



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Dé Máirt, 18 Meitheamh 2019

Tuesday, 18 June 2019

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

*Paidir.
Prayer.*

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: On Thursday next, the already stretched health service will be under severe pressure, with another strike about to take place across 38 acute hospitals, the Central Mental Hospital and St. Ita's Hospital, Portrane. It will involve healthcare assistants, maternity care assistants, laboratory and theatre operatives and hospital chefs. This follows a long drawn-out industrial relations process going back to 2015 when, as part of the public service stability agreement, the Government and Department of Health agreed with the Department of Public Expenditure and Reform and the trade unions to a job evaluation process and scheme for these healthcare workers. Despite a lot of foot-dragging, many breaches of that agreement and the intervention of the national oversight body, which involves the Department of Public Expenditure and Reform and the Irish Congress of Trade Unions, ICTU, and the Workplace Relations Commission, WRC, the process was put back in train and phases 1 and 2 were completed by August of last year. The unions involved have honoured the pay agreements to date and have been constructive and responsible. I understand that hospitals are already considering the cancellation of elective admissions and that only emergency care will be available on Thursday if the strike is to go ahead.

Morale in the health service is very poor already. Human resources management of all of the staff working in our health service is abysmal on any objective analysis and there are real issues. These workers feel they have been dismissed by Government. They feel their role is not being acknowledged or appreciated enough by Government. They believe there has been a detachment and distancing from their issues by the Government all along.

As I said, this goes back to the 2015 Lansdowne Road agreement. The job evaluation process is independent. Although the HSE made a decision to grant the pay awards in 2016, the Government has refused to make them. Payments range from €1,600 to €3,200 per year. It seems that no satisfactory explanation has been given by the Government for dragging its feet on the issue. Surely the Taoiseach agrees it is imperative the strike be averted, at all costs within the limits of the agreed process. Given that the Workplace Relations Commission, WRC, has adjudicated on the matter, surely it is time for the Government to re-engage and honour its commitments.

The Taoiseach has repeatedly stated in the Chamber that the Government honours agree-

ments made by the industrial relations machinery of the State. My understanding is that the Government is placing a condition on the case's referral to the Labour Court, which is unacceptable. I ask the Taoiseach to remove all those conditions and allow the full utilisation of the industrial relations machinery to resolve the dispute, prevent industrial action on Thursday and ensure the workers receive what they were promised by the Government more than four years ago.

The Taoiseach: The Government very much acknowledges the essential work of support staff in hospitals to allow them to operate. As somebody who worked for four or five years in the public hospital system, I know the value of their work. Whether they are healthcare assistants, maternity assistants, porters, laboratory aides or people working in central sterile services departments or as instrument staff or cleaners, hospitals do not function without such essential support staff. We want to ensure they are paid adequately and that they feel fulfilled in their roles.

As the Deputy acknowledged, this is an industrial relations dispute. There are different interpretations as to how the job evaluation scheme was to be dealt with and it is worth considering the exact wording of what was agreed in that regard. Discussions were under way and took place at the WRC, adjourning only last night. The strike can be averted but the best way for that to happen is to use the industrial relations machinery in place, the exact same institution that averts or ends most, if not all, strikes, namely, the Labour Court. The Government and the employer in this case - the HSE - are willing for the matter to be brought before the Labour Court to allow the court to hear all sides of the argument and make a recommendation. If that is done, the strike on Thursday can be avoided. That is the best way forward to avoid disruption to patients and to the functioning of hospitals, and it will allow us to resolve the outstanding issues of the dispute. We would welcome a referral to the Labour Court at this stage.

Deputy Micheál Martin: If the Taoiseach respects the workers, as he says he does, he and the Government need to send a signal because the Department of Public Expenditure and Reform, which represents the Government, has proved to be the major stumbling block. It confirmed that the moneys owed to the workers would be considered for payment in 2021. It seems that conditionality is being applied to any referral to the Labour Court, in other words, the Department wishes to pre-empt the outcome of the Labour Court before it even hears the case. That is not acceptable and the ongoing issues within the health service need hands-on attention from the Government. While it is grand for the Minister for Health to intervene in a whole range of areas, from Botox to whatever else, he is nowhere to be seen on the tough and hard issues.

The workers feel as though they are being dismissed by the Government and do not matter to it. As a result, the matter has dragged on since 2015, as Government commitments to them have not been honoured. The case should be heard by the Labour Court without conditions, which may provide an opportunity for chaos on Thursday to be prevented in order that patient care will not be undermined and elective admissions to hospitals will not be cancelled.

The Taoiseach: The Deputy asked that I send a signal, which I am doing now. The dispute should and can be resolved, the strike on Thursday can be avoided and the disruption to patients does not have to happen. The matter can be resolved by referral to the Labour Court, where a decision on the issue can be taken. That is how it can best be resolved. The Deputy asked that I send a signal and I am doing so. I ask that he consider the signals he is sending. He will recall this time last week when, in the morning, he was critical of Government for increasing

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spending too fast and critical of us for not managing the health budget well enough. I informed him that that was doublespeak because, that evening, he was demanding pay increases for the Defence Forces. I said that he had no particular regard for the Defence Forces and that it would be another group next week, and here he is again this week, doing what he always does-----

Deputy Dara Calleary: The Taoiseach committed to this. He agreed to it.

Deputy Robert Troy: We are holding the Taoiseach to account, which he does not like.

The Taoiseach: -----which is, on the one hand, criticising the Government for not containing spending and, on the other - which he does every week - backing the causes of every group.

Deputy Dara Calleary: Who was Minister for Health in 2015? The current Taoiseach.

A Deputy: What about the Ard-Fheis and the €3 billion in taxes?

The Taoiseach: Those groups cannot trust him or believe him. He cannot be call for spending increases for everyone, every week.

Deputy Micheál Martin: Is the Taoiseach stating that he is not going to pay them?

The Taoiseach: I am saying that the matter should go to the Labour Court.

Visit of Austrian Delegation

An Ceann Comhairle: Before proceeding with business, I wish, on my own behalf and on behalf of the Members of the Dáil, to offer a céad míle fáilte and a most sincere welcome to a delegation from the Austrian Parliament, composed of members of the Austrian-Ireland parliamentary friendship group. Our friends are led by Mr. Christian Höbart, MP, chairman of the friendship group. Also joining them is someone well known to us, H.E. Dr. Helmut Freuden-schuss, Austrian ambassador to Ireland. Thanks to Deputy Brophy, convener on the Irish side, for his assistance. We wish our guests success with their visit.

Ceisteanna ó Cheannairí (Atógáil) - Leaders' Questions (Resumed)

An Ceann Comhairle: We will not have any rows in front of the neighbours, hopefully. I call Deputy McDonald.

Deputy Mary Lou McDonald: We will try. I want to raise the case of Majella Moynihan. I am sure all of us, listening as Majella told her devastating story, have been moved and deeply saddened by her experiences. For those of us who were children in the 1980s, I think this transported us back to that Ireland - that awful, oppressive, misogynistic Ireland. Majella told her story. She told of her background as a child, her experience of growing up in an industrial school and then, in 1983, how she landed her dream job, and the pride she felt, walking through the gates of Templemore to become a member of An Garda Síochána. By all accounts, she was an effective garda. She was described as honest, dependable and willing. Of course, she was not to have a successful career in An Garda Síochána because she was in a relationship and she became pregnant. For that transgression, she was vilified, isolated and damaged in the most fundamental ways. On 31 May 1984, Majella gave birth to her son at University

Hospital Galway. She says that when she left the hospital, she did so in a trance. Heartbreakingly, she describes the situation whereby her child was taken away from her and she was coerced into allowing the child to be put up for adoption. She describes that as the worst day of her life. Then, she was subjected to an internal Garda investigation. She was lucky she was not sacked, because of the intervention of the Archbishop, but she was brought to heel and disciplined for the transgression of being pregnant and having a child outside of wedlock. She was then brought to an internal inquiry at which the behaviour of the father of her child, also a garda, was investigated.

All of these things happened and Majella has now stepped forward to tell her story. The Garda Commissioner and the Minister for Justice and Equality have apologised, quite correctly, to her in recent days. She is due to meet the Garda Commissioner, Drew Harris, and, I understand, the Minister for Justice and Equality in the coming days. I want to ask the Taoiseach is it now time for him to apologise to Majella on behalf of the State. Since she came forward, others have followed suit in order to tell their stories. Anne Cleary, a retired garda who was based in Fitzgibbon Street station in the 1980s, has said that the top brass were very influenced by the church's teachings. Who was not in those times? She tells of one girl who kept her baby and another who gave up her child for adoption.

An Ceann Comhairle: Thank you, Deputy.

Deputy Mary Lou McDonald: She tells of how these had traumatic affects on people's lives. She describes a culture of fear. Are there more Majellas out there? What will the Taoiseach do establish the full facts? Majella said yesterday that she spoke with Deputy Michael Noonan who was Minister for Justice in 1983, but she spoke to him ten years ago and at that point he said to her that this was an internal Garda matter.

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

Deputy Mary Lou McDonald: The mind boggles as to how this could ever have been an internal Garda matter. I understand that Deputy Michael Noonan has not responded to this matter. Should he now make a statement and has the Taoiseach spoken with him on the issue?

The Taoiseach: I thank the Deputy. In response to her questions, I have not spoken to Deputy Michael Noonan about it. I do not know if there are more Majellas out there: there may well be. I would have no difficulty apologising to those women on behalf of the State but I would like to know the facts and be able to answer the questions raised by the Deputy today before doing that.

This is a story that has very much gripped the nation in the last couple of days. I pay tribute to the RTÉ radio "Documentary on One" team for once again putting together a really fascinating programme that gives us further insight into our country and into our past. It is a true example of public service broadcasting and I want to recognise that here. It was deeply moving. It was almost unbelievable except that those of us who did grow up in Ireland in the 1980s can believe how it was true. What was done to her was wrong on every level. Her privacy was invaded. She was made to feel shame. She was pressurised to give up her child and the way she was penalised was deeply sexist when one considers that the man involved was only subject to a fine. It demonstrates to us how much our State and our country has changed for the better since the 1980s, and before, but there are many wrongs that have still to be righted. I very much welcome the fact that Commissioner Harris has offered an apology and that that

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apology has been repeated and echoed on behalf of the Government by the Minister for Justice and Equality, Deputy Charles Flanagan. Mr. Harris will meet her in person and the Minister, Deputy Flanagan, has asked that he be involved in that meeting too. I think that is what should happen next. That meeting should occur between Ms Moynihan and the Garda Commissioner and the Minister for Justice and Equality and, perhaps, we can take things from there. As she is the one at the centre of this they should be allowed to hear from her rather than us debating here what the next step should be. The next step should be for her and the Commissioner to meet, and the Minister for Justice and Equality, Deputy Flanagan, would like to be able to attend that meeting with her consent.

Deputy Mary Lou McDonald: I agree with the Taoiseach that the next steps must in the first instance be dictated by Majella but I also think that the State has an obligation, retrospectively, to ensure, for example, that she is awarded her full pension. There is an obligation on the State not to speculate that there may well be other Majellas but to establish the full facts of the matter. It seems anecdotally that this was not an isolated case. There is an obligation to investigate if it is true, or not, that there were more Majellas and, if so, how many?

It is important that the serving Minister for Justice and Equality, Deputy Flanagan, having, rightly, echoed an apology to Majella, should establish that we are now living in a new time. The then serving Minister for Justice in 1983, Deputy Michael Noonan, as recently as ten years ago described this as an internal Garda matter. It is very important that matter is clarified. I would imagine that Deputy Noonan would welcome the opportunity to clarify this matter.

An Ceann Comhairle: Thank you, Deputy.

Deputy Mary Lou McDonald: The Taoiseach is right that those of us who grew up in the 1980s recognise this atmosphere and ideology as set out through Majella's story. It is important in the here and now that we give absolute assurances, and that it is made absolutely clear, that we in fact live in a different Ireland. On that basis, the former Minister for Justice, Deputy Michael Noonan, should make a statement and should clarify this matter.

The Taoiseach: Many people have served as Minister for Justice since 1983. I am not sure how many but it could be a dozen people. I do not think this is about trying to have a go at a politician or former Minister for Justice. This is about Majella Moynihan and hearing her story. It is about understanding the wrongs that were done in our past, offering an apology to her from the Garda Commissioner, which has happened, and an apology from the Minister for Justice and Equality, and then allowing them to meet with her to talk about what the next steps forward should be. This should not be an occasion for political interaction such as that.

Deputy Brendan Howlin: I want to return to the strike by health support workers. Some 10,000 health support workers are due to take industrial action next Thursday. Their trade union, SIPTU, has worked patiently for years through the industrial relations machinery of the State, as the Taoiseach has said. The workers' employer is the HSE, which willingly took part in the public service stability agreement and formally signed off on it. The HSE accepted the recommendations of the job evaluation scheme that was agreed in 2017. It set out the staff numbers to be upgraded and to be re-evaluated with regard to remuneration. However, the HSE is now refusing to honour those recommendations. The 10,000 workers in question are the backbone of our health services across 38 hospitals and healthcare facilities. They provide household, porter and catering facilities. They also provide direct assistance to medics as healthcare assistants, maternity care assistants, laboratory aides and surgical instrument technicians. Their

strike is not about any new pay claim but about requiring the Government to honour its side of an agreement that both sides entered into freely. As the Taoiseach knows, workers delivered on very difficult pay deals during the economic crisis. They honoured agreements which were instrumental in securing our economic recovery. It would be an act of betrayal for the State to go back on its commitments now.

What is at stake is not simply the honouring of an agreement but the maintenance between the State and employees of fundamental trust. SIPTU has called on the Minister for Health to intervene. The Government should not have allowed matters to reach this point. The workers involved are essential to the running of our health system and they are also among the lowest paid. Does the Taoiseach accept that this re-evaluation process was formally agreed between the unions and employers? Why is the Government undermining confidence in the HSE and the Department of Health as honest dealmakers in the name of the State? Will the Taoiseach or Minister for Health intervene to ensure this strike is averted by Thursday?

The Taoiseach: The Deputy will be aware that I answered a question on the same matter from Deputy Micheál Martin a little earlier but perhaps I can add a few things. The dispute is related to the non-implementation of the job evaluation scheme for support grades. SIPTU claims that this is a breach of the terms of the public sector pay agreements. Management agreed to the terms of the scheme but questions of its implementation were always intended to be subject to further discussions at the conclusion of the exercise. My understanding is that the commitment was to consider the outcome but not to automatically implement it.

As part of the talks which took place under the Lansdowne Road agreement, a chairman's note was agreed by all parties on the re-introduction of the job evaluation scheme. On this basis, discussions commenced in 2016 between the HSE, SIPTU and IMPACT, which is now Fórsa, with regard to the re-establishment of those schemes. Successful engagement with Fórsa led to the approval of the job evaluation scheme for clerical and administrative grades in August 2016. However, an agreement on a scheme for support staff grades could not be reached and the issue was referred to the Lansdowne Road agreement oversight body in early 2017. The oversight body considered the approval of the scheme and recommended that parties should proceed with the job evaluation scheme as planned. It advised that the question of implementing the outcome of the exercise would be considered by the parties at the conclusion thereof. The dispute now centres on the timelines for implementing the outcome of the first two phases. SIPTU is firmly of the view that there was a commitment to pay not earlier than the completion of the second phase but in advance of the completion of the entire process. Phase 2 was completed in October 2018. Phase 3 involved home help and home care workers. Phase 4 is made up of other support staff grades. Phase 3 is complete but has not yet been reported on and phase 4 is only now under way.

Deputy Brendan Howlin: The Taoiseach will accept that I know something about the Lansdowne Road agreement. The re-evaluation process was to be held before the economic crisis. By agreement, those matters were put into abeyance until such time as we again had the capacity to pay. With the forbearance and agreement of the unions and the workers in the health service, there was a clear understanding that once the re-evaluation of the job specifications was completed, the remuneration appropriate to the new grading would apply. These are relatively low-paid workers who have accepted a series of pay agreements on the understanding that the State would honour them. It is my judgment that the non-payment of this evaluation is a breach of what was agreed. I ask the Taoiseach to intervene in order to ensure that trust is restored and that the workers get that to which they are entitled.

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The Taoiseach: As the Deputy knows better than I, there are mechanisms by which we can and do resolve such disputes. Talks took place at the Workplace Relations Commission yesterday and adjourned at 7 p.m. without agreement. The option is there now to go to the Labour Court to have this decided and finalised. That is what I suggest as the next step forward. That is how so many disputes have been resolved in the past and it is how this dispute can be resolved in order to avoid the strike on Thursday and the unnecessary disruption for patients to which it will give rise.

I should put on record the fact that the cost of implementing the first two phases - phases 3 and 4 are not yet complete - will be approximately €16 million a year. It would be remiss of me not to point out that the Government has come in for criticism for-----

Deputy Brendan Howlin: It would be about a week's overrun in the context of the capital budget.

The Taoiseach: -----in-year increases in health spending. If we decide to do that, or if the Labour Court says we ought to do that, it will be exactly the thing we are criticised for, which is in-year increases in health spending.

Deputy Brendan Howlin: Honouring an agreement is not a breach of anything.

The Taoiseach: It is very easy to criticise the fact that during the course of the year the Government may decide to spend a few hundred million euro on health, but when one breaks it down, it is often pay increases for workers who deserve it, extra home help or new health programmes that should be funded. It is easy to criticise those things but sometimes they are necessary.

Deputy Mary Lou McDonald: Nobody is criticising them.

Deputy Brendan Howlin: But the Government is not doing it.

Deputy Joan Collins: I am a bit bemused by the attitude of Fine Gael to the National Minimum Wage (Protection of Employee Tips) Bill 2017. The Bill was introduced by Senator Gavan and passed by the Seanad. The Bill will be introduced in the House this evening during Sinn Féin's Private Members' time. It is a simple Bill that will outlaw the practice of employers using tips or service charges to make up contracted wages. I do not understand the opposition to the Bill given that the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, whom I facilitated in meeting workers to discuss the issue, has given a commitment to legislate in this area. Is the Government playing politics and, if so, for what purpose? Is the problem with the Bill or just with the fact that it was brought forward by Sinn Féin?

