facts on the record of the House. The number of GPs on the Medical Council specialist register continues to increase. There were 2,270 GPs registered with the Medical Council in 2010 and 3,729 as of 1 January last.

**Deputy Dara Calleary:** Why are they not applying for jobs in the system?

**Deputy Simon Harris:** Possibly because of the 75% FEMPI cuts which were introduced by Fianna Fáil during its time in government and which I am now reversing. The number of

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GPs holding GMS contracts has also risen, from more than 2,098 in 2008 to more than 2,500 this year.

If we are to make general practice more sustainable, we need to introduce more family-friendly measures.

*8 o'clock*

That is why this agreement will significantly increase the funding for maternity cover for female GPs and will also increase paternity cover for male GPs from three days, for which they are covered now, to 14 days. When the rural allowance, the urban deprivation fund and the restoration of fees, which will see funding to general practice increase by 40% during the lifetime of this agreement, are coupled with some of these family-friendly measures, I genuinely hope and expect, as do GP organisations, that we will begin to make this a more attractive career. The first point, though, was to try to stabilise general practice. Before we got into introducing a load of new services, it was important to recognise there was a challenge and that GPs had suffered huge cuts during difficult years. It was important to try to stabilise that situation, to use that opportunity to push and work with them on a modernisation and reform agenda in order that they are ready for the delivery of Sláintecare and to provide extra funding for new services. That is what we have achieved. It is a fair and balanced deal. Of course there is more to do, and we have more to clarify in terms of the work we need to do in Sláintecare on the eligibility framework, which is a big body of work we are undertaking this year. I would certainly welcome a longer debate in this House on this matter and indeed questions on the matter. I know the GPs are beginning a process of intense consultation, which took place in Dublin last night. This is a chance for them to discuss what this deals means to them.

### **Greyhound Racing Bill 2018 [Seanad]: Order for Report Stage**

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### **Greyhound Racing Bill 2018 [Seanad]: Report and Final Stages**

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 5 to 8, inclusive, are related and may be discussed together.

**Deputy Thomas P. Broughan:** I move amendment No. 1:

In page 9, between lines 17 and 18, to insert the following:

“ “white list” means the annual list prepared by welfare members of the International Greyhound Forum in conjunction with Rásaíocht Con Éireann of countries which, at its sole discretion, meet minimum standards with regard to the welfare of greyhounds, and to which the licensed export of greyhounds from the State ought to be permissible.”.

I will speak to amendments Nos. 1 and 5 to 8, inclusive.

Amendment No. 1 goes back to a discussion we have had with the Minister of State across the floor on Second Stage and during other discussions about the welfare of greyhounds. In the definitions section, between lines 17 and 18 of page 9, we seek to insert:

““white list” means the annual list prepared by welfare members of the International Greyhound Forum in conjunction with Rásaíocht Con Éireann of countries which, at its sole discretion, meet minimum standards with regard to the welfare of greyhounds, and to which the licensed export of greyhounds from the State ought to be permissible.”.

This is the basic idea of the whitelist.

In amendment No. 5, we seek to insert in page 25, between lines 13 and 14, under the heading “List of countries to which export is permissible”, a provision to the effect that the Minister would prescribe from January 2020, by regulation, a list of non-EU countries which meet minimum standards with regard to the welfare of greyhounds and that the Minister would take into account the past record of the relevant country relating to the welfare of greyhounds, the welfare of animals in that country generally, the existence in the relevant country of enforceable welfare protections, the monitoring and enforcement in the relevant country and the standards of care and management in the country.

Amendment No. 6 seeks to introduce sanctions for those who have not fulfilled the conditions set out in the preceding amendments such that it would be an offence to export, attempt to export or assist another person to export to a non-EU country which is not on the whitelist. The amendment seeks to introduce sanctions, on summary conviction, of a fine not exceeding €5,000 or a term of imprisonment for a term not exceeding six months or, on conviction on indictment, of a fine of €100,000 or imprisonment for a term not exceeding three years or both.

The Minister of State was strongly urged in the Seanad to accept the provisions of amendment No. 7. It would require the Minister to produce an annual report about the export of greyhounds, those exported from the State in the preceding calendar year, a list of every country to which they were sent and the given reasons for the export. Finally, the amendment proposes to give the Minister ministerial powers in this regard.

As the Minister of State is aware, in 2017 I introduced the Welfare of Greyhounds (Amendment) Bill, which originally sought to create a list of countries to which the export of greyhounds would be permissible. The Bill was developed in conjunction with the outstanding animal advocacy body Dogs Trust Ireland. The intention of the Bill was to put a stop to the practice of greyhounds being sold, and sold on, in secondary exporting, to countries with little or no welfare standards. That Private Members’ Bill, as the Minister of State knows, is still on the clár of this House, but in the event, as the Greyhound Racing Bill has come forward first, we believe the Minister of State should now accept the principle of my Bill and place it in the heart of the Bill before us. I am not really convinced by the arguments which I think he made in the Seanad that we cannot police where greyhounds are being sold on to - in other words, secondary exporting - because we do have evidence of Irish-bred and Irish-owned dogs ending up in Macau, in China, and we have had horror stories from Pakistan and various other countries where the welfare of animals does not seem to be a priority. Given that we have this long history of greyhound racing, the cultivation and breeding of greyhounds, and that it is an important part of our national agricultural culture, we should try to create an example in this

regard for the rest of Europe.

The Minister of State told me in, I think, March, “the board proposes to expand the existing code to include provisions on best practice when exporting greyhounds”. I think this was his basic response to our amendments in the Seanad, which were tabled by the Senators in the Civil Engagement group. I believe Senator Ruane made the main case. I am looking at the code here and it lays down very important principles as to how dogs are kept. It refers to exercise, environmental considerations, husbandry issues and housing. Above all, it provides for freedom from hunger and thirst, freedom from discomfort, freedom from pain, injury and disease, freedom to express normal behaviour and freedom from fear and distress. These are good principles in the code, but the Minister of State has not incorporated it into this legislation. Furthermore, it is just a code. We want a statutory system whereby our dogs are protected, even with secondary legislation.

The Minister of State has told me that Bord na gCon was committed to the expansion of the code of practice in the care and welfare of greyhounds to include advice on best practice and that it would engage with and accept input from members of the greyhound forum in formulating the expanded code. The problem, however, is that we are again just talking about a code, not a statutory obligation, and that is what we need to move towards tonight. There is also no mention in the code, as I said, to exporting greyhounds or the sale of greyhounds. In a different part of its website, the IGB has a statement regarding export controls, which states “While IGB does not have a statutory remit in relation to export controls for greyhounds, we expect owners to apply the principles set out in the Code of Practice when exporting greyhounds” It then gives specific advice to owners. However, as I have already said, there is no mention of exports in the brief code, nor does it tell owners what repercussions there will be if they do not adhere to the standards that the Dáil and we, generally, as a nation of animal lovers, expect them to follow. The Minister of State will remember that in Seanad Éireann my colleague, Senator Ruane, rightly referenced Articles 34 and 35 of the Treaty on the Functioning of the European Union. This is in reference to secondary exporting. Senator Ruane, in order to address concerns that the Minister of State might have about secondary exports, suggested that Ireland could request a derogation under Article 36 of the Treaty on the Functioning of the European Union, TFEU. Article 36 provides for exceptions to EU trade rules if there is justification on certain grounds. These certain grounds include public morality, public policy or public security; or the protection of health and life of humans, animals or plants.

As I said, and as colleagues will mention, we have heard ongoing horror stories of the mistreatment of our dogs in different countries around the world. According to the website of People for the Ethical Treatment of Animals, PETA, for example, a greyhound welfare charity in the United States stated there were over 15,000 reported injuries of racing greyhounds between January 2008 and April 2018. Injuries included broken legs, broken backs, head trauma and electrocution. It was a rising up against this type of treatment of dogs generally that the state of Florida, where a good part of the American greyhound racing industry was placed, closed down greyhound racing.

I ask the Minister of State again to accept these amendments, create a whitelist and let us ensure that our dogs are treated properly when they are exported.

**Deputy Maureen O’Sullivan:** It is almost like we are resuming from Committee Stage and we did not do too well with these amendments there. We will try again this evening. These amendments in my name and the names of my colleagues, Deputies Broughan, Wallace, Clare

Daly and Pringle, are made in the context of animal welfare. The reality is that we have too many examples of appalling cruelty to greyhounds, notwithstanding those greyhound owners who do look after their dogs, including those no longer of use and no longer making money. The Animal Health and Welfare Act 2013 did not address this issue for various reasons. We have an opportunity with this Bill, however, to come to grips with and address cruelty to our greyhounds.