When I first met a group of workers from The Ivy restaurant on Dawson Street I was shocked by what they told me. It was not just a question of low pay and not receiving their tips; there was a complete lack of respect for the staff on the part of a very aggressive employer. There were even CCTV cameras in makeshift staff changing rooms. They have since been removed but there is evidence of ongoing surveillance of staff, both audio and visual. Due to the publicity surrounding The Ivy, customers are asking staff whether they will get the money if a service charge is paid. Staff cannot give a straight answer for fear of retribution or possible dismissal. I am more shocked now that some of these practices are widespread in the hospitality sector. A survey has shown that one in three workers does not receive the tips customers have given in recognition of good service. This workforce is mainly young, with many migrant workers and

students. They are not very aware of their rights in the workplace. For example, they often work long hours without a break and they are not aware there should be an 11 hour break between shifts. They are not unionised for fear of being dismissed. Two of the workers I met are no longer working in The Ivy and the matter is being pursued by their union. These workers' jobs are precarious. They do not have fixed hours and the minimum wage or slightly above it is the norm. Does the Taoiseach agree that this hardly describes a republic of opportunity, but rather a republic of the unacceptable face of capitalism?

There is also an issue with unfair competition. Employers who are treating their staff with respect are at an unfair disadvantage, particularly when confronted with highly profitable, multinational chains such as The Ivy. Passing this Bill would be a signal to employers that this sharp practice is unacceptable. More importantly, it would be a signal to some of the most exploited members of the workforce that they are not alone and powerless. Hopefully, it would encourage them to join a union and get organised. The Bill has widespread support in the Seanad and I look forward to the same level of support for it in the Dáil tonight. I hope it will be passed with the Government's support.

The Taoiseach: I thank the Deputy for raising this important issue. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, plans to legislate in this area. When customers leave a tip in a restaurant or bar they intend that the tip should go to the staff. We want to ensure that happens. The Minister, Deputy Doherty, will introduce legislation to amend the Payment of Wages Act to make it illegal for employers to use tips to make up employees' wages. Tips would have to be in addition to the statutory pay or wages people are being paid. In addition, she will introduce legislation to require employers to display, either in a notice on a wall or on a menu, their policies on tips, gratuities and service charges so customers of bars and restaurants know exactly what is happening to the tip, where it is going and, more importantly, what is happening with the service charge. That is the action we will take.

The reason we do not support the Bill being put forward is that we believe it will be counterproductive. While I am sure it was not the intention of the authors, the effect of the Bill would be to cause people's tips to be taxed-----

Deputy John Brady: That is not true. It is a red herring.

The Taoiseach: -----and counted as income. Potentially, they could be counted against them when they apply for a medical card, social housing or things such as the family income supplement. I am sure that was not the intention, but that is our interpretation of the Bill. I will explain why that is our interpretation. The Bill changes the nature of tips. At present, in the vast majority of pubs and restaurants the tips are managed by the staff. This Bill would require the employer to manage the tips. That means they would go through payroll and become subject to tax and social insurance. It would therefore be counterproductive. I do not believe it is the intention of Sinn Féin or the left to cause workers to have their tips taxed-----

Deputy John Brady: The Taoiseach's intention is to muddy the waters.

The Taoiseach: -----but that would be the effect of the legislation. That is why we do not support it.

Deputy Joan Collins: First, the current position is that if one accepts tips one is supposed to pay tax on them to the Revenue Commissioners. This Bill does not change that, so the Taoiseach is throwing a red herring into this.

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Second, we held a press conference today at which Julia, one of workers from The Ivy who is no longer working there, made an appeal to the Minister to support this Bill. The Bill deals with both tips and service charges. We know that when the Tánaiste previously made the point that tips cannot be used as part of a contracted wage The Ivy changed its policy in this regard. It changed its policy from credit card tips to a service charge of 12.5% on all tables, which was previously only on tables of five and above. It is using those service charges to pay wages. That is wrong. No customer who pays a service charge thinks it is going to line the pockets of the management. He or she thinks it will go to the server who served the customer well.

These are the crucial points that must be raised. It is not good enough that tips and the service charge be treated in the same way. Workers should receive their tips directly, not through the management.

The Taoiseach: The reason we do not think this Bill is a good idea is because we believe it could force staff working in pubs and restaurants to pay tax on their tips. I heard the Deputy say that she thinks they should pay tax on them anyway and I am glad she has admitted that in this House because that would be the effect of this Bill. It would put tips through payroll and staff would have to pay tax on them and they may have it counted against them when it comes to applying for a medical card, the working family payment or social housing. She should not just believe me on this. This matter was examined by the Low Pay Commission, which unanimously came out against it, including the union representatives on the commission. In their submissions to the commission, the Green Party and Fianna Fáil Party also objected to this measure so the Deputy should not just take my word on it. She should take the word of the Low Pay Commission.

Deputy Micheál Martin: We are supporting it.

The Taoiseach: I am advised that Fianna Fáil did not support it a few weeks ago but what is new?

(Interruptions).

An Ceann Comhairle: The Taoiseach, without interruption.

The Taoiseach: In terms of meaningful actions that will actually protect staff working in bars and restaurants, we will amend the law to prohibit employers from using tips to make up wages and will require employers to state clearly what happens to the service charge.

(Interruptions).

An Ceann Comhairle: Could we all just calm down a bit?

An tOrd Gnó - Order of Business

Deputy Mattie McGrath: The business this week shall be as set out in the report of the Business Committee, dated 13 June 2019. In relation to today's business, it is proposed that Nos. 13 and 14, motion re proposed approval by Dáil Éireann of the Proposed Amendment to the Articles of Agreement of the International Finance Corporation, referral to committee, and motion re proposed approval by Dáil Éireann of the Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal

Justice Cooperation, Eurojust, and replacing and repealing Council Decision 2002/187/JHA, back from committee, shall be taken without debate; No. 15, motion re proposed approval by Dáil Éireann of the deployment of a contingent of the Permanent Defence Force to MINUSMA shall conclude within 85 minutes, with speeches 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, of ten minutes each with a five-minute response by a Minister or Minister of State and all Members may share time; and No. 2, National Minimum Wage (Protection of Employee Tips) Bill 2017 [Seanad] - Second Stage, which shall conclude within two hours.

In relation to Wednesday's business, it is proposed to take No. 36, statements on the pre-European Council meeting of 20-21 June, pursuant to Standing Order 111, on the conclusion of Taoiseach's Questions to be followed by the suspension of sitting under Standing Order 25(1) for one hour. The statements shall conclude within 85 minutes, if not previously concluded, and 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, which shall not exceed ten minutes each, with a five-minute response by a Minister or Minister of State and all Members may share time; and No. 37, statements on the Supplementary Report of the Scoping Inquiry into the CervicalCheck Screening Programme, which shall conclude within 87 minutes, if not previously concluded. Statements 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, for a period not exceeding five minutes each. Following the statements, each party or group in Opposition shall have six minutes each for questions and answers with a five-minute response from a Minister or Minister of State and all Members may share time.

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

Deputy Mary Lou McDonald: It is not agreed. The Government's climate action plan was launched yesterday with great aplomb with members of the Cabinet arriving in a hybrid bus, which I understand is one of very few such buses in the fleet. Is there three of them?

Deputy Micheál Martin: Yes.

Deputy Mary Lou McDonald: It was one of three.

(Interruptions).

Deputy Mary Lou McDonald: I would have thought that time would be set aside to discuss this plan, this whole-of-government approach, because the issues are very real in terms of how we transition to a low-carbon society and economy and how we achieve climate justice. A debate on this is very urgent. The Government ought to have scheduled time for it this week.

The Taoiseach: The Deputy is absolutely right. We would be happy, through the Business Committee, to find time to debate it and that would be entirely appropriate. It is a very big plan with many annexes so perhaps people need some time to read it.

On a point of fact, there are three hybrid buses.

(Interruptions).

The Taoiseach: The Deputy is not interested in the facts because the facts do not suit him. There are three Dublin Bus hybrid buses.

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Deputy John Brady: There are 200 diesel buses.

(Interruptions).

The Taoiseach: There are six arriving in next week or two and 600 are on order. This is the climate action plan in action. No more high emission vehicles are being purchased by Dublin Bus or Bus Éireann for our cities. Three hybrid buses have arrived already. There has to be a first one. Six more will arrive in the next few weeks and-----

Deputy Danny Healy-Rae: There are no buses for rural Ireland.

The Taoiseach: -----600 are on order. This is climate action happening.

An Ceann Comhairle: The Business Committee will be consulted and time will be sought this week for a debate on this matter if that is possible.

Deputy Mattie McGrath: Will we go on a bus?

An Ceann Comhairle: Is the business for today agreed to? Agreed. Is the business for Wednesday agreed to? Agreed.

We will proceed to questions on promised legislation. Twenty two Deputies have already indicated. I call Deputy Martin.

Deputy Micheál Martin: The Government has decided to appeal the High Court judgment in the Ruth Morrissey case arising out of the CervicalCheck scandal. I am conscious that on 11 May the Taoiseach said: “What we propose to do is to offer mediation in every case so women can avoid having to go to court and the trauma of a court hearing.” He was asked then if the US lab at the centre of the scandal refused and wanted to fight the case, and he said: “... in this situation ... the State will settle and pursue the lab later”. It is very clear the Taoiseach made that commitment. However, it is not being honoured in the context of the Government deciding to appeal this case to the Supreme Court, notwithstanding any mechanisms that may be developed, and we are unclear about those, but also in the context of a tribunal that has been established, which is adversarial in itself and which some people are criticising as being one that will be akin to a court session in private as opposed to one in public. Essentially, does the Taoiseach accept that he should not have made a promise, does he apologise for making the promise, or does he intend to make good the promise and pay Ruth Morrissey the award while the appeal to the Supreme Court goes ahead and then fight the lab afterwards? Is that what the Government intends to do, to fight the lab afterwards, having paid out the award?

The Taoiseach: The Deputy will appreciate that I do not want to discuss individual cases here in the Chamber. There are discussions ongoing between representatives of the State and representatives of Ms Morrissey with regard to exactly that matter but those discussions should happen not here but with her and her representatives.

Deputy Micheál Martin: But the Taoiseach made a promise.

The Taoiseach: I did a year ago. I admitted before that I believed a year ago that it would be possible to settle all of these cases by mediation and negotiation. Many cases have been settled by mediation and negotiation but it has not been possible to settle all cases, precisely because in some cases the facts are disputed and the issue of negligence is disputed, and I was wrong at the time. I did not understand at the time that there would be situations whereby the

facts would be disputed and the whole issue of negligence would be disputed-----

Deputy Micheál Martin: Surely the Taoiseach must have understood that.

The Taoiseach: -----but we have come up with an alternative recommended by Mr. Justice Meenan, and that is the tribunal. The legislation was approved by Cabinet today and will be published, if not today, in the coming days. That provides an alternative to court. We are not going to take the right away from anyone to go to court but this does provide an alternative.

Deputy Micheál Martin: The Taoiseach said he would pay the people and then pursue the lab.

The Taoiseach: In addition to that, the Cabinet today approved the sum with respect to the *ex gratia* scheme and that amount will be disclosed to the 221 group today.

Deputy Mary Lou McDonald: On the same issue, can the Taoiseach explain to us why it is that Ruth Morrissey discovered the fact of this appeal through the media? Can he explain to us how it was that nobody had the decency or the common sense to contact her directly or to contact her legal representative? Whatever the legal twists and turns of this appeal and whatever way the Government might pursue the laboratory, can we have a guarantee from the Taoiseach that the award made to Ms Morrissey is secure and indemnified? We need that clarity. Certainly, Ms Morrissey and her family deserve no less than that assurance. Why was there no contact with her in advance? Why does Ms Morrissey read of this news in the newspaper? What about the award made to her? Is it safe? Is it secure?

The Taoiseach: I am advised that the laboratory has indicated that it would appeal this case in open court some weeks ago. That was reported in the newspapers at the time. State counsel contacted counsel for Ruth Morrissey last Thursday and Friday, which was before the story appeared in the newspapers and contact has been ongoing since then. That contact should happen in private, not here in the Chamber. It is absolutely the intention of the State to give Ms Morrissey and her husband an assurance that no matter what happens as a consequence of any appeal, her settlement will be fully protected and that she will have the assurance that that money will be there for her and her family.

Deputy Thomas Byrne: Why is the State appealing it?

The Taoiseach: On the appeal itself, it is important to say that because the laboratories have decided to appeal, an appeal is inevitable. No matter what the State does, there will be an appeal.

Deputy Thomas Byrne: The State is not obliged to appeal.

The Taoiseach: The State's only interest in this is to protect the financial award made to the Morrissey family-----

Deputy Thomas Byrne: Why is the State appealing the decision then?

The Taoiseach: -----and to seek clarification on some important points of law-----

Deputy Thomas Byrne: The State was not forced to appeal.

The Taoiseach: -----the most important of those being the whole issue and test of absolute confidence. Doctors, scientists and cancer specialists have come to us saying that they have real

concerns about the test of absolute confidence. They are saying it could undermine our screening programmes and could lead to more false positives and unnecessary biopsies, perhaps even unnecessary hysterectomies and mastectomies. When cancer specialists, scientists and doctors come to us stating they are concerned about this and clarity is required on what “absolute confidence” means, we cannot ignore that.

Deputy Brendan Howlin: I seek an update from the Minister for Justice and Equality. The Department has been working with me on the online harassment, cyberbullying and related offences Bill. There has been more discussion about the Bill because other cases of online harassment have come to light. There is certainly agreement on the urgency of getting it enacted. It was our common objective to have the legislation completed, at least in this House, before the end of this term. Where stands that Bill now and is there any prospect of having it through the Houses by the summer recess?

Minister for Justice and Equality (Deputy Charles Flanagan): I am pleased that Deputy Howlin indicated that contact is ongoing. Work is proceeding apace. I am sure the Deputy will acknowledge that there are certain complexities and it is important that we get matters right. There are approximately four weeks left of the session. It is unlikely that the Bill will be enacted by the summer recess but I will work with Deputy Howlin towards ensuring we can make as much progress as possible on what is an urgent and important issue.

Deputy Gino Kenny: Last Wednesday, I tried to raise an issue related to the cannabis access programme with the Taoiseach last Wednesday. On Friday, I received a reply to a query I made to the Tánaiste five weeks ago. He did not get back to me at the time, and I got this reply five weeks later. That is completely disrespectful to me and the people and families who have been campaigning for access to medicinal cannabis. The Taoiseach’s behaviour on Wednesday was outrageous. I want to note that.

I seek clarity on this issue. A family contacted me on Thursday in relation to their daughter, Lucia, a five year old from Sligo. They have sought reimbursement for medicinal cannabis but have been turned down and have to sell the family home to pay for the future healthcare of their daughter. It is outrageous what is happening to families and people who are trying to access medicinal cannabis. I ask the Taoiseach again, in all sincerity, when the cannabis access programme will start because the families and the public want to know.

The Taoiseach: I appreciate the difficulties in this individual case and I am sorry to hear the story the Deputy shared with us. As he will be aware, however, I cannot comment on individual cases because I do not have access to all of the facts. No Minister has the authority to intervene or direct the HSE in individual cases either. The latest update on the medicinal cannabis access programme, dated Tuesday, 18 June, is that the Minister for Health, Deputy Harris, will shortly introduce secondary legislation which will allow the operation of the medicinal cannabis access programme to start on a pilot basis for five years. The programme will facilitate access to cannabis-based products for medicinal use which are of a standardised quality that will meet the requirements outlined in legislation. The medicinal cannabis access programme will make it possible for medical consultants to prescribe cannabis-based treatments for patients under their care for the following medical conditions. These are conditions for which there is evidence that cannabis-based treatments are effective as medicines. The conditions are: spasticity associated with multiple sclerosis, MS; the intractable nausea and vomiting associated with chemotherapy; or severe, refractory, treatment-resistant epilepsy. It will be the decision of the treating consultant, in consultation with the patient, to prescribe one of these treatments.

Operational guidance for the medicinal cannabis access programme will be available shortly for patients, suppliers, importers, medical practitioners and pharmacists. Availability of cannabis products of an appropriate quality and standard and that are affordable to patients is critical in establishing this programme. Pending the full operation of the programme, doctors may continue to utilise the ministerial licensing route to prescribe medicinal cannabis for their patients. To date, 46 licences have been granted by the Minister in respect of 21 patients.

An Ceann Comhairle: I call Deputy Mattie McGrath.

Deputy Micheál Martin: On a point of order, the Taoiseach stated last week that he would send on a response-----

An Ceann Comhairle: There are no points of order on this. I am sorry.

Deputy Mattie McGrath: The communities of Cahir in Tipperary-----

The Taoiseach: I feel Deputy Gino Kenny may have-----

An Ceann Comhairle: I am sorry, but Deputy Mattie McGrath has the floor.

Deputy Mattie McGrath: I thank the Ceann Comhairle. Cahir Boys' national school and Our Lady of Mercy Convent girls' school have been waiting nearly 30 years to amalgamate. The amalgamation is supported by everyone, including the boards of management, parents councils and the communities. Thankfully, a site has been obtained from the Sisters of Mercy for a new building. The conditions in the existing school buildings are beyond belief. One third of the population of Cahir is made up of newcomers who have been embraced by and integrated into the community. It is fabulous to see children of so many different nationalities taking part in school activities. I ask the Taoiseach to please impress upon the Minister for Education and Skills the need to progress this contract to tender stage. This badly needed facility needs to be operating in Cahir for the many students, families and teaching staff who are awaiting it. The new amalgamation has been delayed for decades and everyone is weary and wants to see progress.

The Taoiseach: I am afraid there is not any legislation promised nor any specific programme for Government-----

Deputy Mattie McGrath: It was promised.

The Taoiseach: -----commitment in respect of that issue. It is a matter for the Minister for Education and Skills but I will inform him that Deputy Mattie McGrath raised it and ask him to reply directly.

Deputy Peadar Tóibín: I raise the tragic case of the family who were recommended by the National Maternity Hospital, Holles Street to have an abortion without a diagnostic test or without one of the medical practitioners even meeting the mother. The Minister for Health has been sitting on this information for four weeks, the Attorney General has been briefed and the family has sat with the chief medical officer for hours. It has been stated, however, that the Government knows nothing of this matter. It has also been stated that this is a private issue. That contradicts the wishes of the family, who have asked me to bring it into the public domain in order to ensure that it will never happen again. In section 20 of the Government legislation, and I paraphrase, it is stated no later than 28 days after the abortion has been carried out, the medical practitioner who performed it shall forward a record of the abortion to the Minister for Health.