I mentioned on Committee Stage that it is great that there is a ban on using wild animals for entertainment purposes. Why do we not have a similar ban on greyhounds being used for entertainment purposes in places such as Macau, Pakistan and China? Sadly, it was not the greyhound industry in Ireland that highlighted or tried to address these abuses. Animal welfare groups highlighted them. These groups also highlighted that there are no animal welfare guidelines or regulations in those countries, yet we still allow our greyhounds to be exported there. We have proof of the abuse and we are not talking pie in the sky about these issues. We know that a number of Irish greyhound breeders keep appearing on a Chinese database. We know copies of stud books have been uploaded showing greyhounds previously registered to race in Ireland now advertised as breeding material for China. Those are the facts and we know our greyhounds are going to those countries. Details of 41 Irish greyhounds have been uploaded to this Chinese website. Those are our greyhounds that are not wanted by their owners here anymore. Animal welfare groups in Ireland will take them in, however. These greyhounds are facing extreme cruelty in the countries to which they are being exported. I have seen some of these greyhounds when they have been brought back to Ireland. It is appalling and an appalling scandal that welfare groups in Britain are rescuing our greyhounds. They do not want to bring those greyhounds back to Ireland because of the treatment of greyhounds here. That is a scandal in itself. While the vast majority of Irish dogs go to the UK, and the trade is with the EU and covered by EU regulations, we know countries in the EU are being used as transit countries.

Let us examine amendments Nos. 1 and 5 to 8, inclusive. The common denominator is welfare. I am tired of hearing how much people love animals. When they have an opportunity to do something about animal welfare, they are not taking it. There is an opportunity to do something here this evening. If we do not take it and proceed with these amendments, we are consigning Irish greyhounds, when they are no longer of use and no longer making money, to exportation to countries where they will suffer horrifically. We are only talking about a limited number of owners but they are notorious. The majority of owners do look after their greyhounds. The reality, however, is that we are doing nothing about those greyhound owners knowingly exporting their greyhounds to countries where the dogs are going to be treated appallingly.

Another reality is that attendance at greyhound events is falling and that will impact on funding. It is likely, therefore, that we will see these exports increasing. Amendment No. 5 concerns a list of countries outside of the EU and is only aimed at ensuring that minimum standards will be met in the countries where Irish greyhounds can be exported. A number of researchers would be required to examine those countries where we know there is a lack of animal welfare. It would be very easy to put together a list showing those countries. We would just have to check and it would be obvious where there are no enforceable animal welfare protections in countries. Amendment No. 6 provides for fines and imprisonment for greyhound exporters who are convicted. They will never get to be convicted, however, unless we accept some amendments that will let us go after them and get them. It took a long time in Ireland but we are now seeing people being punished with fines and imprisonment for horrific abuse and mistreatment of animals here. We are not, however, accepting that much mistreatment is

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experienced by our animals in the countries where we knowingly send them. This amendment states that the abuse-----

**An Leas-Cheann Comhairle:** I am sorry to interrupt the Deputy but I ask her to move the adjournment of the debate.

**Deputy Maureen O’Sullivan:** I so move.

Debate adjourned.

### **Civil Liability and Courts (Amendment) Bill 2019: Second Stage [Private Members]**

**Deputy Barry Coven:** I move: “That the Bill be now read a Second Time.”

I am happy to speak on this Bill this evening. Contrary to what the Taoiseach has espoused, this Bill forms part of a series of constructive measures put forward by Fianna Fáil to tackle the high insurance costs businesses and individuals are facing throughout the country. We debated a Fianna Fáil motion on business insurance here some weeks ago and some play and leisure centre owners came to witness it. Those owners are on the brink. People running businesses do not have the time to turn up here to view a debate on insurance, but these people are now desperate and on a cliff edge.

We now hear almost weekly of businesses going to the wall because of the excessive cost of insurance. The rises reported are astronomical. The owner of a play centre in Navan, County Meath, Ms Linda Murray, has highlighted her experience. She was quoted €2,500 for insurance in 2012 but last year her quote was a staggering €18,500, which is an increase of 640%. As bad that was, worse was to follow for Ms Murray. She cannot get a quote at all this year so she faces two stark options. She will have to self-insure or cease trading. Ms Murray’s business is not alone in this regard.

Businesses throughout the country are being put under enormous pressure. Many are choosing to self-insure but we are not certain of the overall number. It is highly risky and, of course, leaves a potential claimant in the lurch if a serious accident occurs. This is not a sustainable solution to the problem but businesses are being forced to choose between this and simply closing. It is not just and it is not right. These are hard-working people running businesses we all cherish and rely on. While we are talking about play centres closing today, we could be talking about childcare facilities closing tomorrow. The cost and availability of childcare is already in a dire state of affairs. There are not nearly enough childcare facilities. We will spend millions of euro of taxpayers’ money in the coming years to make childcare more accessible and affordable for more parents. I fear those funds will be wasted if we do not see insurance reform.

The reform that is happening is too slow. We are still waiting for a national claims information database which was to be up and running in June 2018. We are still waiting for a system that will compel insurance companies to inform policyholders of claims made against them. We are still waiting for a judicial council to be established to tackle the level of personal injury awards. We are also still waiting for a publicly funded insurance fraud unit in An Garda Síochána and we are still waiting for an integrated insurance fraud database. Who knows when these endeavours will be done?

Investigations on potential anti-competitive behaviour are all the while ongoing in the European Commission and in the Competition and Consumer Protection Commission. The Government, unfortunately, has completely turned its back on the insurance problem and left small businesses to fend for themselves. Insurance fraud is among the many reasons insurance costs are shooting up. It is certainly not the only reason but it is a substantial one. Insurance fraud costs us all, and those known to have made a fraudulent claim should suffer the consequences. Approximately two weeks ago representatives of Alliance for Insurance Reform appeared before the finance committee when Mr. Peter Boland quoted a member of the public who had attended one of its meetings. The quote sums up the entire problem of insurance fraud. The person in question said:

If I had a need for big money and I had a choice between robbing a bank and faking an injury, I'd pick the fake injury every day. More money and no consequences if I'm found out.

There appears to be no downside to bringing a fraudulent claim. While there have been cases of claims being thrown out, there has been no follow-up or penalty. There appears to be no cost or consequence for engaging in this practice. While the majority of claimants act in good faith, a minority bring fraudulent claims to court in the hope they will receive large awards in the tens or hundreds of thousands of euro. That is simply wrong. If someone was to simply rob money from a bank, the book would be thrown at him or her if he or she were caught. However, when someone makes a fraudulent claim in court and is found out, nothing happens. There is no prison sentence or fine and there is no recognition of the significant costs incurred by those who must defend the claim.

The Bill aims to get tough on insurance fraudsters. If it is enacted, the cost of bringing an insurance claim will be significantly increased. Section 26 of the Civil Liability and Courts Act 2004 sets out what constitutes insurance fraud. It provides that if a plaintiff or claimant in a personal injuries action gives or adduces, or dishonestly causes to be given or adduced, evidence that is false or misleading, in any material respect, and he or she knows it to be false or misleading, the court shall dismiss the action. The section further provides that if a person has sworn an affidavit that is false or misleading in any material respect and that he or she knew it to be false or misleading when swearing it, the court shall dismiss the plaintiff's action. Section 26(3) provides that, for the purposes of the section, an act is done dishonestly by a person if he or she does the act with the intention of misleading the court. The definition in the section is tight and serves its purpose well. If someone stands up in court and intentionally misleads it, it shall be deemed a fraudulent act. However, the only thing the court can do under the Act is dismiss the case. No other action can be taken. It is a matter for the Director of Public Prosecution to take up the case and seek a conviction. Section 26 must be tougher to take cognisance of the serious risks and costs faced by the defendant who defends a claim dismissed under its provisions. This amendment Bill proposes to insert in section 26 a provision that in any case dismissed under the section, the claimant must pay the legal costs of the defendant. That will increase the cost of knowingly misleading the court. Those bringing claims in good faith have nothing to worry about from this change which will only impact on those seeking to deceive the courts.