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The termination of a healthy baby was completed on 14 March. The record should have been with the Minister for Health by 12 April but did not happen. I understand that no record of the abortion was sent by the hospital to the Minister until after the solicitor for the family raised this shocking case. This is another clear breach of the law. What is worse is that the Minister has known about this breach for more than a month and has done nothing to challenge the hospital regarding this illegal act. This leads to a number of serious questions-----

An Ceann Comhairle: No, Deputy Tóibín cannot ask a series of questions. There can only be one question. I call the Taoiseach to respond.

The Taoiseach: I thank the Deputy for raising this very difficult issue. Again, there is no legislation promised on this matter nor is there-----

Deputy Peadar Tóibín: There have been promises on it.

The Taoiseach: -----a commitment in respect of it in the programme for Government. However, I discussed it with the Minister for Health this morning and I understand that progress is being made on setting up an external inquiry to establish all of the facts.

Deputy Peadar Tóibín: The family has had absolutely no input whatsoever in respect of that review panel.

An Ceann Comhairle: I call Deputy Brassil.

Deputy John Brassil: Following the Taoiseach's announcement yesterday concerning measures to meet our climate change targets, I bring to his attention the fact that engines known as Euro 4 and Euro 5 can still be imported into this country. This is despite the fact that they emit approximately double the amount of CO₂ that more modern engines emit. I ask that the Taoiseach examine bringing in an immediate ban on Euro 4 and Euro 5 engines as they are contrary to all good practice with regard to climate change.

An Ceann Comhairle: Deputy Danny Healy-Rae on the same issue.

Deputy Michael Creed: The Deputy does not believe in climate change.

Deputy Danny Healy-Rae: This policy and indeed all the hullabaloo yesterday has frightened many people again in rural Ireland. There is a race between Fine Gael and Fianna Fáil to see who would be greener than the Greens. The headline in the paper was that the Government wants to force private motorists out of their cars. I want to tell the Taoiseach that people in rural Ireland cannot manage without a car.

Deputy Seán Kyne: Electric cars.

Deputy Danny Healy-Rae: A lot of the Government's ideas are ridiculous and so are its targets. There are 4.8 million people in Ireland, which equates to 0.06% of the world population. India and China equate to 40% of the world's population. If we were totally emissions free, it would only equal 0.13 of 1% in the worldwide context.

Deputy Regina Doherty: Leave it to somebody else.

Deputy Danny Healy-Rae: At the same time, we are all living under the same sky. Why is the Government imposing and suggesting these targets for people, especially working families and farmers in rural Ireland?

An Ceann Comhairle: Please, Deputy, your are over time.

Deputy David Cullinane: This is very unfair.

Deputy Danny Healy-Rae: Does the Government know it is frightening the daylight out of the people? It has already blackguarded them badly enough.

An Ceann Comhairle: Please Deputy, you are over time.

Deputy Danny Healy-Rae: Fianna Fáil and Fine Gael are joined in this. They are tripping over each other to see who will be greener than the Greens.

An Ceann Comhairle: The Deputy should resume his seat. He has made his point.

Deputy Brendan Howlin: That was not on the same issue as Deputy Brassil's question.

The Taoiseach: I wish to offer the Deputy an assurance in this regard. It is not the policy of Government to force people out of private cars. It is the policy of Government to move away from petrol and diesel cars-----

Deputy Danny Healy-Rae: The Minister said he wanted to force private motorists out of their cars.

The Taoiseach: I would like to tell the Deputy what the policy of Government is because it is not what he thinks it is. It is the policy of Government not to force people out of their private cars but rather to move from petrol and diesel cars to hybrids and electric vehicles over the course of the next decade. That can be done. People in rural areas can use hybrids and increasingly will be able to use electric vehicles as well. I saw the Deputy brandishing a headline from a newspaper. That is not a quote from the Minister. Unfortunately it is now allowed to put something in inverted commas in a headline that is not actually a quote. That is what we are dealing with these days.

An Ceann Comhairle: I call Deputy Troy.

Deputy Robert Troy: Last week I attended a carers' forum representing carers from the region. They feel totally taken for granted and exploited with the lack of home help hours and respite weeks. The matter I want to raise today is the eligibility of people with a disability for the vehicle registration tax, VRT, for disabled drivers. The scheme is very restrictive and needs to be reformed. I refer also to the motorised transport grant, which the previous Government suspended to new applicants. We were told it would be reintroduced within a matter of months. It is now six or seven years since that grant was suspended. People with a disability cannot have access to public transport, particularly in rural Ireland. When will the motorised transport grant be reopened to new applicants?

Deputy John Brassil: A Cheann Comhairle, I did not get a reply to my question. I think the Taoiseach might have been distracted.

The Taoiseach: I think I answered Deputy Healy-Rae's question before the Minister, Deputy Bruton, had a chance to answer Deputy Brassil's question.

An Ceann Comhairle: Deputy Bruton may answer Deputies Brassil's and Troy's questions together.

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Deputy John Brassil: I would not like to have the two of us mixed up.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I was not aware of this gap to which the Deputy refers. I will follow up and revert to him.

Deputy Robert Troy: And the motorised transport grant.

The Taoiseach: I am afraid I do not have the information to hand. I think it is a matter for the Minister for Finance. I will ask him to reply to the Deputy directly.

Deputy Robert Troy: It has been promised for six years.

Deputy Bernard J. Durkan: The nursing homes support Bill is promised legislation. Where does it now stand? Is it likely to come before the House in the near future?

3 o'clock

The Taoiseach: The heads of the Bill were cleared by the Cabinet last week. The Bill proposes to amend the fair deal scheme to make it fairer for farmers and business owners. The Minister of State, Deputy Jim Daly, is now working on the detail of the Bill. I do not have a date yet for it but the Bill is very much a priority.

Deputy Michael Healy-Rae: I have a question for the Taoiseach on the programme for Government in the context of housing lists. The issue is not the fault of our local authority in County Kerry because everybody is aware that Kerry County Council is the finest and hardest working local authority in the State, and that is a fact. Our housing department is second to none, but when local authority houses become available - in other words, when a tenant moves out - there is a long delay in getting those houses turned around. This is due to finance not being made available from central Government to our local authority to do the necessary works to turn the houses around, rent them out again and make them available to the people who are waiting on the housing lists. I ask the Taoiseach to please ensure that when a local authority house becomes available it is turned around, and whatever needs to be done is done to modernised the premises and bring it up to standard, including retrofitting if needed. I ask that this be done quickly so that a family or an individual can go into the house and make it a home again.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): There should be no delay with those houses-----

An Ceann Comhairle: I am sorry to interrupt the Minister of State but on the same matter, I will take Deputy Pat Buckley.

Deputy Pat Buckley: It is not just affecting Kerry County Council. Let us be honest; all the local authorities are doing a great job. I echo what Deputy Michael Healy-Rae said. There is a house in my town that has been idle for two years. It had been done up but it still lies idle while we have a massive shortage of housing of any kind in Cork. The issue has to be raised. Municipal district councils must be supported also. There are so many properties lying idle for so long and we are being told that it is to do with funding and so on. There are plenty of cases where, unfortunately, people have passed away and some of those properties are in turnkey condition. It is the locks only that need to be changed. People could move into that house and make it a home. A home is very different from a house. I agree with the Deputy. We must take a realistic approach. I ask the Minister of State for support at local level also.

Deputy Damien English: I will address the second question first. If there is a house in Cork city that has already been refurbished and is lying idle, that should not be the case. It is nothing the Department would be part of. If the house is already fixed then it is not waiting for money. If the Deputy wants to give me the address of the house I am very happy to check that out. That is not something we would stand over. I want to be very clear on that.

The other question related to Kerry County Council and to the other local authorities. A voids programme has been in place for the past three to four years. The guts of 10,000 houses have been brought back into use. They had been lying idle for many years and were brought back into use under Rebuilding Ireland. They have all been refurbished. As late as October 2018 every local authority had been written to to clarify that there was funding available to bring forward any voids and empty houses. There is no excuse for houses to be delayed and it should be possible in most cases to turn houses around in a number of weeks. In some instances, it can take longer due to local operational issues. The funding, however, is available for any local authority. I am not aware that Kerry County Council has an outstanding application for additional funding. If there is, I will have to check that. I want to be very clear that we do not want long-term voids and the money is there.

Deputy Charlie McConalogue: My question is directed at the Taoiseach and to the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, in particular, with regard to the potential impact and threat posed to Ireland's beef sector by the imminent deal around Mercosur. It has been mooted that up to 100,000 tonnes of beef had been agreed to, and informally agreed at EU level with the three Mercosur countries. I am sure the Minister would agree that if this was to come to pass it will have a massive impact on an already threatened beef sector. Will the Minister give the House an update on the status of those negotiations, and an assurance from the Government that it will not support any deal that involves this level of beef, as it would tremendously undermine an already vulnerable sector in Ireland?

An Ceann Comhairle: I invite Deputies O'Keeffe and Michael Collins on the same matter.

Deputy Michael Collins: During the local elections the Government announced €100,000 million for beef farmers. Those beef and suckler farmers have had a horrendous time during the past years. There have been huge drops in family farm incomes. Last week the Minister of State, Deputy Doyle, said that there would be a roll-out of the €100 million following discussions with farming organisations. Will the Taoiseach indicate if the Department of Agriculture, Food and the Marine has met with representatives from the Beef Plan movement, which now has some 20,000 members directly affected by this crisis?

Deputy Kevin O'Keeffe: The problem is that a compensation fund was announced over one month ago during the local and EU elections. According to the Minister for Agriculture, Food and the Marine, it is all contingent on climate change. Previously it was Brexit problems. When does the Minister propose to make the compensation available to the beef sector which has been badly hit in the past four months? Can he put the cheques in the post to these people?

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): Deputy McConalogue and I have discussed Mercosur on several occasions. I have been in contact on many occasions, including very recently, with Commissioner Hogan on the matter. It is not his direct area of responsibility. The Taoiseach has been in contact with several member states which share our analysis and has been in direct contact with the President of the European Commission. Every effort is being made to create an awareness of our concerns and I hope that

will influence the outcome.

I have met the Beef Plan Movement. On Deputy O’Keeffe’s question, it is our intention, after the Commission finalises the terms and conditions of the funding available, to meet the farm organisations to discuss how that funding will be distributed. After that meeting, a scheme will be designed for which applications will be invited. It is the intention to pay as early as possible.

Deputy Thomas Byrne: I remind the Taoiseach of another industrial relations settlement from 2015. I do not know what was going on in 2015 that the Government was making settlements on industrial relations issues but this one is also coming back to bite it. At that time, the Government agreed with school secretaries and caretakers that it would come back this year to discuss their terms and conditions, which are grossly unfair. As I understand it, after much pressure from the Dáil, talks did start but I am led to believe they were a total and utter damp squib and that nothing substantial will happen now, although the agreement that secretaries and caretakers work under expires this year. Will the Taoiseach give me an update on these talks? Will the two-tier pay structure for school secretaries and caretakers, under which some are employed as civil servants and others as contract workers, come to an end as committed to in 2015?

The Taoiseach: There is no legislation promised on this and I do not think there is a programme for Government commitment on it. I acknowledge, however, that it is an important issue. The Minister for Education and Skills is not here to answer the question but I will ask him to provide the Deputy with a reply.

An Ceann Comhairle: That concludes questions on promised legislation. Ten Deputies have not been reached today and will be given priority tomorrow.

Deputy David Cullinane: How many of those are from Sinn Féin? I would say a fair number of them are.

An Ceann Comhairle: I have not counted them but if the Deputy wants to come up here and count them he can.

Deputy Fiona O’Loughlin: They can speak tomorrow.

Deputy David Cullinane: If the Ceann Comhairle looked straight ahead and not just left and right.

Deputy Mattie McGrath: That is outrageous.

An Ceann Comhairle: I take grave exception-----

Deputy David Cullinane: I take exception to sitting here week after week, day after day, without speaking.

An Ceann Comhairle: I take grave exception to the Deputy’s comment.

Deputy David Cullinane: The Ceann Comhairle can take whatever exception he wants.

Deputy Fiona O’Loughlin: That is unacceptable.

Articles of Agreement of the International Finance Corporation: 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, in accordance with Article 29.5.2° of Bunreacht na hÉireann, a proposed amendment of Article II, Section 2(c)(ii) of the Articles of Agreement of the International Finance Corporation, being an amendment the terms of which shall read as follows:

‘Section 2. Capital Stock

“(c)(ii) in any other case, by an eightyfive percent majority of the total voting power”.’,

be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach, in accordance with Standing Order 84A(3)(b), which, not later than 2nd July, 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.

EU Regulation: Motion

Minister for Justice and Equality (Deputy Charles Flanagan): I move:

That Dáil Éireann approve Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA [*Considered by the Joint Committee on Justice and Equality on 12th June, 2019*].

Question put and agreed to.

Ceisteanna - Questions

Taoiseach’s Meetings and Engagements

1. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent meeting with the First Minister of Scotland, Ms Nicola Sturgeon. [23295/19]

2. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the Scottish First Minister, Ms Nicola Sturgeon. [24100/19]

3. **Deputy Micheál Martin** asked the Taoiseach if he has spoken recently to the First Minister of Scotland, Ms Nicola Sturgeon. [25194/19]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent meeting with the First Minister of Scotland, Ms Nicola Sturgeon. [25590/19]

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The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

I met First Minister Sturgeon over a working lunch in Farmleigh on Monday, 27 May when we considered how best to maintain and further develop the strong bilateral relations between Ireland and Scotland. We also discussed the latest political developments in the wake of the recent European Parliament and local elections, as well as the latest Brexit developments. We acknowledged the strength and importance of bilateral relations and had a productive discussion on how we might further develop these links. We also discussed issues on which there is scope for greater co-operation. Rockall was not raised at our meeting. However, I can confirm there is an intensified dialogue at official level which I believe should allow a de-escalation of tension on this matter.

First Minister Sturgeon and I look forward to working closely together in the coming months. We are both committed to the work of the British-Irish Council, a key institution of the Good Friday Agreement, and looked forward to meeting again at the next summit of the council, which is due to take place in Manchester at the end of June.

An Ceann Comhairle: Deputy Martin Kenny is first up. He will note that I actually do call Sinn Féin Deputies.

Deputy Martin Kenny: We will not get into that at the moment. I understand that the situation is that this issue was not raised with First Minister Sturgeon at the recent meeting and at the time the Taoiseach said that it was decided not to escalate the matter. In addition to that, in response to a parliamentary question last week, the Tánaiste said that the issue of Rockall was directly raised with him as late as 2018 and that it had been flagged with the Department of Agriculture, Food and the Marine since April 2017, which is quite a while ago for this issue to have been raised. It seems like an issue that should have been building over a period of time and one would expect that the importance of the Rockall issue for Irish fishing communities in particular would be very much to the fore of that agenda.

It was surely a mistake that it was not raised with First Minister Sturgeon. Has the Taoiseach spoken with First Minister Sturgeon about the matter subsequently in the past fortnight? If not, will he do so in the coming days? It is very important and it strikes me that as an important first step to try to rectify this matter the interests of Irish fishermen and their families have to be put front and centre. Irish fishing vessels have used the waters around Rockall for decades, probably even for centuries at this stage, and it is a vital fishing ground, particularly for fishermen off the north-west coast. It is clearly a situation where we possibly have issues of internal politics in Scotland taking precedence over issues that are vitally important to Irish fishing families.

Deputy Brendan Howlin: It was surprising that the issue of Rockall was not raised during the recent meeting between the Taoiseach and the First Minister of Scotland. Was the Taoiseach briefed on this issue in advance? Was he aware of the Scottish position on Rockall and their efforts to raise it with the Government in the aftermath of the Brexit referendum? We know that there were extensive discussions on fishing rights between Scotland and Ireland. Why were Irish fishing representatives not aware of these ongoing exchanges? I attend the very useful Brexit stakeholder fora which are held frequently. The representative of the Irish fishing industry attends those fora and it has never been an issue that was raised. It came out of the blue.

The First Minister of Scotland has said that: “Ireland is Scotland’s closest international trad-

ing partner,” and stressed that “we must strengthen, not strain these bonds.” If the hard line set out by a variety of Scottish Government spokespeople is persisted with, what does the Taoiseach intend to do to protect Irish fishermen who have fished in the waters surrounding Rockall for decades?

Deputy Micheál Martin: It is important that the Taoiseach would indicate whether he was alerted about Rockall in advance of the meeting with First Minister Nicola Sturgeon. Was it in any notes that he had received from the Department of Foreign Affairs and Trade or the Department of Agriculture, Food and the Marine? Did the Taoiseach have any indication that there had been ongoing discussions between the Scottish side and the Irish side on fishing rights at Rockall? There seems to have been considerable engagement prior to this, which both Governments would have been aware of, and yet it did not seem to form the subject matter of discussions between the Taoiseach and the First Minister of Scotland.

These latest exchanges about Rockall are another demonstration of how Brexit will have many direct impacts, none of which will be positive. The fact that this dispute is happening at all reflects badly on both countries, given that we are committed to the rule of law and it is shocking that it is going on in this way. Clearly, both Governments should agree some form of reciprocal access rights so that Irish fishermen will not be unilaterally threatened or excluded from fishing their traditional waters. The Common Fisheries Policy covers it at the moment and is our main negotiating plank. Will the Taoiseach indicate what advice has been given to Irish fishermen, some of whom are concerned that they may be boarded if they fish within the alleged 12 mile Scottish zone?

I am not aware of whether the Taoiseach is aware of the advice by Charles Lysaght, who was once a legal adviser in Iveagh House and later a *Sunday Independent* columnist and who wrote last week about Ireland’s case on Rockall. He made the point that in 2014, Ireland entered an agreement on maritime boundaries which gave the UK economic rights in the Rockall zone. The Taoiseach might clarify that and he might take the opportunity if he cannot do it this evening to give us a considered position from Government, written if he likes, on that 2014 agreement, what it entails and an interpretation of it. It would be interesting to see if Charles Lysaght’s analysis is the correct one on the Rockall issue. Someone in the Government has probably checked it out already and a clear statement in response to it would be important. I am anxious about the advice that has been given to Irish fishermen by the Government and about where we are in the resolution of this issue.