Of course, the Oireachtas cannot instruct the Judiciary in that regard. We cannot simply tell the courts to do this and let that be the end of it. The courts need this direction because every case is different and every claimant is different. The language of the amendment Bill takes this on board and replicates the language already used in section 26. A court may not give an order to pay the legal costs of the defendant if it believes it would be contrary to natural justice to do

so. In the case that it is contrary to natural justice, the court shall note this in its decision. This gets the balance right between increasing the penalties for fraudsters and respecting the difference of each case and the fact that each claimant has his or her own circumstances which must be taken on board. Last year my colleague Deputy Kelleher introduced a similar Bill to amend section 26. That Bill proposes that where a court dismissed an action pursuant to section 26, it should direct that a transcript of the action and any relevant evidence be sent to the Director of Public Prosecutions. The Bill before the House should be taken in conjunction with our Bill last year. Together, the two Bills will make section 26 far stronger than those who clearly mislead the courts in making personal injury claims.

The second part of the Bill seeks to increase the maximum fine that can be imposed by the District Court on summary conviction for committing fraudulent actions under the 2004 Act. A summary offence is one which can only be dealt with by a judge sitting without a jury. This type of offence is heard by the District Court. Under the 2004 Act, the maximum penalty that can be imposed on summary conviction is 12 months in prison or a fine of €3,000. The Bill proposes to amend the 2004 Act to provide for the imposition of a class A fine, which is a fine up to a maximum of €5,000. An indictable offence is one in respect of which a jury sits and it is heard before the Circuit Court or the Central Criminal Court. The maximum penalty that can be imposed on conviction for an indictable offence under the 2004 Act stands at ten years in prison or a fine of up to €100,000 or both. However, while we can have all the fines and sentences of imprisonment in the world, nothing will change if cases are not prosecuted before the courts. If policy holders and insurance companies settle out of court and fail to defend fraudulent claims, that fraud will not be detected. If the courts fail to dismiss cases under section 26, that fraud will go unpunished. If the Director of Public Prosecutions does not take cases in which insurance fraud is suspected, yet again it will go unpunished. If An Garda Síochána does not put in place arrangements for the reporting of suspected insurance fraud, nothing will happen. Fraudsters will continue to get away with cheating the system and the costs will continue to fall on honest, hardworking customers. Businesses will continue to be pushed to the brink and countless jobs will continue to be put at risk. This cannot continue. Figures released recently by the CSO indicate that fraud, deception and related offences have increased by a staggering 18.4% since last year. While I accept that these figures are reserved by the CSO, if anything, the numbers of instances of fraud, particularly insurance fraud, are likely to be far greater than it reports. That is simply because most cases of insurance fraud are not reported.

The Government must take the lead on this issue. As an Opposition party, Fianna Fáil can propose legislative changes and motions and keep putting the Government under pressure, but nothing will happen unless the Government as a whole recognises the problem. Why has it not taken the lead by providing the money for a dedicated unit within An Garda Síochána to tackle insurance fraud? Why have files not been sent to the Director of Public Prosecutions for prosecution? Why are we still waiting for an insurance fraud database to allow the industry to better track cases of insurance fraud? For far too long, the Government has dragged its feet on the issue. It does not see it as a priority and is failing to lead the way. How many businesses must go to the wall before action will be taken? The Government must fully establish national claims information databases inclusive of public liability and employer's liability insurance. We need an index to track insurance costs for businesses over time. A judicial council must be established to bring forward guidelines on personal injury award levels. It has been nearly a year since the Government first saw the final report of the Personal Injuries Commission which stated soft tissue damage awards in Ireland were four times higher than in England and Wales. We need legislation to compel insurance companies to inform customers of claims made against

them.

These are among the many areas which were considered by the cost of insurance working group on which the Government has failed to deliver. Members on this side of the House have offered our full co-operation to meet the challenge. We have supported the quick passage of legislation when it has been put before us. At every stage, we have sought to get to the bottom of the insurance crisis. I hope that today this Bill will receive the support of the whole House. This is not revolutionary legislation. It is a simple Bill to increase the penalties for the making of fraudulent claims. However, that is only part of the problem. We need more focused attention by An Garda Síochána which has long called for the establishment of a dedicated insurance fraud unit within the force. The Government has dithered on the issue for far too long. We need to see more cases being brought before the courts in pursuit of convictions. We must get the message out that insurance fraud does not pay. The Bill will go some way towards sending such a message.

**Deputy Michael Moynihan:** I welcome the opportunity to speak to the Bill. We are putting this legislation forward to address the serious issue of escalating insurance costs. In the past 14 months Fianna Fáil has brought forward two Private Members' motions, for the debates on both of which the Visitors Gallery was packed. One was on play centres, while the other was related to the business insurance reform group and moved in March 2018. Both groups who packed the Visitors Gallery were here to send a message to the House and the Government that the escalating cost of insurance was no longer acceptable. Fianna Fáil has cited many instances of increased costs. Last week on the Order of Business I referred to a farmer whose insurance costs had previously increased from €3,000 to €8,000 and whose cheapest quote this year was €24,000. That farmer is looking to the Government to tackle the insurance cost issues. There are insurance cost related issues and challenges across every aspect of Irish life, whether for motorists, small businesses, restaurants, public houses, farms and, as evidenced recently, marts. The care sector is also affected, including the childcare sector. In Charleville in north Cork, insurance for St. Joseph's Foundation increased from €150,000 to more than €500,000. The foundation is dependent on a one-off grant from the HSE and fundraising to address these costs. These are real challenges facing people across our communities when looking for insurance, yet the Government is not tackling them head on.

This Bill attempts to address fraudulent claims. There have been countless amounts of evidence, commentary, articles and inches of editorial space on the cost of insurance. This is about the person paying the premium. Last week, there was a lengthy debate on this matter. Insurance companies are making significant profits off the backs of ordinary citizens. We must address the raft of issues. For example, why has a Garda unit on insurance fraud not been established? There is no panacea for reducing premiums to competitive levels in any sector, but why is it that, in spite of any legislation that has been proposed by us, and we have tried to progress numerous Bills, the Government has not decided to tackle this massive crisis head on? There have been many Government debates on, for example, external financing issues, but this is an issue that the Government could take on. It could try to ensure that the ordinary citizens of the Republic get fair premiums.

Evidence from CCTV cameras can only be stored for a certain amount of time, yet people can make claims two years after an incident. That is not acceptable and has to be challenged. Many businesses have readily told us that they are going without insurance. That is a damning indictment of the Government's inaction. I appeal to the Minister to take this legislation seriously, enact it and ensure that every idea we have proposed and every challenge we have put to

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the Government is accepted in an attempt to reduce these escalating costs for ordinary citizens.

**Deputy Dara Calleary:** “I have reached a point, not only in my legal life but in my life generally, where I am convinced a moment has come in this country where something really has to be done about our compensation culture.” These are not the remarks of a business person or politician. They are the remarks of Nicholas Kearns, former President of the High Court and chair of the Personal Injuries Commission. He is not someone who will have to fork out thousands of euro for insurance. He is not someone who will be laying anyone off after closing his business because of insurance. This is a call for action from the Judiciary to a Government whose ear has been deaf to such calls. It has been deaf to the voice of business, including the businesses that occupy these galleries, of the Alliance for Insurance Reform, of insurance companies and of the many people who have been seeking action, and nothing substantial has happened. Businesses are closing and people are being laid off.

The Bill seeks to send a message that dodgy claims are no longer acceptable and will be followed up on. As Deputy Cowen has described, the range of measures in the Bill will send the message that businesses and insurers are no longer easy pickings for those looking for an easy buck. The Government has to row in behind this by supporting and fast-tracking the legislation and by providing the Garda Commissioner with the resources necessary to set up the Garda fraud unit to tackle fraudulent claims or claims that are clearly unsustainable. I acknowledge the profile that has been given to many cases by the media in recent weeks, in particular by Charlie Weston of the *Irish Independent*. In those cases, the claims were clearly unsustainable and were only pulled out of court at the last minute, yet they were not investigated afterwards. The Garda needs to be resourced to set up a unit to investigate such instances. This legislation needs to be passed so that the Garda can be equipped with the most up-to-date legislative measures to investigate and pursue cases where there are clear question marks over claims that fail or are withdrawn in court. If the Legislature, Government and police force do not send a message out, businesses, be they retailers, services, play centres or care centres, will continue to close and jobs will continue to be lost.

The former Taoiseach had a phrase about wanting Ireland to be the best place in the world to be a small business. It is the best place in the world to be an insurance company. Some of the largest insurance companies in the country earned €250 million in profits while small businesses were closing or laying people off to pay their unsustainable fees. There has been no measure of how what is paid out in Ireland for soft tissue injuries compares with Britain’s figures even though the circumstances and so on are similar. There has been no brake on these payouts and costs. It seems that no one in the Government is listening.