The Taoiseach: Ireland’s position is that there is no basis for excluding Irish fishing vessels from the Rockall waters. They are EU waters and therefore, Irish fishermen are legitimately pursuing EU fishing opportunities and have done so unhindered for decades. Any concern should be handled through dialogue rather than universal enforcement action.

The House will be aware that the Tánaiste recently received a formal letter of notice from the Scottish Cabinet Secretary for Culture, Tourism and External Affairs, Fiona Hyslop MSP, stating that Scotland would deploy vessels in the Rockall area to take enforcement action against Irish and other EU vessels found within 12 miles of Rockall from last weekend onwards. The jurisdiction over the 12 mile area around Rockall has long been disputed. The UK claims sovereignty over Rockall and thus a 12 mile territorial limit in the sea around it. The Irish Government’s position has been, and continues to be, that we do not recognise this claim, that the waters around Rockall are part of the UK’s exclusive economic zone and accordingly form part of the European waters under the Common Fisheries Policy, to which the principle of equal

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access for the vessels of all EU member states applies.

Irish vessels have operated unhindered in the Rockall zone for many decades, fishing haddock, squid and other species. The Minister for Agriculture, Food and the Marine, Deputy Creed, met with the Irish fishing sector on Friday, 2 June, to inform it of the letter from the Scottish authorities, but also confirmed that Ireland's position on Rockall had not changed. I know that the industry was appreciative of that engagement but was also extremely concerned with the possibility that unjustified enforcement action might be taken against its members.

In engagement with the Scottish authorities, Ireland's position has been that there is no basis for excluding Irish fishing vessels from Rockall waters, that they are legitimately pursuing EU fishing opportunities and quotas in these waters and that they have done so unhindered for many decades. That is our advice to the sector.

On this issue, the views of Ireland and those of Scotland have differed for some time. Nevertheless, we have had a strong and positive partnership to our mutual benefit over many years. In light of the most recent developments, dialogue is continuing between the Irish and Scottish Governments and there has been close contact at official level in recent days in order to de-escalate tensions. It has been agreed that a process of intensified engagement will take place, led by senior officials from both administrations.

I was not briefed about this issue in advance of my last meeting with First Minister Sturgeon and did not receive any notes on it. I understand that the Scottish Government had indicated that it would give us advance notice before taking any action. I will be meeting First Minister Sturgeon in Manchester later this month and that will be an opportunity for us to talk about the matter. In the meantime, we have been in touch through our senior officials and have agreed a common line on it, which I have shared with the House.

As the House will know, Rockall is a small and uninhabitable rock located approximately 150 nautical miles west of the Scottish island of St. Kilda and 230 nautical miles north-west of Donegal. During the 1960s and 1970s, the issue of Rockall was a source of legal and political controversy in both Ireland and the UK. The UK claimed sovereignty over Rockall and has sought formally to annex it under its Island of Rockall Act 1972.

In April 2017, Marine Scotland, an agency of the Scottish Government, advised our Department of Agriculture, Food and the Marine, that it intended to exclude Irish fishing vessels from waters within the 12 mile zone around Rockall. The proposed Scottish action was based on the UK Government's stance on sovereignty over Rockall and their interpretation of their prerogatives under the UK fisheries legislation and the UK's Island of Rockall Act 1972 combined with the absence of an explicit provision in annex 1 of the Common Fisheries Policy regulation permitting Irish vessels to access territorial waters around Rockall. Ireland disputes the Scottish interpretation of the legal position. We do not recognise the UK's claim of sovereignty over Rockall and, therefore, we do not accept the existence of a 12-mile territory limit around it. From Ireland's perspective, the area forms part of a wider, 200-mile UK exclusive economic zone, EEZ, in which the principle of equal access for all EU vessels should apply. While Ireland has not recognised British sovereignty over Rockall, it has never sought to claim sovereignty for itself. The consistent position of successive Governments has been that Rockall and similar rocks have no significance for establishing legal claims to mineral rights in the adjacent seabed or fishing rights in the surrounding seas. In 1998, Ireland and the UK concluded an agreement, establishing the boundaries on the continental shelf, which gave no weight to

Rockall, in line with the UN Convention on the Law of the Sea. In 2013, it was agreed the same boundary would also serve to divide the two countries' EEZs. Ireland fully accepts that Rockall lies within the UK EEZ.

Since the matter was raised with the Government in April 2017, discussions have been ongoing. At political level, it was discussed between the Tánaiste and the Scottish cabinet secretary, Ms Fiona Hyslop, in September, which was followed by an exchange of letters. Further discussions have taken place at senior official level this year. On 31 May, Ms Hyslop wrote to the Tánaiste to indicate the subject operational priorities, and that the Scottish Government intended to deploy vessels in the area one week after that date and intended to take enforcement actions against any vessel, regardless of nationality, it considered to be fishing illegally. On 5 June, the Tánaiste replied, stating the position of the Government and requesting that the Scottish Government reconsider its approach. The Tánaiste spoke with Ms Hyslop on 6 June and she has maintained the Scottish position. Dialogue has continued, however, between the Irish and Scottish Governments. There have been contacts at official level in recent days and it has been agreed a process of intensified engagement, led by officials from both administrations, will take place, which, we hope, will allow a de-escalation of tensions in this regard.

Taoiseach's Meetings and Engagements

5. **Deputy Micheál Martin** asked the Taoiseach the issues he discussed with the President of the United States of America, Mr. Donald Trump, when they met at Shannon Airport. [23897/19]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent meeting with President Trump. [23992/19]

7. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the President of the United States of America, Mr. Donald Trump. [24099/19]

8. **Deputy Mary Lou McDonald** asked the Taoiseach if will report on his recent meeting with the President of the United States of America, Mr. Donald Trump. [24206/19]

9. **Deputy Micheál Martin** asked the Taoiseach if a company (details supplied) was discussed when he met President Trump at Shannon Airport; and if security issues were raised. [24297/19]

10. **Deputy Michael Moynihan** asked the Taoiseach if he discussed climate change with President Trump when they met at Shannon Airport. [24323/19]

11. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent meeting with President Trump. [24326/19]

12. **Deputy Joan Burton** asked the Taoiseach if he will report on his recent meeting with the President of the United States of America, Mr. Donald Trump; and if he discussed the recent inclusion of Ireland on the US economic watch list. [25166/19]

The Taoiseach: I propose to take Questions Nos. 5 to 12, inclusive, together.

On Wednesday, 5 June, I was pleased to welcome to Ireland the US President, Mr. Donald

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Trump, and the US First Lady. The US President and I had a substantive bilateral meeting. It was an important opportunity to enhance further the bilateral relationship between Ireland and the United States - a relationship that is important for political reasons, as well as for the welfare of many thousands of Irish citizens living in the US, for Americans of Irish descent, for Irish businesses in the US and for the hundreds of US firms investing in Ireland and sustaining jobs here. Our discussion focused on US-Ireland bilateral relations, including our economic ties; Brexit, in particular the importance of avoiding a hard border and the potential consequences for Northern Ireland; and visa and immigration issues, including the undocumented Irish in the United States.

President Trump was very positive in his assessment of US-Ireland relations. We discussed the strong performance of our respective economies and the growing two-way trading and investment relationship between the US and Ireland. I highlighted that approximately 100,000 people are employed in the US by Irish-owned companies and that client companies of Enterprise Ireland have opened 120 new offices in the US since President Trump took office. The US President remarked that Ireland is an excellent location for the overseas operations of US multinationals. We briefly discussed the US-Ireland trade balance and the fact that the US trade deficit in goods with Ireland is broadly offset by its surplus in services. He and his officials fully understand that the data on Ireland reflect the strong contribution of US multinationals to Ireland's economy.

The US President was interested in Ireland's perspective on Brexit and I explained our continued focus on ensuring there will be no return to a hard border on the island. He expressed his hope that Brexit will be ultimately resolved in a way that works for all sides but recognised the importance of avoiding any return to a hard border. The US President reiterated his backing for an E3 visa Bill to allow Irish citizens access to the US. I outlined the Government's concern about the plight of the undocumented Irish in the US and we agreed Irish officials would continue to work with their US counterparts to explore resolutions to the issue.

While we did not have detailed discussions on climate change, I told the President of my intention to attend the UN climate action summit in New York. We did not discuss 5G security issues, other than some brief remarks to the media preceding the bilateral meeting. While the President and I were meeting, the US First Lady was hosted by the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, at a cultural performance by local artists. The visit by the US President and First Lady, and my meeting with the US President and his team, including Mr. Steven Mnuchin, Mr. Mick Mulvaney and Mr. John Bolton, represented another valuable opportunity to deepen one of Ireland's most important bilateral relationships.

Deputy Micheál Martin: There has been some controversy about a claim that Ireland is among a list of countries that have spent money on properties owned by President Trump, although this has been denied to the media. Will the Taoiseach confirm that the Government has spent no money on facilities owned by President Trump, in either Doonbeg or Washington DC?

On policy, unfortunately, President Trump has adopted quite an aggressive approach to the European Union and the historic transatlantic relationship between Europe and the United States. His ambassadors have actively engaged in anti-EU activism in a number of countries, while he has not only supported Brexit but said other countries should follow the United Kingdom's lead. It is a position close to President Putin's on these matters.

While we accept there are limitations to what the leader of the Government can be expected

to do at such a short meeting and the Taoiseach's discomfort was clear when the US President stated the Border should be re-enforced, was there any pushback from the Taoiseach at the anti-EU and pro-Brexit line from the US and, in particular, its President? Did the Taoiseach take the opportunity to explain why Ireland is such a strong supporter of the EU and why Brexit is a lose-lose situation for everyone? Did he raise with the US President our concern about the United States' decision not only to reject the climate change consensus but to increase carbon dependency? Did they have a substantive discussion on climate change?

Deputy Richard Boyd Barrett: On the long list of threats that President Trump's agenda represents to the world, near or at the top is his climate sabotage, that is, his determination to derail global efforts to deal with the climate emergency. I am disappointed, to put it mildly, that the Taoiseach made only a cursory reference to that. In recent days, the Government has made great play of its concern and determination to act on the climate emergency but for the world's greatest climate saboteur, we not only invite him and roll out the red carpet but do not challenge his climate-wrecking agenda. Is that because the Government is ultimately not so concerned about the matter?

Most notably, the Government continues to set its face against People Before Profit's climate emergency measures Bill, which seeks to give expression in law to the central demand of the global climate movement, namely, to keep fossil fuels in the ground. Like President Trump, the Government does not wish to upset the global fossil fuel industry and, therefore, it uses the trickery of money messages to underpin its determination to frustrate efforts to keep fossil fuels in the ground. It does this despite knowing, as does everybody else, including scientists, that the precondition for addressing the climate emergency is to keep 80% of known fossil fuels in the ground, rather than providing opportunities to explore for and extract even more fossil fuels, as the Government seems determined to do.

Deputy Brendan Howlin: I do not know whether diplomats in the Department of Foreign Affairs and Trade were deployed to draft the Taoiseach's reply. Anybody listening to President Trump, as I was, would have been completely taken aback at the total lack of knowledge displayed at his meeting with the Taoiseach at Shannon Airport. His comments about a hard Brexit and its impact on the Border were shockingly ignorant. The Taoiseach met President Trump previously this year. Has the latter not been comprehensively briefed on the impact on the island of Ireland of a hard Brexit and on the decades of investment in our peace process? Did the Taoiseach outline that to him after he made those amazing comments? When President Trump said Brexit would be very, very good for Ireland, did the Taoiseach correct him? I understand he was accompanied by his chief of staff and the Secretary of the Treasury. Were they briefed on the economic impact of Brexit on Ireland? Obviously, they are not allowed to demur from the *ex cathedra* statements of the President in his company. However, away from the President, did they privately display to the Taoiseach any understanding of the impact of a hard Brexit and what it would mean for our economy and the peace process?

Deputy Martin Kenny: The issues relating to President Trump range from Brexit, his attitude towards it and his ignorance of its possible impact on Ireland to climate change and other matters. The issue I want to raise with the Taoiseach is President Trump's continued support for Israeli aggression against the Palestinian people. It might be of interest to note that the Israeli Prime Minister only last Sunday unveiled a new settlement in the Golan Heights named after the US President and called Trump Heights. This is a reflection of what Israel feels it can do with the support of the US against the people of Palestine in flagrant defiance of international law. In response to the construction of settlements in the West Bank, the international com-

munity, including, unfortunately, Ireland, has failed to hold Israel to account. This new set of settlements in the Golan Heights, where the Irish Defence Forces have served with distinction for many years, could lead to more tension and could risk escalating the situation in that area, which is very dangerous for Ireland. The time to act is now. Clearly, we need to express our concern to the US Government and President Trump about the Israeli actions in the West Bank. The Taoiseach needs to come out very clearly and tell President Trump and his people that their actions in respect of the Palestinian people are totally wrong and fly in the face of the prospect of building peace in the area. As part of an international stand for peace and progress in the Middle East, it is time for Ireland to formally recognise the state of Palestine, ensure that we pass the Control of Economic Activity (Occupied Territories) Bill 2018 and condemn, in the strongest possible terms, the illegal actions of Israel in respect of this matter.

When we are dealing with President Trump, we clearly have to be very explicit as to where we stand because he does not listen to the subtleties or recognise the dropping a hint. He is a person with whom one must be very direct. In that regard, I would be interested to know if the Taoiseach raised the issue of Israel and the Palestinian people and whether he was direct in that regard.

Deputy Joan Burton: A notice was recently posted to the effect that Ireland has been placed on a watch-list in the context of its trade with the US. The report points out that Ireland had a good proportion of the overall trade surplus of \$47 billion with the US last year and a current account balance of payments surplus of 9.2%. In the world of Trump economics, these are seen as evidence of unfair practices on our part. On the face of it, placing us on a watch-list for countries manipulating their currencies is really odd. Did the Taoiseach raise this matter with the President? In the world of Trumpism and in light of the forthcoming election, this has the potential to give rise to a conflict between Ireland and the United States, one which the latter will have initiated. Just as we are all fearful of war with Iran, we would be quite fearful of an aggressive stance on the part of the US which is totally out of character with that adopted by all other recent Presidents in respect of Ireland.

Trump famously said at his meeting with the Taoiseach, if he was quoted correctly, “It’ll all work out with your wall, your border.” Where is our wall? I think we all know where the Border is and what we want. Did the Taoiseach just regard that as a passing comment or did he take it on and state that while we have stone walls, which President Trump may have seen in County Clare, we certainly do not have a walled border, nor do any of us intend that something like that would ever be built. Did the Taoiseach have enough time to perhaps contend the matter of this space or this wall with him?

The Taoiseach: I thank the Deputies for their questions. Some of the questions are really questions for President Trump rather than me. I will do my best to answer the questions that I can answer and perhaps a mechanism can be found to pass on the other questions to President Trump through the Office of the Ceann Comhairle.

Deputy Brendan Howlin: The Taoiseach can tweet them.

An Ceann Comhairle: Perhaps we can do it when the new ambassador arrives.

The Taoiseach: He is arriving next month. I am glad that position has now been ratified by the US Senate and that the new ambassador will arrive in advance of 4 July.

To answer the questions from Deputy Micheál Martin, I am not aware of any Government

spending at properties owned by Donald Trump or the Trump organisation, either in Ireland or the US. I have met President Trump three times now, so I think I have the measure of him, perhaps a little bit more than those who have not.

Deputy Richard Boyd Barrett: Lucky you.

Deputy Brendan Howlin: We can see that the Taoiseach is having a great effect on him.

The Taoiseach: I have explained on a number of occasions why EU membership is good for Ireland and why Brexit is bad for the UK, bad for Ireland and bad for the EU. I have also explained the peace process and a hard border, what that would mean and why we are doing all we can to avoid it.

The issue of climate change was raised but his focus was more on air quality. He was keen to point out that, at least in his assessment, air quality in the US has improved since he became President.

On Deputy Boyd Barrett's legislation, I have explained on a number of occasions why we do not think it is a good idea. It is not about trickery. It will not assist in reducing greenhouse gas emissions *per se* and could undermine our energy security by requiring us to import more in the future. As many people do, including most climate scientists, we see natural gas as being a transitional fuel. As we move off coal and oil, we will use gas, which produces probably half the emissions. For decades to come we will still use gas as part of our power mix and businesses, farms and homes will use natural gas too. Therefore, if we are going to use it, we think it makes more sense to use ours than to import it from Russia or the Middle East or to import shale gas from America. That obviously does not make sense economically or in terms of energy security and actually comes with an environmental risk because shale gas is much dirtier than the natural gas that would come from under our seas. There is also the risk of leakages along the way.

As I stated yesterday, what the Government supports and will drive forward is what we refer to as sensible climate action - measures that make our air cleaner, actions that make our homes warmer, actions that improve our quality of life by, for example, reducing commuting times and, above all, actions that reduce greenhouse gas emissions, which is what is all about. What we will not support are climate actions that increase poverty or make people poorer, that take away people's jobs without offering alternatives, make us less secure or do not reduce greenhouse gas emissions at all.

I did not have any private discussions with any members of President Trump's delegation, other than to exchange pleasantries. The time and opportunity was not there to have any one-to-one conversations with any of his delegation. On this occasion, I did not have the opportunity to raise the issues of Israel and Palestine but we have done that at previous meetings.

On the trade surplus, we discussed that both with President Trump and with Treasury Secretary Mnuchin. When it comes to assessing the issue of trade distortions and trade surpluses, President Trump focuses on merchandise rather than services. He counts the merchandise surplus but does not have regard to the services. That is very much how he sees things: in terms of physical goods, not services. We had a disagreement on that, as Deputies can imagine. I pointed out that, in a modern economy, it is more about services than merchandise and that the US has a significant services surplus over us which more than balances out the merchandise surplus that we have over it. I also pointed out that many of these measurements are distorted

by the fact that there are such large US companies with operations here.