There are a range of legislative measures and initiatives that would not cost money. While I acknowledge that the Judicial Council Bill 2017 is now moving through the Seanad, it was delayed because the Minister’s Independent colleague seemed to be insistent on the Judicial Appointments Commission Bill 2016 going through before it. While he was getting his wish, businesses were closing and people were being laid off. I welcome the fact that sense has finally prevailed in that regard. It is to be hoped we will see an impact.

Do not let another opportunity go. Do not let other businesses go to the wall. Do not let people lose their jobs while the Government dithers on insurance reform and on taking action on the extreme cost of insurance. It strikes me that, when it comes to insurance reform, the Government is whistling while small businesses and jobs are burning. It is time for action, not plámás.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank Deputies Cowen, Calleary and Michael Moynihan for setting out on behalf of Deputy Michael McGrath the proposals under the Civil Liability and Courts (Amendment) Bill 2019, which Deputy McGrath introduced as a Private Members' Bill last week. As Deputy Cowen mentioned, the Bill comprises three sections and proposes two amendments to the Civil Liability and Courts Act 2004 and one amendment to the Criminal Justice Act 1951.

I wish to state that the Government has decided not to oppose the Bill on the understanding that substantial amendments to it will be required and that there will be engagement with the Deputies opposite to seek agreement on those amendments. At the same time, the Government has noted that the Bill addresses matters that have been considered by the cost of insurance working group. As reflected in the setting up of that group, the Government recognises that we have a real challenge with awards inflation and claims inflation in the insurance sector along with the premium inflation that comes from them. At the same time, we have a highly profitable insurance sector, with the annual profits of our top ten insurance companies running at between €6.1 million and €201 million at the end of 2017. The total assets of insurance corporations are reported by the Central Bank to have been €305 billion at the end of last year. There is a role in this situation for insurers, too, including by taking a more concerted and solutions-based approach to resolving the fact that certain areas of risk are being commercially avoided across the sector to the detriment of vulnerable businesses and consumers. I listened to what the Deputies had to say about how this was an issue. I do not disagree.

Section 1(a) of the Bill proposes an amendment to section 26 of the Civil Liability and Courts Act 2004. This section provides that a court shall dismiss a plaintiff's personal injuries action in circumstances where the plaintiff or another person knowingly engages in the giving of false or misleading evidence unless the dismissal of the action would result in an injustice being done. This amendment would require the court, where it so dismisses an action, also to make an order that the plaintiff shall pay the legal costs of the defendant unless this would result in an injustice being done. However, section 26 of the 2004 Act deals with the issue of dismissal of a case on the basis of false or misleading evidence. It does this in respect of the relevant proceedings and any affidavit sworn in support of those proceedings under section 14 of the Act. The court shall dismiss an action in such circumstances "unless, for reasons that the court shall state in its decision, the dismissal of the action would result in injustice being done". It is clear, therefore, that the avoidance of an injustice already runs to the root of section 26 as currently implemented and, to that degree, it is already aligned with the Bill. I accept that the proposed subsection is intended to avoid a situation where the Oireachtas might be seen to be instructing the courts on how justice is administered, but further work will be necessary if we are to be satisfied that this will not become the case if orders of costs are issued in the manner proposed.

Section 26 of the 2004 Act also needs to be read in conjunction with section 25, which makes it an offence to give or adduce false or misleading evidence in a personal injuries action. It also makes it an offence to give, or dishonestly cause to be given, such an instruction or information to a solicitor, or a person acting on behalf of a solicitor, or an expert, as defined in section 25, in respect of a personal injuries action. For the purposes of section 25, the act is done dishonestly if the person does it "with the intention of misleading the court".

Under section 1(b), the Bill proposes an amendment to section 29 of the Civil Liability and Courts Act 2004, which deals with offences under Part 2 of the Act. This Part of the Act relates to personal injuries actions and provides for offences relating to a verifying affidavit under sec-

tion 14 and false evidence under section 25.

Section 2 proposes an amendment to section 4 of the Criminal Justice Act 1951. This amendment appears to duplicate the proposed amendment of section 29 of the Civil Liability and Courts Act 2004 in respect of fines and sentencing, as I have just described, and, as such, it may not be necessary. The Bill is, to some degree, a restatement of what is already happening to costs before the court in personal injuries cases. We need, therefore, to be careful of any undermining of the Statute Book that might result from restating powers the courts already have in one particular instance but not in others. Ultimately, the Bill would impose a requirement on the courts to make orders for costs, despite this being a matter for which there is some existing judicial discretion. I remind the House that, under the principle that costs follow the event, the courts have the power to award costs and have done so against a plaintiff at the discretion of the judge in many cases. The court also has the power to limit costs where a plaintiff brings proceedings in a court that does not have the lowest jurisdiction and can make differential costs orders by reference, for example, to a proportion of the costs, a date or steps in proceedings. A further important consideration is that the principle that costs should follow the event is being given greater legislative authority under Part 11 of the Legal Services Regulation Act 2015.

The wording of section 8 of the Civil Liability and Courts Act 2004 was recently amended to ensure that defendants in personal injuries actions are notified in writing of a claim within one month of the date of the cause of action. The section was also amended to require a court to draw inferences from a failure by a plaintiff to comply with this requirement and, where the interests of justice so require, require it to make no order as to the payment of costs to the plaintiff or to reduce such costs. Measures have been undertaken to increase the awareness of these obligations among relevant parties and the relevant rules of court have been updated.

In its report on the cost of motor insurance, published in January 2017, the cost of insurance working group reviewed sections 25 and 26 of the Civil Liability and Courts Act 2004. It noted that the number of recorded prosecutions and convictions for the offence of false evidence in section 25 is very low and that this suggests a need for further co-operation between the insurance industry and An Garda Síochána. On the basis that much more could be done by the insurance industry and other defendants to pursue allegations of insurance fraud, the framework for the reporting of alleged insurance fraud cases to the Garda authorities is being strengthened. The working group was satisfied that sections 25 and 26 did not need further review and went on to express its belief that for section 26 to achieve more effectively its aim of tackling personal injury fraud, there is a major onus on defendants to challenge misleading evidence, where appropriate, by taking the matter to courts rather than settling on the steps of the court for fear of an unsatisfactory outcome.

A number of Deputies sitting opposite me mentioned Garda involvement and Garda units. As the House will be aware, in December 2018, the Garda Commissioner indicated his preference that, in principle, An Garda Síochána should not be funded by any source other than the Exchequer in addressing the matter. That notwithstanding, the Commissioner has indicated that, taking into account factors such as the availability of resources and competing demands, he is examining an improved investigative capacity within An Garda Síochána to tackle this important area. I undertake to keep the House informed of that and I expect action on the part of the Garda Commissioner in the not too distant future.

A range of legislative and policy measures have been taken by the Government on foot of the work of the cost of insurance working group, its fraud round table, its legal subgroup and the

Personal Injuries Commission, while a number of others are at an advanced stage of preparation. As shown even by those few examples I have given in response to the Bill, these mutually reinforcing measures have a particular focus on the area of insurance fraud and, as such, are strongly intended to augment the original policy objectives of sections 25 and 26 of the Civil Liability and Courts Act 2004. Any ongoing consideration of the Bill will have to satisfy these important objectives.

On the Judicial Council Bill 2017, I am pleased that in spite of some challenges in the Houses, we have completed Committee Stage and I expect a number of subsequent amendments to address further the matter of cost of insurance claims to be passed.

I will not take issue with any of the facts outlined by Deputy Cowen or other Deputies sitting opposite me in respect of the cost of insurance working group. I am, along with the Minister of State, Deputy D'Arcy, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, and, to an extent, the Minister for Finance, Deputy Donohoe, very conscious of the issue and we welcome initiatives on the part of the Opposition such as the Bill. I assure Deputies Cowen and Michael McGrath that we will safely see the passage of the Bill on Second Stage at the earliest opportunity. We will be happy to engage with the Deputies opposite to ensure that any legislation we enact is constitutionally sound and legally robust. I welcome the opportunity for the debate. The House will have further opportunities in coming weeks to report progress on what is a difficult and challenging matter. It behoves us all to ensure, from both a resource and legislative perspective, that we do our best for people.

**Deputy Maurice Quinlivan:** The Minister will be aware that the Joint Committee on Business, Enterprise and Innovation recently published a report on the costs of doing business. According to all the stakeholders we met, the main factor was insurance and, as other Deputies have outlined, their inability to secure insurance at a cost they could afford. It is causing significant problems. I do not understand why there is no urgency in the Government to deal with the issue and I cannot understand the Government's approach to the cost of insurance crisis. It is yet another crisis unfolding under the Government's watch. Bold action could address it quickly if the Government had the interest to do so, although I do not believe that it does or that it recognises the urgency. Rather, it stands idly by while the situation worsens. As with its approach to the housing crisis, the Government's unwavering commitment to the free market economy wreaks havoc on our society. Small businesses are closing, people are losing their jobs, while entrepreneurs who pour their lives into building their businesses are losing everything for which they have worked, solely due to the exorbitant cost of insurance.

I appreciate that the Bill deals mainly with the issue of insurance fraud, an important issue but not by a long shot the only reason for the high cost of insurance. Insurance companies are having a laugh at people, consumers, politicians and regulators - all the way to the bank. In recent weeks, Aviva Ireland posted profits of €113 million, an increase of €14 million on last year, RSA Insurance announced profits of €35 million for the past 12 months, while FBD Insurance reported profits of €50 million. These massive profits are on the back of unaffordable insurance premiums, which are not only closing businesses but also keeping people off the road because they cannot pay thousands of euro per year in car insurance premiums. The considerable increases in the cost of policies in the voluntary, community and charity sectors also have a severely detrimental effect on their ability to sustain their projects and, in some cases, to carry on. All of us will have met stakeholders who have outlined the issues they have with the cost of insurance, rising premiums and their inability to pay. A family resource centre in my area has used its reserves to pay for insurance this year because of the significant increases, but it will

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not have those resources for next year. We need action as quickly as possible. I have lost count of the number of Bills, including some sponsored by my colleague, Deputy Pearse Doherty, motions and suggestions put forward by the Opposition to tackle the insurance problem, yet the Government frustrates these measures and refuses to act itself.

Ultimately, Fianna Fáil is the party keeping the shambolic Government in office. Now that Brexit has been kicked down the road for six months, it would be sensible for Fianna Fáil to call a halt to the charade, withdraw its support for Fine Gael, and allow voters the opportunity to choose an alternative Government that is prepared to take on big business and tackle the cost of insurance crisis. When will the Garda insurance fraud unit be up and running? The Minister stated it would be in the not too distant future, but this gives no comfort to anybody. Does he intend to reinstate blue book oversight of the insurance industry? Will he seek a commitment from insurers that they will drop premiums in return for any reform that will reduce their costs? As I stated, they are making big profits. Is the Minister able to update us on the Competition and Consumer Protection Commission, CCPC, investigation into insurance companies that has been ongoing for almost two years? Will he update us on the status of Sinn Féin's Consumer Insurance Contracts Bill?

**Deputy Donnchadh Ó Laoghaire:** Ar an gcéad dul síos, beimid ag tacú leis an mBille seo. Is ábhar fiorthábhachtach é seo. Shamhlóinn go dtagann sé thar dheasca gach aon Teachta agus Seanadóir. Bíonn tionchar aige ar eagraíochtaí pobail, gnólachtaí agus a leithéidí. I am sure in any engagement Deputies have with businesses and community groups the issue of insurance comes up. It is absolutely crippling many businesses. Small and medium-sized businesses which make up the majority of Irish businesses and employ the majority of workers in the private sector, are seriously struggling. It is the case, as Deputy Quinlivan said, that many community organisations, family centres and sports clubs are finding it really very difficult to keep their costs down and focus their hard-earned fundraised money on the activities for which they were established.

Deputy Cowen made reference to play centres. It is a specific sector that is finding it very difficult. I am sure other Deputies have been contacted by them. One example is Chuckies, a well known outlet in Cork. It has approximately 37,000 customers, 2,500 of whom are classified as regular. The business has been going for approximately 16 years. It is well established in the community and has a big involvement in local community, voluntary and social causes. For example, it runs autistic days in association with the Rainbow Club. Like many play centres, it is at the pin of its collar in trying to meet the cost of insurance. It is finding it almost impossible, if not impossible, to find an insurer based here and the premiums are absolutely enormous.

We will support the legislation, but fraud is not the only issue. There is no question that insurance fraud is not a victimless crime as it affects all of us, but there are also many other issues that need to be addressed. In the Bill Deputy Michael McGrath cites section 26 of the 2004 Act as the section he wishes to improve. This will require careful consideration. The Minister has addressed the fact that section 29 deals with the issue to some extent. Subsection (1) states a person guilty of an offence under this Part shall be liable on conviction on indictment to a fine not exceeding €100,000 or imprisonment for a term not extending ten years or both. My understanding of subsection (1) in its totality is that it increases the maximum fine that can be imposed from €3,000 to €5,000 and places the legal costs on the plaintiff, a matter which is already at the discretion of the judge hearing the case. This is a suggestion worth considering and we need to discuss it further, but it is complex and making it judges "shall"

is not as straightforward as it is sometimes made out. Obviously, it is common for costs to be awarded to whomever the judge sees fit, but the discretion of the judge is obviously important also. We need to consider this issue carefully, particularly in the context of the long established legal maxim of awarding costs following the event, which has a more concrete statutory basis in the Legal Services Regulation Act. We need to tread carefully, but it is certainly a proposal that is worth exploring further.

Section 2 of the Bill is a restatement of and makes reference to section 1. It places an additional reference to very specific cases in the 1951 Act.

To return to the issue of the cost of insurance more generally, it is crippling. Action on this issue has been slow and disappointing and caused frustration. It is almost three years since the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach produced its very progressive and strong report on the cost of insurance. The cost of motor insurance is a significant issue for many constituents who find it practically impossible to find an insurer to put them on the road and those who do receive quotes, they are out of control, particularly younger and older drivers. A particular category who receive quotes that are practically incomprehensible comprises returning immigrants. The joint committee found that the motor insurance industry had been deliberately hiding key information from public view and engaged in cartel-like behaviour. As far as I am concerned, that is the insurance companies throwing people to the wolves. The report stated all witnesses who had appeared before the committee, except those for the insurance industry, had highlighted as a serious problem the absence of data sharing and a complete absence of transparency throughout the sector. The absence of this information meant it was impossible to get to the root causes of motor insurance price increases. The committee stated this increased its concerns about how the insurance industry was operating and calculating risk. I am sure many people, whether for business, personal or motor insurance, will testify that a premium can be a little like a lottery and that they never quite know what they will receive.

The report also suggested another cause of the spikes in the cost of insurance which had seen some people's premiums increase by 100% was that insurance companies had been using their motor insurance books to bolster shortfalls in investment income in other areas. The CCPC and the Central Bank were also criticised. The committee found that the CCPC had insisted its remit was economy wide and limited to enforcement of competition law, something that does nothing to ensure the industry acts in the interests of those who avail of insurance and pay large chunks of money annually to insurance companies.

On the issue of insurance fraud, we have wasted a lot of time discussing the Garda insurance fraud unit. Towards the end of last year I received documents under freedom of information legislation that displayed a series of missed deadlines by Insurance Ireland since early 2017 to progress the proposal to set up an insurance fraud unit in An Garda Síochána funded by private industry. I heard the Minister state it was inappropriate for the industry to fund a section of An Garda Síochána. I agree, but that should have been the conclusion from the outset. We wasted an awful lot of time waiting for engagement and proposals from the insurance industry, as the freedom of information request shows. It was leading the Government on a merry dance on the issue. It had absolutely no interest in getting behind the proposal. From the very outset, it should have been for a fully publicly funded section of An Garda Síochána to deal with this area, but we wasted time and are no closer to it now because we were waiting for proposals. It really is frustrating, at a cost of approximately €1 million. It is entirely possible to fund and within the gift of the Government, if there was the political will, to do so. It should do it now,

but it really is a shame that Insurance Ireland has delayed its establishment.