Citizens Assembly

13. **Deputy Micheál Martin** asked the Taoiseach if he will report on the Citizens' Assembly on the Dublin mayor; and the way in which the work has progressed on same. [23902/19]

14. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the proposals for a Citizens' Assembly on a Dublin mayor. [24991/19]

15. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the proposed Citizens' Assembly in respect of a directly elected mayor of Dublin. [25072/19]

16. **Deputy Joan Burton** asked the Taoiseach if he will report on his plans for a Citizens' Assembly on the future of a Dublin mayor. [25167/19]

17. **Deputy Micheál Martin** asked the Taoiseach if he will report on the two citizens' assemblies recently agreed on gender equality and the election of a Dublin mayor; when they will be set up; and the terms of reference of same. [25192/19]

18. **Deputy Michael Moynihan** asked the Taoiseach if he will report on the new Citizens' Assembly on Dublin local authorities and directly elected mayors; the terms of reference; and when it will be concluded. [25597/19]

The Taoiseach: I propose to take Questions Nos. 13 to 18, inclusive, together.

The Government recently agreed that a Citizens' Assembly be convened to bring forward proposals to advance gender equality that challenge the remaining barriers, social norms and attitudes that facilitate gender discrimination towards girls and boys, women and men; in particular, to seek to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in the workplace, politics and public life; that recognise the importance of early years parental care and seek to facilitate greater work-life balance; to examine the social responsibility of care and women and men's co-responsibility for care, especially within the family; and following on from that to prioritise the proposals, which may include policy, legislative or constitutional change, having regard to the legal requirements and the costs versus the potential impact. Following an establishment phase, it is expected that the assembly will be up and running by end October 2019 and will run for a maximum of six months.

Following consideration of the outcome of the plebiscites on directly elected mayors for Limerick, Cork and Waterford on 24 May, a further Dublin Citizens' Assembly will be convened to consider the best model of local government for Dublin and, in particular, the issue, but not exclusively, of a directly elected mayor and his or her powers. This assembly will run subsequent to the assembly on gender equality. When it comes to local government, Dublin is much more complicated than Cork, Limerick and Galway because of the existence in Dublin of four authorities with four mayors. We will need to consider different ideas on an appropriate model for how local government could work given that there are four local authorities to which many people feel a connection, but others do not.

A Citizens' Assembly may be valuable as a way to ask the people of Dublin what they

believe could work best. I will bring the detailed proposals of the Dublin assembly to Government shortly. As with the Convention on the Constitution and the previous Citizens' Assembly, I expect the establishment of these assemblies will be the subject of a resolution of each House of the Oireachtas and that the assemblies will also report to both Houses of the Oireachtas and not just to the Government.

Deputy Micheál Martin: I would like some clarity on the Citizens' Assembly in respect of the Dublin mayoralty. Is the Taoiseach suggesting that the Citizens' Assembly on gender equality will have to completed its work before the Citizens' Assembly on the Dublin mayoralty can proceed, which would be postponing any action on a Dublin mayor for a long time? When John Gormley was Minister he brought forward detailed plans for a Dublin mayoralty. Last week, following on from the local elections, the Taoiseach has doubled down in terms of his partisan and rather defensive approach to politics and blamed the Opposition, yours truly in particular, for the defeat of the plebiscites in Waterford and Cork, notwithstanding that I had spoken to him in the House approximately eight weeks beforehand decrying the lack of any published material or White Paper. It seems to me that in terms of changes and the introduction of a mayoral system, we do not need plebiscites or a Citizens' Assembly. The Government could bring forward proposals to the Oireachtas for a change of legislation. In the first instance, whatever the chosen model, whether a Citizens' Assembly or a plebiscite, a basic prerequisite is the publication of a White Paper setting out in detail the proposals well in advance so that an informed public debate can take place, followed by legislative proposals. To me, this is a basic requirement for plebiscites and referendums. Furthermore, I do not believe these should be held on the same day as elections. In the debate on Europe and the local elections, the opportunity or space to have an informed discussion on issues such as a mayoralty does not exist. A plebiscite is not about scraping a majority. Rather, it is about achieving a comprehensive consensus in favour of a set of proposals as happened in London. In regard to the London mayoralty, full information was published well in advance and broad based support was nurtured and developed and over three-quarters of the public voted in favour of it. What happened here in terms of how the people were presented with the set of proposals was, in my view, shambolic and incompetent. I say that objectively, and I said it in advance of the plebiscite. Having voted for it and having consistently supported the directly elected mayor concept, as I still do, it seems to me that in respect of Dublin, given it will take six months from October 2019 for the Citizens' Assembly to complete its work on the first issue, which I support, we are a long way off any consideration of a directly elected mayor in Dublin. In terms of what is proposed, it is a case of kicking the can down the road.

In the interim, I ask that the Government produce a White Paper on the Dublin mayoralty which could feed into any process such as a Citizens' Assembly that may eventually happen.

Deputy Joan Burton: This Government has become famous for its policy of kicking the can down the road. The Citizens' Assembly proposal for Dublin seems to fit into that policy. On a technical point, will the gathering of citizens be from all over Ireland or from the Dublin region? We need to know the answer to that question? Dublin is experiencing a number of crises which require urgent action by Government and by councils, including the homelessness crisis, the failure of the Government to develop land on which to build social and affordable housing and the deterioration in the air quality in Dublin, which is leading to an increase in the number of asthma cases. I draw to the Taoiseach's attention the publication of the air statistics, which report four recent breaches in the Castleknock-Blanchardstown area of the minimum air quality; two breaches in the Phoenix Park - the most tree full area of Dublin, for which this Gov-

ernment has tourism plans - and 11 breaches in Ringsend, which is as high as for Enniscorthy where we know there is a smoky coal problem. I ask the Taoiseach to clarify what Government proposes to ask of the Citizens' Assembly.

Like the Taoiseach, I am a former member of Fingal County Council. One of the reasons people voted against an overall mayor of Dublin was their fear that Dublin City Council would dominate to the exclusion of the interests of the former county council areas, which is understandable. It is a Mansion House-centric proposal that this Government appears to be following. What will be different in the Government's proposals, which I think the Taoiseach should share?

Deputy Martin Kenny: I want to focus on the directly elected mayors and the Citizens' Assembly. The Taoiseach has announced a Citizens' Assembly in respect of the directly elected mayor for Dublin. It strikes me as odd that a similar process was not put in place in advance of the plebiscites in Cork, Waterford and Limerick. The people of Galway are also to have the question put to them without any meaningful consultation on it. We could potentially arrive at the slightly bizarre situation where Limerick becomes the only city with a directly elected mayor while other cities are left behind in that regard, all for the want of some element of cop-on on the part of Government. What will happen to Limerick in that situation?

Deputy Micheál Martin: That is a long way off too.

Deputy Martin Kenny: We need some direction on it. What is the timeframe in regard to the Citizens' Assembly in Dublin? Are there similar processes proposed for other cities that have not been put in place for Galway? What is the situation with regard to other large urban centres throughout the country? Is it envisaged that if the process of directly elected mayors for Cork, Waterford, Limerick, Galway and Dublin works, the process will be rolled out to other areas? Where are we at in respect of this proposal?

The Taoiseach: I thank the Deputies for their questions, which I will do my best to answer. In terms of an indicative timeline, we all appreciate that these things can change but the indicative timeline at the moment would be for the preliminary work on the Citizens' Assembly on gender equality to start immediately. We will want to put a resolution to both Houses before that, which we propose to do in the next couple of weeks. The assembly would sit from October 2019 to March 2020. We are giving it roughly six months to do its work. The Dublin local government reform assembly would sit for the following six months, between April and September 2020, which would allow for a plebiscite to happen in 2021, probably on the same day that Limerick elects its mayor and, possibly, subject to the merger happening and working out in Galway, a plebiscite being put to people there as well. There is plenty of time to get it right. Limerick can be the pilot to see how this works and to demonstrate that it can work and be a success. Perhaps other cities will want to follow on from that. I would be keen to have that legislation done well in advance of the election of the Limerick mayor in 2021 and to put in a package of additional resources and supports for that Limerick mayor, providing a budget from the local government fund not just to pay for the office but also to provide additional funding to be able to take actions as mayor to be able to improve the city and county. It is a real opportunity for the people of Limerick and I am glad that they voted in favour of doing it.

Dublin is different, which I think we all appreciate. Dublin has four local authorities with four mayors. The model put forward by former Minister, John Gormley, which I do not think ever became law, having maybe gone through one House but not the other, was to have a fifth

mayor, a sort of super-mayor above the four mayors. Maybe that is the best model, although I am not sure that it is. That is why I think it is a good idea to have a Citizens' Assembly to consult with 100 citizens from Dublin, not from around the country, about what they think the best model might be. There are models that can be considered, such as the five-mayor model, keeping the four mayors and having a fifth mayor and super-authority over that. There is potentially the London or Paris model, having a single new assembly for Dublin with borough councils or local councils under that, maybe aligned with the postal districts such as in Paris with its arrondissements or the London boroughs. We also want them to examine the powers because certain powers held by central Government could potentially be transferred to local government in Dublin. I think that could also happen in Limerick. For example, the tendering of bus services in Limerick could become a function of the local authority rather than the NTA but of course the money would have to follow. They are the kinds of things that I am thinking of but I am not prescribing the solutions here. There will be deep engagement in Limerick in particular about the legislation as we work through it, and also in Dublin with this assembly. We need to make an options paper for the Citizens' Assembly so that people have a chance to consider the different options and models but it is not my intention to prescribe it in the way that Deputy Micheál Martin suggests. I think we should put the different models and options that exist around the world to the Citizens' Assembly and see what the people of Dublin have to say about it through the Citizens' Assembly.

I noted again that Deputy Martin accused me of being partisan. It has become one of his speaking points and go-to lines lately. The simple solution to that is for Deputy Martin to lead by example and stop being partisan. I am very happy to be non-partisan. Let us both agree today not to be personal or partisan. I would be happy to agree to that if the Deputy is able to agree to it but we will see.

With regard to air quality, I think that Deputies will be aware that in budget 2019, we increased the tax on diesel imports. That was an example of a budget measure in the most recent budget to put an additional tax on the import of diesel vehicles, because we all know the damage that diesel vehicles do to our air quality. In the future, we can disincentivise the use of diesel vehicles. We indicated how that can be done in the climate plan, by equalising excise and changing the motor tax regime to incentivise hybrids and electric vehicles over diesel. There is also the bus fleet. As I mentioned earlier, three of the hybrid buses have now arrived and will be in service on the Lucan route. I think six will arrive in the next week or so. They will all work on the Lucan route and I think that they will work well. Sitting on it, it seemed like any other bus. We will check them out in case there are problems but there are now 600 on order as part of that process.

Deputy Micheál Martin: There are 3,000 in London.

The Taoiseach: Another matter is the electrification of the railways. I know that the contribution that will make to improving air quality is small but there are other advantages to it too. Those are just a few examples of what is in train.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Rockall Island Ownership

34. **Deputy Pat The Cope Gallagher** asked the Tánaiste and Minister for Foreign Affairs and Trade the implications of the agreement reached between Ireland and the United Kingdom in 2013 regarding the setting of the boundaries of the exclusive economic zone; if the agreement of 2013 has possible implications for the present difficulties between Ireland and Scotland over fishing rights around Rockall either in the present context or future post-Brexit scenario; and if he will make a statement on the matter. [25532/19]

Deputy Pat The Cope Gallagher: I pose this question to the Minister to clear up any ambiguity. This has arisen since the Government of Scotland communicated with the Government here about Rockall. There were views about the agreement of 2013 on the exclusive economic zone. I want to give the Minister an opportunity to clarify the position and I look forward to his reply.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I thank the Deputy for raising this question because it is important to clarify it. It has been a high profile issue in the media in the last couple of weeks. I have been very direct in my response to it, as has the Minister, Deputy Michael Creed. I know that Deputy Gallagher has raised concerns about it and that he understands the fishing industry's concerns well.

The exclusive economic zone, EEZ, is the body of water that stretches from 12 nautical miles offshore out to a distance of 200 miles. The seabed beneath the EEZ is the continental shelf. Largely due to efforts made by Ireland through the 1970s, international law is now clear that uninhabitable rocks such as Rockall have no entitlement to a continental shelf or an EEZ and so sovereignty over such a rock is irrelevant for the purposes of establishing boundaries between continental shelves and EEZs of neighbouring states. Sovereignty, and whether such a rock has a 12 mile territorial sea, are separate issues that do not arise in establishing boundaries between continental shelves and EEZs.

The issue of Rockall therefore did not arise in the 2013 agreement as it was not relevant. The 2013 agreement built on a 1988 agreement between Ireland and the UK that had already established continental shelf boundaries and provides that those boundaries, slightly adjusted to ensure that no waters were lost to the high seas, shall also be the EEZ boundaries. This created a single maritime boundary between 12 and 200 miles in the water and on the seabed beneath. As the Deputy is aware, Ireland has never made any claims to Rockall nor have we recognised British claims to sovereignty over it. Nothing in either agreement altered that position or represented a departure from our long-held view, nor does either agreement have any implications for the present difficulties between Ireland and Scotland over fishing rights around Rockall.

Additional information not given on the floor of the House

Regarding the situation following Brexit, the Irish and EU position is, as set out in the March 2018 European Council guidelines for negotiations on the future relationship, that existing reciprocal access to fishing waters and resources should be maintained. The 2013 agreement between Ireland and the UK is not relevant for access by EU vessels to UK waters in that context.

The main purpose of the 2013 agreement was to resolve jurisdictional uncertainty. It addressed the situation of fishing vessels seeking to avoid inspection in Irish EEZ areas that overlapped with the UK-claimed areas. Importantly, however, it also provides the legal certainty necessary for raising finance to develop renewable energy projects in the areas concerned and it resolved confusion over responsibility for dealing with marine pollution incidents in those areas.

Deputy Pat The Cope Gallagher: It is important that the Tánaiste had an opportunity to clarify this for all of us because whether intentionally or otherwise, the impression was given that in 2013, without us knowing, we had forfeited our claim, which we obviously have not. What is the Minister's view of the statement and letters to the Irish authorities stating that Scotland had exclusive rights around Rockall to a 12 mile limit, which we have of course never recognised? I support the Government in its view that our boats should continue to fish there. We have had a right there for decades. It intrigues me that a meeting took place at the highest level between the Taoiseach and the First Minister Nicola Sturgeon. It was not even on the agenda despite the fact that letters have been exchanged and meetings have taken place over the two year period. Where does that stand?

Deputy Simon Coveney: I will make sure that the Deputy gets the technical answer in writing. This issue was first raised with Ireland by Scotland in 2017.

4 o'clock

It was raised with me by my counterpart in the Scottish Government, Fiona Hyslop, last September when she indicated that the Scottish Government had made a decision that it would be enforcing the rules as it understood them in the 12-mile limit around Rockall, which it regarded as an exclusive fishing zone for British and Scottish boats. I made it very clear to her that I disagreed with that interpretation and that the waters around Rockall were waters that were subject to the Common Fisheries Policy, and that quotas had been allocated, in this case for haddock, for Irish boats and also for British boats.

An Ceann Comhairle: I thank the Tánaiste and Minister for Foreign Affairs and Trade. The time is up.

Deputy Simon Coveney: It was in the weeks subsequent to the Nicola Sturgeon meeting with the Taoiseach that we got a letter from Fiona Hyslop confirming that they were going to proceed with enforcement within a week, and that is what triggered the quite high profile disagreement on this issue which I am glad to say is now being dealt with through diplomacy rather than anything else.

Deputy Pat The Cope Gallagher: I appreciate the importance of diplomacy but I still believe that either the Tánaiste and Minister for Foreign Affairs and Trade or the Minister for Agriculture, Food and the Marine should be in consultation with their counterparts in order to provide clarification. The language that was being used on the Friday and Saturday of two weeks ago was quite serious and amounted to unilateral illegal action at the time. Thankfully, it has toned down now and I hope it can be resolved. Has the European Union been informed by us of this situation and is it taking an interest in this case given that European quotas are being fished?

Where stands this after Brexit? If there is a deal, I hope something can be resolved but if there is no deal could we be excluded from those waters?

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Deputy Simon Coveney: The European Commission is aware of the issue. The most important thing is that we have worked to de-escalate tension on this issue. This should not be dealt with through threats of enforcement. It should be dealt with through two friendly neighbours talking to each other. We have a different interpretation of the law on this issue and the fishing entitlements that go with that around Rockall. The Secretary General of my Department met his counterpart in Dublin in recent days and they will meet again in Scotland in the coming weeks to try to find a way forward that does not involve the kind of language that we heard in the past two weeks.

Colombian Peace Process

35. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on increased attacks and the killing of community and political activists in Colombia; if his attention has been drawn to the fact that since 2016 more than 500 political and community activists have been assassinated and include Afro-Colombian activists, indigenous leaders, human rights defenders and former FARC guerrillas among others; if his attention has been further drawn to the fact that these attacks are damaging the peace process in Colombia; and if he has discussed the increased attacks on community and political activists with his Colombian counterpart. [25142/19]

Deputy Seán Crowe: I tabled this question because I am deeply concerned about the killing of community and political activists in Colombia. Civil society activists who speak up for the protection of their communities and against the interests of big business are being threatened, attacked, and in some cases murdered. The UN recently condemned the killings of reintegrated former FARC fighters. Considering our own history and increased links with Colombia what are we doing on this issue?

Deputy Simon Coveney: I thank Deputy Crowe for raising this issue. I know he has an interest in Colombia, as do I. I am aware of the difficult situation that exists for human rights defenders, social leaders and former combatants in Colombia, and of the worrying levels of violence, threats and intimidation carried out against these groups.

Our new resident embassy in Bogotá has been engaging with civil society, EU and multi-lateral partners on the human rights situation in the country, since it opened at the beginning of the year. We also regularly raise this issue in our exchanges with the Colombian Government. Ireland has a long-standing commitment to peace and security in Colombia. The Taoiseach underlined Ireland's continuing support for the Colombian peace process in his meeting with President Duque *en marge* of the UN General Assembly in New York in September 2018.

The peace process is fundamental to improving the human rights situation in the country and Ireland has contributed more than €14 million in support of that since 2007, mainly channelled through the United Nations, and Colombian and international NGOs focusing on human rights, conflict prevention, peace-building and supporting livelihoods for rural populations.