To be honest, despite its protestations that fraud is a cause of increased premiums, I am not sure tackling fraud is as much of a priority for the industry as it should be. Although it was belated, it was interesting to see the Tánaiste point last Thursday to the massive profits which Deputy Quinlivan outlined. Aviva made a profit of €113 million, which was up by €14 million. RSA made a profit of €35 million in the past 12 months, while FBD reported a profit of €50 million. These are very profitable organisations. I do not believe fraud goes half the way towards explaining the increased premiums. I am glad that the Tánaiste is belatedly realising this and I hope the Government is belatedly realising it because the time has come to take a very strong line with the insurance bodies. There is much more of a tale to tell about the practices in which they are involved. There is a need for much greater transparency on the premiums they charge because it is consumers, community organisations, individuals and businesses that are suffering. We need to see a lot more from the Government. I want to see it take a stronger line with the insurance industry, publicly fund a Garda insurance fraud unit and support and work with detailed legislative proposals such as this.

*9 o'clock*

**Deputy Danny Healy-Rae:** I am glad to get the opportunity to talk again on the very important matter of insurance. It is such an issue with everyone. People, young and old are angry about the costs of insurance for everything. We know the hoops that younger people, for example, must go through when trying to get a car on the road for the first time. With the costs of insurance for such drivers, they try to buy the cheapest car possible. They then find the insurance companies will not take a car that is more than ten years old even though it may have passed its NCT. This anomaly seriously needs to be addressed. If the car has passed the NCT then it should be as good as the new car that comes out of the factory in every way, or that is what we are told. Many a family in rural places also needs a second car for taking the children to school and to all of those vital swimming and dancing lessons and so on.

The haulage industry is going through a terrible time currently with the cost of fuel and insurance. Likewise, taxi drivers have to pay premiums in the region of €17,000 and €18,000 to get their taxis insured. This is their livelihood. The insurance is costing nearly €300 or €400 per week.

Small hotels, bars and restaurants find it impossible to get insurance now. Sports clubs and show committees are also affected. Places such as Kilgarvan, Glencar and Dingle, for example, run one-day events to retain their identity. With the post offices, creameries and shops gone, it is very important to let communities have at least one day so they can call themselves Kilgarvan people, Dingle people or Glencar people. There is the committee that organises the St. Patrick's day event in Sneem, for example. The world fiddle day in Scartaglin, the Sliabh Luachra music trail, the Castleisland fair day and the Patrick O'Keefe music festival are all very important and vital to rural communities in the area. The events are suffering and paying through the nose for insurance. Some of them are falling by the wayside because they cannot pay for the insurance.

**Deputy Mattie McGrath:** I welcome the opportunity to speak briefly on this hugely important legislation. The threat to small businesses from escalating insurance costs and bogus claims is having a severely detrimental impact on our communities. I do not know what the Minister is doing. His eyes must be closed.

I commend the work of my colleagues, Deputies Michael McGrath and Cowen, and for their persistence in following this matter through. Deputy Michael McGrath had previously made clear that there seems to be no real disincentive to bring forward bogus claims. There is nothing. They can do whatever they like.

The purpose of the Bill is to provide for an increase in the penalties for those found guilty of an offence under section 26 of the 2004 Act. Those convicted of an offence under section 26 can currently receive a maximum fine of €100,000 or a sentence of ten years. Those summarily convicted can receive a maximum fine of €3,000, a sentence of 12 months or both. This Bill increases the maximum fine that can be imposed for a summary conviction to a class A fine, which currently stands at €5,000.

I put it to the Minister that something urgently needs to happen. The journalist, Charlie Weston, reported in January that plans for insurers to fund a new Garda unit to tackle fraud claims have been knocked on the head by the Garda Commissioner, the Aire, and the Minister of State responsible for insurance reform, Deputy Michael D'Arcy. This in turn led to the Government being accused by the Alliance for Insurance Reform of engaging in a "perpetual round of bickering and pass the parcel" instead of progressing key insurance reforms.

I put it to the Minister, Deputy Flanagan, that this is deeply regrettable especially given that, as Charlie Weston has also observed, the idea was based on the insurance fraud enforcement department operated by the City of London Police funded by insurance companies in Britain, but over which insurance companies have no operational control. Why can we not do this here? Who are we covering? We need to be as creative as London if we are to address this problem.

I do not know what the Minister is doing, but civil legal aid is a huge part of it. In response to a parliamentary question from me the Minister, Deputy Flanagan said that more than €605 million had been allocated for legal aid since 2011. The information I have received, however, shows that the costs for criminal aid legal for every year covering the period 2011 to 2017 ranged from €49 million to €58 million. The average cost per annum during the same period for civil legal aid shows that it has never dropped below €30 million. Indeed, there has been a €9 million increase in the costs from 2011 to those incurred in 2017. I put it to the Minister that this is a gravy train and that he is afraid to derail it. Every business, from the cradle to the grave, is being fleeced by insurance costs and bogus claims while the Minister does nothing but stand idly by. The Minister is fiddling while Rome burns. I do not know why he is protecting the vested interests and the legal interests with all of that money. Businesses are being suffocated, stifled and smothered out of existence while the Minister stands idly by. They are just waiting for the Government to go canvassing and knocking on their doors. Let us see the answer they get.

**Deputy Michael Healy-Rae:** We all know what the problems are but we need to know what solutions can be brought forward to try to resolve this critical situation. Insurance reform is needed. Action is needed to finally put the nail on what I would call bogus claims. It is totally unnatural. The Minister, Deputy Flanagan, is a politician - forget about being a Minister - who deals in the real world out there with constituents. He knows it is highly unusual that some unfortunate people seem to fall into holes everywhere they go, cannot go to a nightclub or a pub without falling and cannot drive along the road without having some sort of an accident. They seem to be extremely accident prone and it seems to run in families. It is like serial objectors, in that there are people who are continuously involved in litigation. Questions have to be asked. It amazes me that when a person goes before the courts, his or her history with regard to claims

is not looked at. It should be because that is the only way we will stamp out this type of rot. People who operate public houses, dance halls, discos and hotels are on their knees because of the crippling insurance fees they have to pay.

It was ironic that in the space of one week some weeks ago, I met a group of taxi drivers who complained to me about the high costs of their insurance, as well as meeting four fine, respectable lorry drivers who worked in the transport industry as private operators and who told me they were looking at giving up, getting out and finding alternative jobs. These people had driven lorries all of their lives and had operated their own businesses. They are highly respectable people but they must give up due to the high costs of insurance and because everything is stacked up against them.

People who run our community halls and groups are the backbone of the events and organisations. The one thing everybody is saying now is that they are worried about insurance and claims. They say “We cannot do that in the street tonight because if we organise it and somebody falls, we will be responsible for it.” I put it to the Minister that we are losing a lot of the great events. Some were little simple things that were enjoyable and held in different villages and towns, such as a circus pulling up or some sort of event or sports day. It was some harmless activity, but now people are terrified of what would happen if somebody fell and twisted their small finger, resulting in a big claim. An overhaul of the Judiciary is needed with regard to how the courts system is working. We have to try to address this serious problem or people, in trying to pay for insurance, will be priced out of existence.

I acknowledge Deputies Michael McGrath and Cowen for the excellent work they have done in bringing this terribly important subject and debate before the House, and to have us all on our feet highlighting again to the Minister and to the Government that something has to be done. Every Deputy is dealing with this problem in his or her constituency. People who operate events in dance halls, discos, nightclubs and hotels are terrified. They are on their knees. As the event may have a big turnover and a large volume of people going in, some on the outside might think the business is making a lot of money. If they had to pay the costs that these people have had to pay in terms of massive increases in their insurance premiums over many years, they would be frightened. I again thank Fianna Fáil for bringing forward this Bill.

**Deputy Eamon Scanlon:** I am sharing time with Deputy James Browne.

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

**Deputy Eamon Scanlon:** I commend my colleagues on bringing forward this important Bill to tackle the insurance fraud culture in Ireland. Insurance fraud costs us all. The Government needs to act more quickly to tackle the issue of escalating insurance costs. We are all awaiting the establishment of a dedicated Garda anti-fraud squad. Businesses throughout the country, including pubs, farms and marts, have been crippled by massive increases in insurance. We heard recently about crèches not being able to survive because of insurance costs. Unless something is done very quickly, a lot of people will lose their jobs. That is where we are heading.

In recent times, the insurance companies have been taking a more serious look at the claims being presented in courts, which is to be welcomed. In the past 12 months in particular, people have been withdrawing their claims because of the work being done by the insurance companies. However, even when a claim is withdrawn, there are a lot of costs attached to it. The in-

insurance companies have to employ legal practitioners to determine whether a claim is justified. Many of them are not justifiable and so they are withdrawn, but at a cost to me and everybody else in this country in terms of high premiums. That is wrong.