As well as financial support, Ireland has also provided ongoing support in the form of lesson-sharing based on our own experience of peace-building and reconciliation on the island of Ireland. Most recently, this month my Department shared lessons from the Northern Ireland peace process with Colombia, facilitating a series of discussions with the government around the implementation of the peace accords. Great strides have been made in the implementation

of the peace accords in Colombia since they were signed in November 2016. However, significant challenges remain, including in the areas of rural reform, reincorporation of former combatants and the protection of human rights defenders, civil society activists and social leaders.

Not least among the lessons we have learned in 20 years of implementation of the Good Friday Agreement is how long it takes to build a sustainable peace and that it is not a linear process. Ireland will remain a committed supporter of Colombia and its efforts to secure long-lasting peace and security for its people. We will also continue to ask the important questions from a human rights defenders perspective.

Deputy Seán Crowe: The UN has documented that 172 human rights defenders were murdered in Colombia last year and in the first four months of this year 51 were murdered. In addition, 139 former FARC members have been killed since the signing of a peace deal in 2016. The UN has described the killings as “a risk to the peace process” and “a violation of the guarantees made by Colombia”.

Right wing paramilitaries are carrying out these murders with impunity and sometimes the Colombian army is involved. Last month *The New York Times* revealed new orders instructing top army commanders to “double the results” of their military missions and to lower the standard under which they launched them. That is basically an order to encourage human rights abuses.

Is the Tánaiste aware that a member of the Wayúu indigenous community in the north east of Colombia who visited Ireland received death threats when she returned to Colombia? Jake-line Romero visited Leinster House for an informal meeting with the Oireachtas Joint Committee on Foreign Affairs and Trade. She delivered a moving presentation detailing the reality of life in her community, how the community has been damaged by the Cerrejón mine, and the daily harassment she faces. I believe the threats against her are real and credible. She is now at a heightened risk of being seriously injured or killed. I have been informed that the Colombian Government has responded by saying that Ms Romero’s security risk assessment remains “ordinary” and is not deserving of increased security. I believe Ireland must insist on increased protection being provided.

Deputy Simon Coveney: Two and a half years after the signing of the Colombian peace agreement between the government and FARC, substantial progress has been achieved and it is important to recognise that. Colombia has had the most peaceful elections in decades, the demobilisation of FARC and the beginning of its transition to a political party. That is saving many lives.

According to a recent independent review on the implementation of the peace agreement, the vast majority of the commitments - 400 of the 578 - in the peace agreement are under way. The commitment of the president and his government to implementation of the peace accords has been continuously reaffirmed, but it is important to recognise that serious challenges to peace persist, in particular in rural areas, including political polarisation, increased illicit crop cultivation, lack of evidence of peace dividends, insecurity, leading to the killing of human rights defenders and social leaders, lack of progress on rural reform, a safe and enabling space for civil society and stagnation in negotiations for peace with the other remaining guerrilla group, the ELN, following a car bomb attack on the police academy in Bogotá in January. There is still much work to do here. If there are individual cases the Deputy should share them with me and I will send the information to our embassy in Bogotá.

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Deputy Seán Crowe: Ms Romero attended a meeting of the Joint Committee on Foreign Affairs and Trade. She is one of the activists involved in the Cerrejón mine controversy. The mine is one of the largest in Latin America and it has destroyed the traditional lands of 35 indigenous communities, like Ms Romero's.

The mine has destroyed the natural environment and cut off communities. We are worried about the latest threat. I understand a legal case against the mine is being prepared by lawyers who are going to submit it to the International Criminal Court. I do not know if the Minister is aware of that. As we speak here today, Ms Romero and other members of her community are under threat. I call on the Tánaiste and Minister for Foreign Affairs and Trade to do anything he can to assist with the case, the details of which I will pass on to the Department. Considering that the Tánaiste launched the Government's business and human rights policy, which includes a commitment to semi-State companies respecting human rights in supply chains and given that the coal for the ESB's Moneypoint plant comes from the area in question, will he discuss its importing of this blood coal and will he call for an urgent end the practice? It appears to be a contradiction that, on the one hand, we are launching this policy, while, on the other, we are importing coal from a region such as this.

Deputy Simon Coveney: Perhaps the Deputy will send me the details relating to Ms Romero. I did not hear her evidence to the committee but if the Deputy shares that evidence and any other information he has with me, we will seek to raise it through our new embassy in Bogotá, which I hope to be able to visit before the end of the year.

The Deputy has raised the Cerrejón mine previously. I am aware of the situation. The ESB does not come under my Department's remit. Given that I am Tánaiste and Minister for Foreign Affairs and Trade, however, I should make it my business if it is an issue. I have indicated to the Deputy that I will raise the matter with the ESB.

Brexit Preparations

36. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade the status of the Brexit process and preparations for all Brexit scenarios, including no deal; and if he will make a statement on the matter. [25184/19]

Deputy Lisa Chambers: We are approaching the new Brexit deadline of 31 October and there is still much work to be done. My question seeks an update on the current state of the Brexit process and preparations for all Brexit scenarios, including the possibility of no deal.

Deputy Simon Coveney: I could give the Deputy a long written answer, which she will receive in any event, but instead I will speak directly on the matter. While in many ways the public debate on Brexit has lessened somewhat since the middle of April and the putting in place of an extension to the end of October, the Government has not taken its focus away from the issue. Everybody is waiting to see who the next British Prime Minister will be and what approach he will take on trying to find a way of getting a Brexit deal agreed and ratified in Westminster and supported by Brussels and Dublin. While we wait for that new approach, if there is one, we continue to focus on no-deal Brexit preparations. It is a worst-case scenario but a real possibility, particularly in view of the language being used in the current debates relating to the election of a new leader of the Conservative Party.

We are continuing to prepare in the many areas with which the Deputy is familiar, such as finalising port arrangements and ensuring to speak to the small to medium-sized enterprises which are trading with the UK every week but which have, in many cases, not yet registered with customs. They may have to adapt to a very different type of trading environment. Our focus will continue to be on working with our EU partners to find a way to ensure that there will be a managed, sensible Brexit that will be predictable and that will bring us into a new transition period that will provide the necessary legal certainty to Government, businesses and citizens. However, we have worked hard to ensure that we do everything we can within our control to protect Irish citizens should there be no agreement.

Probably the most significant occurrence since we last spoke was the signing of a memorandum of understanding with the British Government in advance of the last British-Irish Intergovernmental Conference which essentially is about protecting the free movement of Irish and British people in both countries and recognising a series of other rights that are linked to the common travel area.

Deputy Lisa Chambers: One of the matters we discussed on many occasions was the possibility of a change of Prime Minister in the UK. We are now in the middle of that process and waiting to see who will take over. There appears to be no moderate candidate coming forward, if I can put it that way. It is worrying to hear almost all of the candidates for the position openly talking about a no-deal Brexit as a viable option and stating that it is something they are willing to progress if they do not get a new deal or a change in the withdrawal treaty. I note and welcome that the position of Ireland and the EU remains unchanged. We have been steadfast that the withdrawal treaty is the only deal available if the UK wants a managed exit, but they persist in discussing the possibility of a no-deal Brexit and even, as recently as a few hours ago, the possibility of a managed no-deal exit.

The Tánaiste mentioned citizens' rights. The Brexit secretary, Stephen Barclay, is still indicating that he wants an agreement on citizens' rights to be separate from the Brexit process in the event of a no-deal scenario. Mr. Michel Barnier has rejected that. In a recent interview with the *Sunday Independent*, the Taoiseach discussed the possibility of being open to alternative arrangements on the backstop. Can the Tánaiste confirm that there has been no change in the Government's position on the backstop?

Deputy Simon Coveney: Let me be crystal clear on this: the Government's position has not changed and it will not change because there is about to be a change of British Prime Minister. This has never been about personalities. It has always been about evidence, facts and trying to deal with the complexity of the decision of a country and economy the size of the UK to leave the European Union, of which it has been a part for 47 years. The approximately 57 trade deals it has in place, the €70 billion trade relationship it has with Ireland and the fact that we share responsibility for a peace process on this island make the UK's exit from the European Union very complicated. That is why the withdrawal agreement, which deals with that complexity in terms of the divorce arrangements for leaving, if one wishes to call it that, took two and a half years to negotiate. That is the position of the EU and Ireland and it is not going to change with a new person taking charge, regardless of what is being said or claimed. The facts do not change. We have to be respectful in how we say that to the UK because we must be respectful of the decisions it makes, but we also must be firm and consistent. That is what we are doing.

Deputy Lisa Chambers: I agree. To return to our preparations domestically, in a reply to a parliamentary question to the Minister for Finance, the Revenue Commissioners identified that

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in a central-case scenario, where a deal is done, they will need 600 additional staff. I am aware that 500 have been hired. Has anything else been done in terms of planning for no deal? How many staff will be needed in the event of a no-deal Brexit?

The Tánaiste mentioned that there has been something of a break from the Brexit discussions since April. The elections were probably a distraction from the issue. Figures released to my colleague, Deputy Michael McGrath, last May show that 45% of businesses which engage in some level of trade through the UK have not yet acquired an economic operator registration and identification number, the Revenue Commissioners number they require if they wish to continue trading. That is worrying. It would indicate a degree of complacency or perhaps a hope that it will not be needed. An extra push from the Government to try to get that figure up is most definitely required.

Deputy Simon Coveney: I will update the House on staffing and recruitment. The Revenue Commissioners had accelerated and expanded recruitment and training schedules to meet the previous 12 April deadline for Brexit. They are now on track to have more than 450 additional staff in place by the new 31 October 2019 deadline. The Department of Agriculture, Food and the Marine will have approximately 200 staff trained and in place to conduct import controls by the end of October. The HSE had 59 staff trained and available as a first tranche to conduct no-deal Brexit import and export activities for the 12 April deadline. Approval has been given recently for 68 environmental health service staff and the HSE will shortly advise of the requirement for a further tranche needed before the end of October. We are using the extra time to build up the staff numbers and ensure that we have the physical infrastructure which might be required in place by the end of October. With regard to businesses getting ready, the Deputy is correct that not enough of them have registered with the Revenue Commissioners to prepare for no deal. It does not cost them anything and it can be done in ten minutes online. We will have a communications strategy through the summer to ensure that it happens.

Foreign Policy

37. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and Trade the discussions he has had with the Chinese Ambassador and-or his counterparts across the EU in response to the recent anti-extradition protests in Hong Kong; and if he will make a statement on the matter. [25587/19]

Deputy Richard Boyd Barrett: The power of mass movements and people power to face down repressive, brutal and authoritarian governments has been demonstrated in spectacular fashion in the past couple of weeks in Hong Kong. I mention also in passing the similar heroic protests against brutal repression in Sudan. However, I have to say that although the question is about Singapore, there is a deafening silence from the Government and European-----

Deputy Simon Coveney: It is about Hong Kong, not Singapore.

Deputy Richard Boyd Barrett: Sorry, it is Hong Kong. There is deafening silence about this repression and I wonder why that is the case. Are we so silent when this fantastic movement of people power faces brutal repression because we feel compromised by our significant trade relations with China?

Deputy Simon Coveney: I am glad the Deputy has given me the opportunity to put a state-

ment on the record concerning what has been happening in Hong Kong. The disturbances in Hong Kong last week are a matter of deep concern. However, I welcome that the demonstration which took place on 16 June passed off by and large peacefully. Public demonstration and protest are an important element of any democracy and the right to protest should not be curtailed. These rights come with responsibilities and it is important that the demonstrators protest peacefully. It is equally important that security forces respond to demonstrations with full respect for citizens' rights and the utmost restraint. I hope the situation develops calmly and the authorities and demonstrators find ways to accommodate legitimate protest, which is a hallmark of democracy.

The European Union released a statement concerning the disturbances in Hong Kong through the spokesperson for High Representative Mogherini on 12 June in which Ms Mogherini reiterated that the fundamental right to assembly and freedom of expression must be respected while calling for restraint on all sides. The statement set out that the EU shares the concerns of the citizens of Hong Kong regarding the extradition reforms and that it has conveyed these concerns to the Government of Hong Kong. Ireland fully supports this statement.

While I have not had any direct contact with Chinese ambassador or my Chinese counterpart on this matter, our consul general in Hong Kong, together with the EU office and other EU member states, has engaged directly with the Hong Kong authorities with regard to the proposed Bill. Officials in the consulate general in Hong Kong, the embassy of Ireland in Beijing and my Department are closely following developments relating to the demonstrations.

An updated travel advice notice alerting people to the demonstrations and advising that areas of potential unrest should be avoided has been issued by the Department. We will continue to monitor the situation closely and, together with our EU partners, we will engage with the Hong Kong authorities and others. The statement by the Chief Executive of the Hong Kong Special Administrative Region that this legislation has been suspended indefinitely is a very welcome development

Deputy Richard Boyd Barrett: The persistence of millions of protesters, mostly young people, on the streets of Hong Kong forced the Chief Executive, Ms Carrie Lam, very reluctantly to back off, after first trying brutal repression involving rubber bullets that injured about 80 people. Ms Lam did so because the protesters did not give up, although she will still not resign after what she has done. Let us be clear. Carrie Lam is dancing to the tune of a brutal, authoritarian and undemocratic regime in China. It is interesting that this is occurring close to the 30th anniversary of the massacre in Tiananmen Square when the Chinese authorities butchered students and rolled over them with tanks. Since then, they have ruled with an iron fist, attacking civil rights activists and lawyers who defend people and their human rights. They have also been responsible for the persecution of about 13 million Turkic Muslims, the Uighurs, the people of Tibet and Kazakhs. They use vicious repression. The extradition Bill in Hong Kong was an attempt to go after and extradite many people who have fled to Hong Kong from China. What are we saying about China's ruthless authoritarianism?

Deputy Simon Coveney: Ireland's relationship with China is probably better now than it has ever been. It is also more honest than it has ever been. I have met many Chinese ministers during my time in a number of Departments, including the Chinese foreign minister. In recent months, the Chinese foreign minister attended a Foreign Affairs Council meeting in Brussels where he opened up to questions over lunch from anyone who wanted to ask about the economic relationship and human rights issues. Based on my experience as human rights spokesperson

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in the European Parliament and Minister for Foreign Affairs and Trade, I believe the way to engage with China is through respectful dialogue and discussion. It is a huge country. We have concerns relating to certain human rights issues and we raise those matters. As long as they are raised in a way that is not lecturing but involves honest and straight discussion, I find that we are listened to. The kind of language we have heard from Deputy Boyd Barrett is not the way to deal with this.

Deputy Richard Boyd Barrett: I find that approach amazing.

Deputy Simon Coveney: Do you?

Deputy Richard Boyd Barrett: I do actually because in certain circumstances, we would be very happy to condemn and denounce violence, repression and the destruction of human rights but then we want to pedal softly with China because we have many trade relationships with it. The same goes for Saudi Arabia and I suspect the reason for the silence around Sudan is not dissimilar. The problem with that approach is that if the Hong Kong regime, operating on behalf of the Chinese regime, had succeeded in using violence to repress the mass protest movement, we would have done nothing about it. Thankfully, the people power movement overcame that - for now - but let us remember Tiananmen Square and think about the millions who are being oppressed by the Chinese regime. Should we not be a little more robust in calling out this stuff? Do we take a soft pedalling approach because we think we must develop our trade relations with China and that, therefore, we should just be silent about this stuff? Very little was said at the height of this by the Government or European leaders.

Deputy Simon Coveney: I just quoted the statement from the European Union, which came from the highest foreign policy source in the EU. The Deputy chooses to ignore that because it does not suit his argument.

Deputy Richard Boyd Barrett: No, I am saying it was a weak statement.

Deputy Simon Coveney: I have not said that we pedal softly. That is the Deputy's language. What I said was that in terms of getting a real response from China on issues, I have found it more effective to raise them directly and face to face rather than using megaphone diplomacy. If the outcomes in Hong Kong had been different and there had been a lot of violence as part of an inappropriate response to a huge public demonstration of legitimate concern, we would have been very vocal about that but that did not happen. I am glad that, for now, the outcome seems to have calmed public concern regarding this issue. The approach Ireland takes to its relationship with China is much more effective than approaches we have taken in the past.

Trade Sanctions

38. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the Helms-Burton Act; the way in which it has been causing hardship for Cubans for decades; the way in which Ireland and the EU will support trade and solidarity with Cuba in light of US treatment; and if he will make a statement on the matter. [25165/19]

Deputy Maureen O'Sullivan: My question relates to the Helms-Burton Act, the way in which it has caused hardship for Cubans for decades and how Ireland and the EU will support trade and solidarity with Cuba in light of US treatment.

Deputy Simon Coveney: I know the Deputy has a real concern with and knowledge of Cuba. Ireland and our EU partners have been following developments on the Helms-Burton Act in recent months and the issue has been discussed on several occasions at the EU Council Working Party on Transatlantic Relations, COTRA, at which Ireland has been represented at official level. It was also discussed at yesterday's meeting of the Foreign Affairs Council, which was attended by the Minister of State, Deputy McEntee, because I was in Belfast.

Ireland's reaction to the suspension of waivers remains in lockstep with that of our EU partners. We also echo the statement made on 2 May by the High Representative of the European Union for Foreign Affairs and Security Policy, Ms Federica Mogherini, that the "EU considers the extra-territorial application of unilateral restrictive measures to be contrary to international law and will draw on all appropriate measures to address the effects of the Helms-Burton Act, including in relation to its WTO rights and through the use of the EU Blocking Statute."

Fundamentally, Ireland believes that the US embargo on Cuba serves no constructive purpose and that its lifting would facilitate an opening of Cuba's economy to the benefit of its people. In addition, we are not persuaded that the continued embargo is contributing in a positive way to the democratic transition in Cuba. With our EU partners, Ireland has also firmly and continuously opposed extraterritorial measures that seek to extend the US embargo against Cuba to third countries as contrary to commonly accepted rules of international trade.

The EU-Cuba agreement, which will be ratified shortly, is the best mechanism to support trade with Cuba and show solidarity with its people. Last week, the Minister of State, Deputy McEntee, was before the Oireachtas on this very issue to support the internal Irish legislative process which is required to enact the agreement within the EU. It is my hope that this process in Ireland and across the EU will be completed swiftly to allow for this important and timely agreement to come into full effect for the mutual benefit of EU and Cuban citizens.

The Deputy has asked me in previous parliamentary questions about the legislation the Government had to approve here. I hope she can see that it is now moving through the process.