Motor insurance was mentioned as well, particularly for young people who live in rural areas. The Minister, Deputy Flanagan, comes from a rural constituency and he knows exactly what I am talking about. There are many young people living in rural areas who, thankfully, are in a position to get employment, but as they do not have the luxury of the Luas, the DART or other public transport, they need a car to get to work. I know this is not the brief of the Minister, Deputy Flanagan, but something needs to be done for people on learner permits. They could, perhaps, be allowed to drive a car during work hours, with a curfew in place for the remainder of the day. It is a proposal worthy of serious consideration.

The Personal Injuries Assessment Board was set up a number of years ago. It worked successfully for a number of years. The number of claims dealt with through the Personal Injuries Assessment Board was as high as 70% at one stage but that number has fallen back to 32%. More work could be done to get these claims processed by the Personal Injuries Assessment Board, in respect of which costs are not high. This process allows people to present a claim and have it adjudicated on without incurring substantial legal costs. It would be an improvement.

We know that motor insurance premiums have increased considerably over recent years. Public liability insurance has gone through the roof. As I said earlier, businesses cannot afford to pay it. This is creating a lot of problems for businesses and jobs are being lost.

**Deputy James Browne:** I welcome the opportunity to speak on this Fianna Fáil Bill which seeks to increase dramatically the penalties for those who commit insurance fraud. I am calling for urgent action by Government to tackle rising insurance costs. The message for the Government is that this issue must be a priority. To date, there is no sign of urgency, only lethargy. There is a phenomenal amount of anger, frustration and disappointment at the lack of progress in dealing with the issue of rising insurance costs. Motor insurance and public liability insurance are increasing at unsustainable rates. Added to this is the increase in excess levels and expanded exclusion clauses included in insurance policies.

Businesses throughout the country are facing crippling costs for insurance. Businesses are closing, jobs are being lost, and our economy is being undermined. I have dealt with many businesses in Gorey, Enniscorthy, Wexford, New Ross, Bunclody, Ferns and throughout the county of Wexford that are struggling to remain open. Charities, community groups and sports clubs are all badly affected. Many businesses have experienced substantial and unjustifiable insurance increases. Honest people are suffering. The majority of claims made under insurance policies are legitimate. There are two major issues concerning claims. First, in the case of legitimate claims, payouts by courts are more than four times those of comparable claims in the UK. This is unacceptable and unsustainable. Second, there is a serious level of fraudulent claims. We are all aware of many instances of fraudulent or exaggerated claims being made and settled. There have been instances of policyholders pleading with insurance companies to contest these claims but to no avail.

We need to get tough on insurance fraud. We need to tackle the insurance fraud culture in Ireland. It is not a victimless crime. Insurance fraud costs us all. We need to see tough penalties imposed on those who take false claims. This Bill seeks to increase the penalties for those who bring fraudulent claims. Section 26 of the Civil Liability and Courts Act 2004 makes it

an offence knowingly to give evidence that is false and misleading. If a claim is dismissed because of section 26, it ignores the significant costs incurred by either the defendant or the insurance company defending the claim. To defend a case in the court of law is expensive and it puts many people off defending a claim. This Bill stipulates that where a case is dismissed under section 26, the claimant will have to pay the legal costs of the defendant. This will not only compensate defendants but also act as a significant deterrent to insurance fraudsters. In addition, the Bill seeks to increase the maximum fine on summary conviction to a class A fine, which currently stands at €5,000. Currently, the maximum penalty on summary conviction is a prison sentence of up to 12 months and-or a fine of €3,000. This Bill seeks to increase the time served for a conviction to a maximum penalty of up to ten years in prison and-or a fine of up to €100,000.

This Government is once again playing catch-up on insurance reform. It has yet to establish a national claims information database to track the level of claims, which was to have been done by June 2018. It has yet to tackle insurance fraud, to establish a judicial council to compile guidelines for general damages relating to personal injuries, to establish a publicly funded anti-fraud unit in An Garda Síochána, to establish a business insurance premium index that would track prices over time, and yet to take any action towards stabilising personal injury claims. All the while the European Commission and the Competition and Consumer Protection Commission continue to investigate the industry for anti-competitive behaviour. The Fine Gael-Independents Government has a mandate from this House to make the necessary reforms to tackle insurance fraud. It is wasting that mandate in its failure to address the serious crisis of the rising cost of insurance. This Fianna Fáil Bill, which seeks to increase dramatically the penalties on those who commit insurance fraud, sends out a clear message. The Government needs to listen and to act to prevent more businesses closing.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon):** On behalf of the Minister, Deputy Flanagan, I thank Deputy Michael McGrath and other Members for their active participation in today's Second Stage debate. It is evident from the discussion that the issues of insurance costs and insurance fraud are of fundamental concern, while also being very difficult to tackle comprehensively.

As is clear from the range of recommendations made by the cost of insurance working group, its legal subgroup, its dedicated fraud round table and the Personal Injuries Commission, a concerted response, although complex, is required. We have to take this Bill into consideration in that context. Some of the interventions this evening have, therefore, related to the adverse impact on enterprise and private citizens of insurance fraud, which seems to have had a tacit acceptance as some kind of victimless crime. As evidenced by the work of the cost of insurance working group, however, and by the various interventions on the matter before the House in committees, there seems to be a renewed determination to deal with the issue this time around, notwithstanding our impatience to see our responses have immediate practical effect. This has informed the range of legislative and administrative measures being taken in response to the cost of insurance working group, along with others in detailed preparation. In addition, it is increasingly evident that insurers are making much greater efforts under existing law to crack down on suspected fraudulent claims. They recognise that the short-term costs incurred will be significantly offset by the long-term value of deterring fraud. A number of recent high-profile court judgments have left no doubt about the legal consequences of insurance fraud and the legal sanctions that apply. There is no room to rest easy about this. The key responses include the new Personal Injuries Assessment Board (Amendment) Act 2019, which was commenced

on 3 April last. This Act will reinforce the Personal Injuries Assessment Board process. New guidelines for the reporting of fraudulent insurance claims to An Garda Síochána have been published. The act of recording statistics on insurance fraud is now taking place on the Garda PULSE system.

In its 2017 report on motor insurance, the working group on the cost of insurance sought to bring about further co-operation between An Garda Síochána and the insurance sector in respect of insurance fraud investigation. This included the possibility of a dedicated Garda insurance fraud investigation unit, which would be funded by the sector. As the House will be aware, the Garda Commissioner indicated in December 2018 that his preference, in principle, was that the force, in addressing this matter, would not be funded by any source other than the Exchequer. I understand the Garda Commissioner has indicated that he is continuing to look at establishing an improved investigative capacity within An Garda Síochána to tackle this key area while taking account of factors such as the availability of resources and competing demands.

In parallel, significant progress has been made on enhancing the level of engagement and co-operation between An Garda Síochána and the insurance industry. Part of this arose from the fraud round table, which was hosted by the Department of Finance with stakeholder consultation. This has resulted in a working commitment between the Garda National Economic Crime Bureau and Insurance Ireland's anti-fraud forum to meet regularly to discuss and act on current and ongoing issues which arise in the area of insurance fraud.

In response to a recommendation set out by the working group on the cost of insurance in its January 2018 report, the Law Reform Commission, LRC, is conducting a detailed analysis of the possibility of developing constitutionally sound legislation to delimit or cap the amounts of damages awarded by a court in respect of some or all categories of personal injuries. This forms part of the LRC's fifth programme of law reform, which was approved by the Government on 20 March 2019. I understand that the LRC is giving immediate attention to this project and aims to publish an issues paper before the end of the year.

It should also be noted that in its final report, which was published in July 2018, the Personal Injuries Commission, which is chaired by the former President of the High Court, Mr. Nicholas Kearns, noted this development and expressed the belief that the LRC is the appropriate body best equipped and best resourced to undertake this study. The commission has recommended that the future judicial council should be assigned under its statute the function of compiling guidelines for appropriate general damages for various types of personal injury. It has said that pending the introduction of such legislation, the Judiciary should participate with representatives of the Personal Injuries Assessment Board and the Department in the formulation of guidelines as to quantum in cases of claims for damages in respect of soft tissue or whiplash injuries. These matters are under consideration between the Minister for Justice and Equality and the Chief Justice. The Judicial Council Bill 2017, which has completed Committee Stage in the Seanad, will also provide for judicial training in this area.

The Central Bank (National Claims Information Database) Act 2018 was commenced on 28 January 2019, on foot of a recommendation made by the working group on the cost of insurance, to facilitate a more in-depth analysis of annual trends in motor insurance claims. This was seen as key to developing an understanding of the impact that claims and their costs are having on premiums. A data subgroup chaired by the Department of Finance was set up to oversee the development of the database and the underpinning legislation. The availability of information collected under this legislation allows policymakers to have a better understanding of the fac-

tors that influence the cost of insurance.

A cursory consideration of the various outputs - I draw the attention of Deputies to the latest update from the cost of insurance working group, which has been published on the website of the Department of Finance - will confirm that a concerted policy approach is being taken by the Government to address insurance costs and insurance fraud. Departments, Government agencies, the insurance industry and the wider business sector are on board. The Judiciary, the courts and the law enforcement agencies have engaged in a manner appropriate to the independence of their functions. Consumers are engaging to ensure they get a fair deal on insurance at the level of enterprise or as private citizens. We have a whole series of mutually reinforcing measures in play. It is intended that their collective implementation will give greater effect to the law and to the regulation of this area. We must achieve this in a way that can better serve bona fide insurance consumers and legitimate claimants while deterring and penalising fraudsters. The insurance sector itself needs to come on board as well. It needs to take a more determined approach to finding viable ways of providing cover in neglected or deserted areas of enterprise and community activity, which are being hit so hard from an insurance point of view at present.

Given the convergence of today's Bill in relation to avoiding an injustice with section 26 of the Civil Liability and Courts Act 2004 and with the ongoing programme of action being taken by the Government, the Minister, Deputy Flanagan, is looking forward to working with Deputy Michael McGrath to make progress on the issues concerned. At the same time, it has been set out that there are fundamental policy, legal and constitutional issues that need to be placed on a clear footing if the making of orders of costs in the manner being proposed under this Bill is to happen without unintended consequences.

**Deputy Mary Butler:** I welcome this opportunity to speak on the Civil Liability and Courts (Amendment) Bill 2019. Fianna Fáil has consistently called for the insurance market to undergo much-needed reform. Unfortunately, this has not been reciprocated by the Government. This is evident in its reluctance to tackle the issues of insurance costs and insurance fraud. Small businesses, in particular, feel the effects of increasing insurance premiums head on. Many small local businesses, such as shops, pubs and farms, have incurred huge increases in insurance costs in recent years and are no longer in business as a result. Many people fear for the future of their small businesses due to increases in insurance costs. We are still waiting on the establishment of a dedicated Garda anti-fraud unit, a national claims information database and a judicial council to provide guidelines for general damages relating to personal injuries.

I am the Chairman of the Joint Committee on Business, Enterprise and Innovation, which decided last year to look at the cost of doing business. Deputy Quinlivan referred to this major issue for competitiveness, especially for small and medium-sized enterprises. A wide range of issues were presented to the committee. The increasing cost of insurance was cited to the committee as one of the main issues affecting the cost of doing business. Among the reasons advanced for the increases in premiums were the increasing levels of awards, insurance fraud and the ensuing legal costs. The level of fraudulent, false or exaggerated claims was highlighted as a major concern by a large number of stakeholders. A number of witnesses told the committee that in the current system, there is little disincentive to make fraudulent, false or exaggerated claims.

The Irish SME Association, ISME, called at the joint committee for a statutory offence of perjury to be introduced so that statements of claim to the Personal Injuries Assessment Board would have to be made under an affidavit of verification. The committee heard that perjury is

a common law offence in Ireland. We were told that levels of investigation and prosecution are very low, with just eight convictions since 2005. The committee recommended that the Government should examine the feasibility of updating the law on the offence of perjury.

Many citizens make injury claims. While the vast majority of these claims are made in good faith, we cannot overlook the issue of fraudulent claims. Section 26 of the Civil Liability and Courts Act 2004 outlines the guidelines surrounding fraudulent and exaggerated claims. It provides that it is an offence knowingly to give false or misleading information throughout the course of a claim. If a claim is dismissed under section 26, a cost is still incurred by the defendant. It is very expensive to defend a case in the courts. This deters many people from wanting to defend a fraudulent claim. For this reason, the Bill suggests that where a case is dismissed under section 26, the claimant will have to pay the legal costs of the defendant in question with discretion from the court. This will compensate defendants while significantly reducing the number of fraudulent claims by acting as a hindrance to those who are considering making dishonest claims.

We can suggest many measures to tackle increasing insurance costs and insurance fraud. Without follow-up action, however, we will not see the benefits of these implementations. It is unacceptable that we are still without a dedicated Garda unit that is specifically tasked with fighting insurance fraud. This was one area the committee examined. The Alliance for Insurance Reform calls specifically for the establishment of a Garda insurance fraud unit. The cost of insurance working group recommended examining the feasibility of a specialised and dedicated insurance fraud unit within An Garda Síochána. Insurance Ireland also supports in principle an independent Garda fraud unit. The committee recommended the establishment of a Garda insurance fraud unit.

Most people are honest and make claims when it is justified. Indeed, there are many who do not claim when they could. There are, however, a few who take advantage of the high personal injuries awards available in the Irish system. There is absolutely no deterrent for those who do this. This practice is a consequence of the level of awards in Ireland, which is way out of sync with that in other jurisdictions.

The costs to businesses as a result of insurance fraud and an insurance fraud culture that has escalated have cost us all. Is now time for action. This Bill should seriously be considered by all parties and none as a start.

**Deputy Barry Cowen:** I thank all those who made a contribution to tonight's debate following our introduction of the Bill. I thank the Minister for Justice and Equality and his colleague, the Minister of State, Deputy Cannon, for their contributions. I acknowledge their commitment, and that of Sinn Féin and others, to not opposing this Bill. I acknowledge the commitment of the Minister to seek to further strengthen the Bill, amend it and work with us to ensure it has the full support of both parties and ultimately, all representatives of the people.

It is now time for action. We have seen the publication of reports as far back as 2017. They have contained various recommendations, which were acknowledged and appreciated but questioned regarding implementation and associated legalities. It boils down to three issues being addressed. The first is the bill of quantum in regard to the judicial council. Eventually this matter found its way into the Oireachtas, despite procrastination and obfuscation by many and the blaming of other legislation, including the Judicial Appointments Commission Bill. Be that as it may, the commitment that was given, again on foot of a motion we brought before the

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House on the issue, has been honoured in the first part. I acknowledge again the commitment on the part of the Minister to deal with the issue in a timely fashion to ensure the issue is back before this House because we cannot preside over a system that continues to award five times more than what is awarded in the United Kingdom, for example.

The other objective is to strengthen legislation to ensure fraudulent claims are dealt with appropriately by the courts and that proper deterrents are put in place to ensure fraudulent claims do not arise in courts as regularly as they have done to date. If one were to decide whether to rob a bank or initiate a fraudulent claim, one would conclude it is much easier to initiate a fraudulent claim. One will get much more out of it and there are no consequences if it fails. The book is thrown at one in the other case, and rightly so. It should be thrown at one in both cases. We hope that the Minister's word on this Bill is good to ensure existing legislation will be strengthened. I am aware that the Minister said there are sections in the 2004 Act that seek to do what we propose to do here but they do not do so effectively. If they did, we would not be introducing this legislation. Eventually the Minister acknowledged this Bill will strengthen, enhance and augment existing legislation. If that be the case, so be it.

The Minister said he hoped there would be an announcement in the coming weeks on the role An Garda Síochána can play and the role a fraud unit within the force can play in ensuring fraudulent cases are brought before the courts. Existing penalties, although we recommend augmenting them further, would be quite sufficient if they were not touched but it is a matter of bringing the cases to the courts. An Garda will not be found wanting if it is adequately resourced and funded.

Two years ago, the Government first acknowledged the failings on its part to protect its citizens adequately regarding how they were being treated in respect of insurance, not only business insurance but also motor insurance. Two years later, we still do not have the three-pronged attack nailed down. For our part, contrary to what the Taoiseach might say in his public pronouncements on Fianna Fáil's initiation of policy, we have not been found wanting in introducing adequate and proper legislation and debating it in the time allotted to us to do so.

I take the Minister at his word. It is many years too late but it is never too late to do the right thing. In this case, it is imperative that the Minister act quickly so we can all go back to our constituents and say that, further to the reports initiated two years ago and the recommendations contained therein, there is a three-pronged attack I have laid out that can now be put into effect to ensure affected individuals have a chance in business and can survive and thrive.

Question put and agreed to.

The Dáil adjourned at 9.35 p.m. until 10.30 a.m. on Wednesday, 17 April 2019.