Deputy Maureen O'Sullivan: We know the Helms-Burton Act is a law of the United States and, therefore, its jurisdiction should be confined to the United States. It is akin to Ireland making a law and expecting it to be applied in another country. As the Tánaiste said, the Act shows no respect for international law. It is also a violation of Cuban sovereignty and undermines Cuba's constitution, which is about abiding by a commitment to international law, including territorial integrity. It also runs contrary to the principles of the UN charter. Experts have noted that the Helms-Burton Act smacks of imperialism, and I agree. There is no doubt it is intended to strangle the Cuban economy, which the United States has been doing for many years.

Our group, Independents 4 Change, will introduce a motion in this respect. The US is now trying to internationalise its unilateral blockade against Cuba. It is doing so by taking severe measures against third countries, including the imposition of hefty fines, some of which we have already seen. As of last month, very serious measures will be taken, which will see individuals and companies that try to trade with Cuba severely punished. This will deter such trade. People could also be denied entry into the United States. Lawsuits are already under way in the United States. While the European Union is saying the right things, in the meantime the blockade continues to do irreparable damage in Cuba.

Deputy Simon Coveney: I hope the Deputy is not suggesting the EU is not trying to find

a way forward because I believe it is. From an Irish perspective, we are not currently aware of any Irish entities or individuals being affected by the changes to the Helms-Burton Act. There is an EU blocking statute which prohibits the compliance with any US court judgments relating to Title III or IV of the Helms-Burton Act and allows EU companies sued in the US to recover any damage through legal proceedings against US claimants before EU courts. This is a protective measure which applies to Irish entities and individuals. I fully accept the Deputy's point that while there may be some legal protections and legal recourse if an Irish or EU company is subject to this Act, it certainly has the impact of discouraging trade and engagement with the Cuban economy, which is damaging. The EU will continue to do what is in its powers to facilitate that trade. It will also seek to speak directly to the US to try to change its mind on the broad approach towards Cuba.

Deputy Maureen O'Sullivan: It is rather ironic that, only last week, members of the Select Committee on Foreign Affairs, Trade and Defence, including me, were delighted to support and approve the terms of the political dialogue and co-operation agreement between the EU and Cuba. The Cuban ambassador and the Minister of State, Deputy McEntee, were in attendance at the meeting. We were all very positive that the agreement marked a good step forward. However, Irish companies which want to trade with Cuba are being prevented from doing so. We suggested that Cuba be included in any future trade missions to the region. This would send a signal that Ireland is not kowtowing to or agreeing with the Helms-Burton Act, which is really just out to do Cuba. In previous replies to me, the Tánaiste indicated there was no constructive purpose to the embargo. However, the embargo continues and is preventing progress. Ireland-Cuban relations have developed and we will celebrate 20 years of diplomatic relations in September or October. Canada, the EU, UK and other US trading partners issued statements of concern about the Helms-Burton Act. While statements of concern are welcome and valuable, they are not enough. We need stronger action on this to show that people can trade with Cuba and will not be punished for doing so.

Deputy Simon Coveney: It is important that I respond honestly to the Deputy. We are doing quite a lot. The Deputy has just heard my statement, including on the actions the EU is taking. Ultimately, the reach and power of the US is very significant, particularly in that region. Cuba is very close to the United States. Many companies that may seek to trade with Cuba will also, in all likelihood, be trading into the US. We should not pretend we can simply bypass this Act and the approach the US has taken. These pose real difficulty but the EU is trying to give as much cover and support as it can to companies that want to legitimately trade with Cuba. We do not agree that the approach the US is taking, for which it has its own reasons, is effective or appropriate in 2019. We will continue to make that case and do what we can in practical terms to support companies that want to trade with Cuba.

Other Questions

Human Rights

39. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade the way in which he can address the situation in Qasr bin Ghashir detention centre in Libya at EU level; his views on reports from groups such as an organisation (details supplied) regarding the treatment of repatriated detainees; his further views on whether EU policy is problematic, especially the repatriation of migrants to such conditions; and if he will make a

statement on the matter. [25169/19]

Deputy Maureen O’Sullivan: This question relates to the Qasr bin Ghashir detention camp in Libya. There have been reports from various organisations regarding the treatment of repatriated detainees. It asks whether the EU policy is problematic, especially the repatriation of migrants to such conditions.

Deputy Simon Coveney: Deputy O’Sullivan, who is keeping me busy today, raises a very worrying development. As she will be aware, the situation in Libya has deteriorated significantly in recent months and is extremely dangerous. She highlighted that, as part of the ongoing conflict, an attack affecting migrants was reported in April at Qasr bin Ghashir. There are conflicting reports on what happened but the United Nations High Commission for Refugees, UNHCR, has stated that 12 people were physically attacked and required hospital treatment. The following day, the UNHCR and the International Organization for Migration, IOM, with the support of the Libyan authorities and the UN mission in Libya, evacuated 325 refugees from Qasr bin Ghashir to a safer location.

The EU provides support to the work of the UNHCR and IOM in Libya and their efforts to relocate migrants and refugees to safer places, both inside Libya and, where voluntary return is possible, to their countries of origin. The EU believes that detention centres are not a suitable place for migrants in Libya. However, political fragmentation and the fragile security situation in Libya limit the capacity of the international community to access all areas where migrants are currently located or to influence the situation on the ground. Ensuring an end to human rights abuses will require the restoration of political stability and a fully functioning government.

I continue to be deeply troubled by human rights abuses against civilians in Libya, including migrants and refugees, in particular, persistent reports of abuse in detention centres. The ongoing fighting around Tripoli is endangering thousands of civilians and putting already vulnerable migrants and refugees at further risk. I agree with the UNHCR’s assessment that Libya is not a safe third country for refugees and migrants, and that those rescued at sea should not be returned to Libya. It is not EU policy to send people back to Libya, but rather to disrupt the business model of smugglers or traffickers, so as to prevent further loss of life in the Mediterranean.

An Leas-Cheann Comhairle: The final paragraph will be included in the Official Report.

Deputy Simon Coveney: Finally, can I just say because it is important-----

An Leas-Cheann Comhairle: There are Members waiting.

Deputy Simon Coveney: All EU member states have called on the parties to the conflict in Libya-----

An Leas-Cheann Comhairle: It will be in the Official Report anyway.

Deputy Simon Coveney: -----to implement a ceasefire immediately.

Additional information not given on the floor of the House

The EU has also reminded the parties to the conflict to respect international law, including international humanitarian law, and that those who violate it will be held accountable.

Deputy Maureen O’Sullivan: The reality is that people who are rescued in the Mediter-

ranean are being returned to these detention centres. I have had questions and discussions on this previously. I have met NGOs, including Médecins Sans Frontières, MSF, staff, both nurses and doctors, who have been working on the ships and in the detention centres. In the centres, there is appalling abuse of human rights, starvation, malnutrition, rape and violence, and there is a lack of care. To add to that, now some of these detention centres are caught in the fighting between the self-styled Libyan National Army, led by Field Marshall Haftar, and the UN-backed Government in Libya. It is adding to the misery that they are now caught in the crossfire there, and we know about that particular case in that detention centre approximately 25 km from Tripoli. There have been conflicting reports. I merely want to stress the importance of getting accurate information and then, when we have the information, that there is action taken on that particular information.

There was also a report that some of the refugees were being forced into assisting the fighters. All that is going on is appalling. It is immoral, unethical and downright cruel to consign those so-called “rescued” from the Mediterranean to a worse fate by sending them to these centres. There are tens of millions of euro going into support the coastguard in Libya for the refugees to go back to those detention centres.

Deputy Simon Coveney: First, it is not EU policy to send refugees and migrants who have been rescued in the Mediterranean back to Libya. We do not regard that as safe. There was an understanding with the Libyan coastguard before the recent violence broke out in Tripoli but since then the functioning of Libya as a state, and the ability of it to protect migrants in camps, has been fundamentally undermined. The case the Deputy referred to earlier to which I responded is a fairly graphic example of that. There are concerns about physical and sexual abuse of both adults and children in many of those camps. It is appalling.

I do not believe that the EU’s response in relation to what is now left of Operation Sophia is good enough. That we no longer have EU ships in the Mediterranean focused on search and rescue is not good enough but we could not get agreement on the continuation of Operation Sophia as was, mainly because we could not get agreement around disembarkation and the sharing of the burden in relation to refugees and asylum seekers.

We have on a number of occasions in recent months quietly accepted small numbers of refugees-----

An Leas-Cheann Comhairle: Please-----

Deputy Simon Coveney: -----from both Malta and Italy-----

An Leas-Cheann Comhairle: -----be reasonable.

Deputy Simon Coveney: -----in relation to rescues but this needs a more fundamental solution from the EU.

An Leas-Cheann Comhairle: We must move on. We have gone a minute over and others are waiting. I call Deputy O’Sullivan for a final question.

Deputy Maureen O’Sullivan: I draw the Tánaiste’s attention to the fact that in the first week in June, there was a submission to the International Criminal Court relating to the current situation calling for the EU and member states to be prosecuted for the deaths of thousands of refugees and migrants who drowned in the Mediterranean while trying to flee Libya. It is dif-

difficult to reconcile what the Tánaiste is saying with the reality that millions of euro went into the so-called rescue training of the coastguards. That training left much to be desired because they were taking people from the sea and bringing them to these detention centres. In 2018, 2,500 drowned at sea. Perhaps that was the better fate rather than ending up in one of these detention centres which is a living death. It is against international law that one would return refugees to a centre that is in the middle of a war but that is what is continuing to happen in Libya.

Deputy Simon Coveney: I have stated in both responses that it is not EU policy to return migrants and refugees who are rescued in the Mediterranean to Libya now and I ask the Deputy to stop stating that it is. We do not control the Libyan coastguard. The Libyan Government is now, for obvious reasons, under some threat of violence around Tripoli. The solutions that were potentially there in the past are not appropriate now because of the level of violence and the exposure and vulnerability of refugees, and the inability of the international community, whether the UN or the International Organization for Migration, IOM, to support them. This is why the main focus has to be to end the violence in and around Tripoli so that we can get back supporting what are very vulnerable communities in many of these camps.

Foreign Conflicts

40. **Deputy Thomas Pringle** asked the Tánaiste and Minister for Foreign Affairs and Trade the actions he is taking to address the latest death toll as a result of attacks on pro-democracy protesters in Sudan calling for the transfer of authority from the military to civilians after Omar al-Bashir was overthrown; and if he will make a statement on the matter. [24944/19]

Deputy Thomas Pringle: This question is about the situation in Sudan, what is happening there and how the Government there is attacking the peaceful demonstrators. After an incredibly peaceful removal of the 30 year dictatorship of Omar al-Bashir, the military junta now known as a transitional military council is refusing to hand over power to civilians. What will the Irish Government do in relation to that situation?

Deputy Simon Coveney: The recent political events and violence against protestors in Sudan follows over six months of demonstrations, triggered initially by the spiralling costs of living.

On 11 April, it was announced that President Omar al-Bashir had been removed from power and that a transitional military council, TMC, had assumed control in Sudan.

Demonstrators, while welcoming the removal of al-Bashir, continued to demonstrate for a civilian-led government. Final agreement regarding a civilian majority on a proposed 11-member supreme council was opposed by the transitional military council, and negotiations stalled.

Shortly after dawn on 3 June, heavily armed security forces surrounded demonstrators and shot indiscriminately with live bullets and tear gas resulting in significant loss of life. On the same day, the TMC announced that it was cancelling all agreements with the opposition and elections would be held within nine months. Demonstrators demand a longer period to guarantee fair elections.

On 3 June, the EU High Representative, Ms Mogherini, stated that there can be no justification for the use of force to disperse peaceful protests, and that the TMC is accountable for

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security and rule of law in the country. I also issued a statement strongly condemning the use of violence and excessive force against protestors.

The EU Foreign Affairs Council met yesterday, 17 June, to discuss Sudan. An EU 28 statement issued following the meeting which condemned the violence against protestors, including sexual and gender-based violence. It also expressed EU support for the African Union, which has taken a principled and robust stance to the crisis.

My officials continue to actively monitor developments in Sudan, through the Embassy of Ireland in Nairobi, and through the European Union delegation in Khartoum. Senior officials from my Department also met the Sudanese ambassador to Ireland earlier this year to discuss the situation. Ireland continues to respond to ongoing humanitarian needs through the provision of humanitarian funding, with over €29 million provided through our UN, NGO and Red Cross partners since 2012.

Deputy Thomas Pringle: This is a very serious situation. There are many Sudanese citizens, for instance, doctors, in Ireland who are very concerned about what is happening there.

I welcome the EU statement yesterday in relation to the African Union and the establishment of a civilian-led authority, and that Ireland has supported the EU statement. What will the EU do to ensure that takes place and what additional supports can the EU offer to the African Union to allow it to broker that? It is vitally important that this so-called government be removed. That is the only thing that can ultimately ensure the safety of the people and allow a move back to democratic control and a government elected by the people. I will be interested to see what it is actually intended to do over and above the making of statements.

An Leas-Cheann Comhairle: I thank the Deputies for observing the time. The Tánaiste has one minute to reply.

Deputy Simon Coveney: I will try to respond to the question from Deputy Pringle. The African Union has demonstrated robust and principled leadership in response to the crisis since the transitional military council assumed power in Sudan on 11 April. It set 30 June as the deadline for the transfer of power to a civilian authority and on 6 June decided, with immediate effect, to suspend Sudan from participation in all African Union activities until the effective establishment of a civilian-led transitional authority. This followed sustained but ultimately unsuccessful engagement with Sudan in the weeks since the transitional military council seized control.

This decision was publicly supported by the EU in a statement by the High Representative. I welcome the appointment of an African Union special envoy for Sudan who has been tasked with mediating between the authorities and the opposition. The envoy attended this week's meeting of the Foreign Affairs Council, FAC, to inform EU foreign ministers about his activities. We will continue to support the African Union and that is the way forward in trying to get a successful outcome.

Deputy Thomas Pringle: That is very welcome. I want to ensure that the EU is not carrying out any unilateral talks with the government and that it is going through the African Union. It is vitally important that a united front is upheld to show that this situation is unacceptable and that what has to happen is a transition to civilian power to resolve this situation. I also want to ensure that the European Union will support the African Union fully to ensure that happens.

Deputy Simon Coveney: The EU has made the judgment call here. As I stated, I was not

at that meeting this week because I was in Belfast. The Minister of State, Deputy McEntee, was at the meeting, however, and I will talk to her about it. I do think that the judgment of the EU is correct. This needs to be an African-led solution and this is an important intervention by the African Union. Suspending Sudan was a significant statement in response to what was happening. The EU now needs to be very clear and unambiguous in support of the need for a civilian-led government and the facilitation of free and fair elections within the right timeframe.

Brexit Preparations

41. **Deputy Lisa Chambers** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans to mitigate delays at ports and disruptions to supply chains in the event of a no-deal Brexit; and if he will make a statement on the matter. [25182/19]

Deputy Lisa Chambers: My question is to ask the Tánaiste and Minister for Foreign Affairs and Trade, as the Minister with overall responsibility for Brexit, about the plans in place to mitigate delays at ports and disruptions to supply chains in the event of a no-deal Brexit.

Deputy Simon Coveney: As I outlined earlier in responding to Question No. 36, a no-deal Brexit remains a serious concern and we are preparing accordingly.

A key part of the work across Government has been to put in place the necessary infrastructure, staffing and ICT capacity at the ports and airports to manage the new checks and controls that will be required on east-west trade in a no-deal Brexit. Work has been underway on physical infrastructure since last summer. Temporary infrastructure was in place and ready to be used in Dublin and Rosslare ports in time for 29 March. Given the extension of the Article 50 process, we are using the additional time to develop and refine this work further.

The Office of the Revenue Commissioners, the Department of Agriculture, Food and the Marine and the HSE have all recruited additional staff. I gave those numbers earlier. Following a Government decision to prioritise no-deal planning last December, this recruitment was accelerated. Work has been advanced by Revenue and the Department of Agriculture, Food and the Marine to ensure that additional ICT resources are in place by 31 October. Ireland has also been working very closely with the Commission and other relevant member states to ensure the smooth functioning of the landbridge in all Brexit scenarios.

In its 12 June contingency communication, the Commission encouraged stakeholders across Europe to use the time afforded by the extension to prepare fully. A key part of facilitating trade flows is for businesses to put in place the necessary measures to prepare. The Government has put in place supports and resources to assist businesses in doing this.

Brexit, in whatever form it takes, will have a significant impact on Ireland. Government, businesses and citizens must make the necessary preparations to limit the damaging impact on our trade and our economy. We are determined to be as ready as we possibly can be, whatever the outcome at the end of October.

Deputy Lisa Chambers: I do not need to explain how important the landbridge is to continuing successful trade and getting our goods to the mainland EU. That remains the fastest route to continental Europe, despite our best efforts to go direct. A significant proportion of our goods is destined for EU markets. This is, therefore, a significant threat to our economy and

trade.

Regarding the work of the landbridge project group, which is chaired by the Minister's Department, will he give the House an update as to how the work of that group is progressing and what is the current situation? What is the situation with more direct sea links with mainland Europe and has there been any significant update since we last had questions?

Deputy Simon Coveney: I am just trying to remember what we discussed the last time we had questions. There certainly has been a major focus on trying to ensure that we can continue to get goods to and from this island via the UK landbridge. We have also discussed with shipping companies the potential need for increased capacity for direct shipping access to and from mainland Europe, if we want to call it that. I am mainly referring to the Netherlands and France. There is already significantly increased capacity this year compared with previous years.

The main focus has been on the international common transit convention to ensure that legal arrangements are in place. That will ensure that hauliers and businesses that are compliant and that follow the necessary procedures to be able to use the UK as a landbridge will be able to do so effectively. That is despite the fact that the UK will be outside of the European Union and, potentially, outside of the Single Market and customs union as well. We have also spoken to the French about trying to put the means in place to ensure the efficient disembarkation of Irish trucks.

Deputy Lisa Chambers: There will be significant disruption in the event of a no-deal Brexit no matter what we do. Our concern now is to mitigate against that disruption and to try to minimise the impact. That is particularly the case with our supply chains because we know that even a day or two of disruption could see empty shelves in respect of some products. That is a major concern for citizens. We know about the common transit convention and preparing for that eventuality. Engagement with the smaller hauliers has been less extensive than we would like. We discussed this at the Brexit stakeholder meeting.

Engaging with the small hauliers will be key to trying to minimise the damage that could ensue in respect of the landbridge in the event of a no-deal Brexit. If that does happen and the worst case scenario comes to pass the next day, have any discussions taken place at an EU level on perhaps having a grace period regarding labelling or a fast-track procedure for Irish goods? I refer to any kind of period where things can continue as normal for even a couple of weeks. Have any discussions of that nature taken place? How do we cope the day after a no-deal Brexit?

Deputy Simon Coveney: A number of these areas are EU competences. We rely on conversations with the European Commission on the collective contingency planning that the European Union does together. Many of the areas linked to trade require EU solutions and the licensing of hauliers is a good example. The EU has essentially stated that the current approach will be maintained for what will be a relatively short number of months. As long as EU hauliers are facilitated in the UK, then the EU will also facilitate UK hauliers. That provides at least a short-term contingency solution for hauliers who otherwise might not have been able to use the UK as a landbridge. These contingency plans, however, are not long-term solutions.

5 o'clock

Ultimately, the medium and long-term solutions have to be negotiated politically. That is why we need to get back to ensuring that a withdrawal agreement can be ratified in order that

we might create the time and space to be able to put this detail in place. While contingency planning by Ireland and the EU might deal with some of the issues, it will not resolve all of them in the long term.

Israeli Settlements

42. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to a matter (details supplied); if his attention has further been drawn to an advertisement in this regard; his views on the fact that the Israeli authorities are dismantling EU humanitarian aid projects for Palestinians, ignoring EU calls to put them back and seeking to make a profit by selling the EU-funded structures at auction; and if he will make a statement on the matter. [25100/19]

Deputy Seán Crowe: I tabled this question after I read media reports to the effect that Israel is planning on auctioning off two confiscated prefabricated classrooms that were donated to Palestinian schoolchildren by the EU. Is the Tánaiste aware of this issue? Can he confirm that it is the case? Has he raised it with his Israeli counterpart?

Minister of State at the Department of Education and Skills (Deputy John Halligan): I am aware of the Deputy's long-held views on and support of the Palestinian cause. The structures to which the Deputy refers were among seven donor-funded humanitarian structures confiscated by the Israeli authorities in October 2018 from two vulnerable Palestinian communities located in area C of the occupied West Bank. The structures were co-funded by the EU and the West Bank Protection Consortium and were provided in order to address the basic needs of the population and to support children's right to education in a safe environment as part of a humanitarian response mechanism.

Ireland joined the European Commission-led West Bank Protection Consortium in 2017 at the instigation of the Tánaiste during his first official visit to Israel and Palestine after taking up his portfolio. The consortium plays a leading role in supporting threatened communities and co-ordinating the provision of essential services to them, including material assistance and legal aid. Ireland's membership of the consortium underlines our commitment to reducing the vulnerability of Palestinian communities living in area C of the West Bank.

Following reports that the confiscated humanitarian assets were to be auctioned by the Israeli civil administration this month, Ireland joined the EU and other consortium members in calling on the Israeli authorities to return the confiscated items to their intended beneficiaries, without precondition. The Tánaiste understands that the auction has been postponed. Irish officials in Tel Aviv and Ramallah are following this matter closely and are working with other members of the consortium to determine how best to pursue this issue.

The practice of demolition and confiscation of humanitarian assets, including education infrastructure, is contrary to Israel's obligations under international law, including provisions of international humanitarian law and of the Fourth Geneva Convention. These practices also cause suffering to ordinary Palestinians, and impinge on the right of children to an education.

Ireland regularly conveys its views on these actions to the Israeli authorities, both directly and through the EU. I have done so myself on my visits to the region.

Deputy Seán Crowe: This is just one example of the daily reality of Israel's brutal occupation of Palestine. We all agree that every child should have a right to education and that states have an obligation to protect, respect and fulfil this right. Israel's apartheid regime in Palestine is clearly violating that right. Schools are invaluable safe spaces for children yet here we have an Israeli Government confiscating and attempting to auction off schools for Palestinian children donated by the EU. The Minister of State indicated that the auction has been put off. My information is that it has been put off for a month. That is the concern. It is not the first time we have seen Palestinian children being terrorised. They have been used as human shields in the past. Will there be any repercussions for Israel following the attacks on this EU aid? It is Irish taxpayers who are paying towards this. What is the next step?

Deputy John Halligan: The Deputy is correct that the primary concern is with the demolition and confiscation and the hardship and injustice that have been caused to Palestinian families. He is aware that I have visited the West Bank and seen the conditions in which many Palestinians are living. On the main issue of the Israelis' attitude towards the West Bank and the settlements, I am aware that the Tánaiste has on a number of occasions conveyed Ireland's deep concern and abhorrence of how settlements are being created and how the education system in the West Bank is being affected. When I went to the West Bank, I visited many schools. I met representatives of the Palestinians. I then went to Tel Aviv to the Knesset. I met representatives of the Israeli Government. I went there in my capacity of Minister of State with responsibility for research, education and innovation. I conveyed my dissatisfaction as to how people in the West Bank were being treated on behalf of the Government. The two ambassadors who work for Ireland in Palestine and Israel do a really good job in reminding Israel of its commitments to Palestinians in the region.

Deputy Seán Crowe: According to *Haaretz*, Israeli officials hope that the postponement will allow time for Israel and the EU to negotiate a solution and head off further deterioration in diplomatic relations. This sounds like a well-worn attempt to lure the EU into so-called co-ordination of aid delivery in area C. In reality, this would be subordinating EU assistance to Israel's agenda. Ireland must state that all Irish and EU assistance to Palestine, including area C of the occupied West Bank, is based on humanitarian law. Israel, as the occupier, cannot decide what can or cannot be given or where it can be placed. Applying permission in advance would compromise the humanitarian imperative guiding Irish and EU delivery worldwide. Can the Minister of State confirm that Irish and EU aid to Palestine will continue to be based on humanitarian need and not on what Israel will or will not agree to in advance?

Deputy John Halligan: Ireland provides development and humanitarian assistance to meet the needs of the most vulnerable Palestinian men, women and children. This aid amounted to €15 million in 2018. The funding addressed both humanitarian and development needs, providing emergency assistance to the most vulnerable while also supporting the Palestinian Authority in the public service delivery and civil society organisations and advocating for human rights. In 2019, we increased support to the Palestinian people and will include expansion of the programme of scholarships to Palestinian students to study in Ireland. One of the reasons I went to the West Bank on behalf of the Department of Education and Skills was to continue our support to the Palestinian people and the education system in Palestine.

The Irish aid programme also provides significant funding to the UN Relief and Works Agency for Palestine Refugees, UNRWA, in light of the current exceptional circumstances the agency faces. Ireland provided a total of €9 million for the UNRWA programme budget and its emergency appeals in Gaza and Syria in 2018, which is the highest contribution to date. Fun-

damentally, we have taken issue with Israel on what has happened here and we continue to do so with our friends in the European Union, who have also done the same.

Northern Ireland

43. **Deputy Seán Crowe** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that thousands of persons marched in a rally (details supplied) in respect of certain mechanisms; and the steps he is taking to ensure that the British Government ceases stalling and delaying the legislation to give effect to these mechanisms. [25103/19]

Deputy Seán Crowe: I tabled this question after the Time for Truth march in Belfast on 9 June. Thousands of people marched to demand access to truth and justice for those killed in the conflict on this island. It comes in the face of continued stalling and delaying by the British Government on legacy issues. What is the Government going to do to ensure that the British Government stops stalling and delaying the legislation to give effect to these mechanisms?

Deputy John Halligan: The Government is aware of the Time for Truth march that took place in Belfast on 9 June and was attended by a range of victims' families and groups.

Officials from the Department of Foreign Affairs and Trade were present at the event on the day, and the Government maintains ongoing contact with many of the victims' families who participated, in support of their efforts to secure truth and justice, often after decades.

The Tánaiste has engaged extensively with the Secretary of State for Northern Ireland and with the leaders of the political parties in Northern Ireland to seek the full implementation of the Stormont House Agreement legacy framework.

At the meetings of the British-Irish Intergovernmental Conference and in our bilateral meetings, the Tánaiste strongly emphasised to the Secretary of State the urgency of definitively moving ahead to a legislative phase to get the Stormont House bodies established. This Government has also consistently emphasised the need to ensure proper resourcing of legacy inquests in Northern Ireland, consistent with Article 2 obligations. The announcement on 28 February by the Department of Justice in Northern Ireland that the necessary resources will be in place so that outstanding legacy inquests will be heard, consistent with the proposals of the Lord Chief Justice in Northern Ireland in 2016, was welcome. It is imperative that these proposals are promptly implemented in order that outstanding inquests can proceed without further delay. The Government has also been consistently supportive of adequate resourcing for the Office of the Police Ombudsman in Northern Ireland which, under the current system, has responsibility for the investigation of relevant legacy issues. The Government will continue to engage to seek the full implementation of the Stormont House Agreement legacy framework, which will help to provide victims' families with a way to access whatever truth and justice is possible in their case. This will be an important step in achieving a truly reconciled society.

Deputy Seán Crowe: We all agree that "promptly" is the key word. Unfortunately, many of the families who are marching on the Time for Truth march have been trying to highlight their cases for decades. The Ballymurphy families are having an inquest 48 years on from the killings of their loved ones. This is wrong on many levels and unacceptable that families have to take to the streets once again to get access to the legacy mechanism agreed five years ago by

the two Governments in the Stormont House Agreement. Victims' families have been waiting far too long and they are getting older. Their grandchildren and great grandchildren are out marching now and looking for answers. This issue will not go away.

It is welcome that families recently received notification from Mrs. Justice Siobhan Keegan that there will be a listing in September to set out a timeline to begin legacy inquests. I am relieved to see some movement in the journeys of some families but the difficulty is that it is not all families. We need to see full implementation and proper funding for the legacy framework. Will the Minister of State confirm that the full implementation and proper funding of the legacy mechanism will be agreed at Stormont House as a priority for the Government?

Deputy John Halligan: A couple of issues arise with regard to the Northern Ireland Commission for Victims and Survivors and the Stormont House Agreement legacy bodies. The Deputy referred to the Ballymurphy case and if I have time, I will return to that. The Minister for Justice and Equality, Deputy Charles Flanagan, and the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, have received the advice paper on the legacy bodies from the Commissioner for Victims and Survivors, Ms Judith Thompson. The sharing of the commissioner's advice with the Government is welcome. I bring this up because it reflects the cross-Border nature of much of the legacy framework and that the families of victims and survivors have an equivalent interest in seeing an effective system in place for dealing with the past. The Government will consider closely the commissioner's paper as we continue to work with the implementation of the legacy framework of the Stormont House Agreement as soon as possible, with the needs of victims and survivors at the core of our approach. The Minister for Justice and Equality and the Tánaiste met the commissioner on 18 April to discuss her policy advice and suggestions to both Governments on implementing the Stormont House Agreement legacy framework.

Deputy Seán Crowe: We saw recently the arrest of two investigative journalists, Trevor Birney and Barry McCaffrey, who were involved in making the film "No Stone Unturned", which highlighted the collusion between British intelligence and the loyalist gang that murdered six men at the Heights Bar in Loughlinisland in 1994. The journalists were accused of possessing confidential documents. Three weeks ago, the Lord Chief Justice ruled that the search warrants used by the police were inappropriate. This has resulted in the criminal probe into the journalists being discontinued. The two journalists did everything to protect their sources and their prosecution was wrong. They have said that they view the PSNI investigation into their research of the Loughlinisland massacre as an attack on press freedom. Does the Minister of State agree? Does he agree that the PSNI and the Chief Constable of Durham Constabulary should apologise to Trevor Birney and Barry McCaffrey, their journalistic colleagues and the Loughlinisland families? These are legacy families who are also looking for answers.

Deputy John Halligan: I am not in a position to say who should or should not apologise while ongoing negotiations are taking place between the two Governments. Deputy Crowe will be aware that advice has been received from the Commissioner for Victims and Survivors on the Stormont House Agreement legacy bodies. Talks are ongoing on all legacy issues, including the Ballymurphy, Kingsmill, Ludlow, McAnespie and Finucane cases. Consultations are taking place between the Government and representatives in Northern Ireland. In the next weeks and months, we will keep the Deputy informed regarding information we gather on legacy issues, including the cases to which I referred. That is a reasonable and fair approach.

Passport Services

44. **Deputy Aindrias Moynihan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will consider reassigning some of the existing passport printing capacity from the Dublin offices to the Cork passport office to allow for the printing of passports in Cork; and if he will make a statement on the matter. [25222/19]

47. **Deputy Aindrias Moynihan** asked the Tánaiste and Minister for Foreign Affairs and Trade if the benefits of procuring an additional passport printing machine for the Cork passport office will be examined; and if he will make a statement on the matter. [25221/19]

Deputy Aindrias Moynihan: We want the widest possible range of services to be made available at the Cork passport office so that people who need a passport in an emergency do not have to travel halfway across the country and back to get one. People must be able to get a passport in the Cork passport office as a matter of course. Has the Department reviewed this matter? What options are available to enable the maximum level of service to be provided to people living in the south?

Deputy John Halligan: I propose to take Questions Nos. 44 and 47 together.

The Passport Service, located in the Department of Foreign Affairs and Trade, is one unified service composed of three constituent offices located in Lower Mount Street, Dublin, Balbriggan, County Dublin, and South Mall, Cork. The Passport Service operates three passport printing machines, two of which are located in the main production facility in Balbriggan, County Dublin, with the third located in the passport office in Mount Street, Dublin.

Passport applications from citizens residing in Ireland and throughout the world are distributed for processing across the three passport offices. All passport applications are processed through the centralised automated Passport Service system. All production facilities can print a passport irrespective of the channel through which the application was processed. This printing system allows for flexibility between printing machines if any one machine has reached capacity. Each passport printer has a printing capacity of 250 passports per hour. The purchase cost of a new passport printing machine alone is in excess of €1.7 million. This does not include the cost of security, maintenance, technical fit-out, staffing and rental costs, which would bring the total cost to well above €1.7 million.

The production processes and administrative arrangements within the Passport Service are kept under constant review. The three current printing machines are meeting the Passport Service printing demands and have additional capacity. I am satisfied that the printing capacity of production equipment currently employed by the Passport Service is sufficient to meet current and anticipated future demand for passports. There are no plans at this time to commission any additional passport production equipment or sites.

Deputy Aindrias Moynihan: Is it not the case that the Cork office is the only passport office that does not have a printing facility? Cork and the entire southern region are being placed at a disadvantage. The number of people travelling through Cork Airport has increased from 2.1 million in 2015 to 2.4 million people in 2018. People travelling to and from locations outside the UK accounted for the bulk of this growth and these people need passports. People from the region want to be able to travel from there through the airports in Shannon and Cork. In the event that they have an emergency, they are forced to go to Dublin to get an emergency

passport, turn around and come back or not travel from Cork Airport. If we want to have balanced regional development should we not be supporting the regions? That is laid out in the various programmes for Government. Would it not be more suitable for people in the south of the country to be able to get emergency and normal services in their local passport office, which is up and running in Cork? Has there ever been a review of the various options and if not, why?

Deputy John Halligan: Some extra staff and resources have been given to the Cork region. The passport service received sanction this year for 236 temporary clerical officers to be appointed to the passport offices in Dublin and Cork in accordance with the requirements of each office. Of these temporary clerical officers, 30 were sanctioned for the Cork passport office. In addition, 13 clerical officers have joined the Cork passport office's permanent staff since the beginning of the year. An assessment was carried out by the Cork office and it requested these staff. An additional 43 staff have been employed by that office. The indications are that the cost of a machine would be astronomical, €1.7 million. This would not include staff, security, maintenance, technical fit out of the machine and rental costs. That is why an assessment was made in Cork and Dublin.

Deputy Aindrias Moynihan: In the context of balanced regional development, having counterweights to Dublin in places such as Waterford, Shannon, Cork and Limerick gives them an opportunity to grow. It does not all have to go through Dublin. A passport office is up and running in Cork. The Minister of State mentioned an assessment of staffing and processing applications. I am talking about printing facilities, making the full service available in the south so that people from Waterford, Cork, Kerry, Clare and across the entire southern region would be able to get that service locally and there would be a more balanced regional approach to it. Has an assessment ever been conducted of having printing outside Dublin in the Cork office? The Minister of State started the credit card printing facility in recent years, surely at that stage some assessment would have been conducted on where it should be done. If that has not happened, can there be a review so that we can see if it would be viable for people in Cork and in the south of the country to have the full service available to them?

Deputy John Halligan: There was an assessment of the requirements of the offices in Dublin and Cork. The office in Cork required 43 more staff, 30 temporary officers and 13 clerical officers, and it received them. Each passport printer has a capacity of approximately 250 passports per hour. The printing requirements of the office in Cork are met, according to the office in Cork, by the machines in Balbriggan and Mount Street, without any difficulty. If that is the case, the Deputy would be asking us to invest well over €1.7 million for a new machine for the Cork office that we probably would not need. We assessed the requirements of both offices and this is what they asked for and got.

Deputy Aindrias Moynihan: People in the south would prefer to travel out of Shannon or Cork airports, and we want to see the development of the Port of Cork. In the event of an emergency passport being needed, however, the Minister of State is saying they will have to travel all the way to Dublin, get their emergency passport and come back, doubling their journey. In normal circumstances, people want to have a service in their own area. There is already a passport office in Cork. The Minister of State is from the regions. He understands the idea of having local services and balanced regional development. Surely this sends out a strong statement to people in the regions that they can have the full service and that they are not in the second position.

Deputy John Halligan: We have been assured by the passport offices in Mount Street,

Dublin, and South Mall, Cork, that they can facilitate the issuing of emergency travel documents where there is an urgent need to travel, particularly for medical reasons or due to a bereavement abroad where the strict criteria for the issuing of such documents have been met. To repeat, we are basing the answers to these questions on the assessment made by speaking to the three passport offices, Balbriggan, Mount Street and South Mall about their requirements. They specifically stated they required 43 additional staff and they got them. We are told by the three offices that the facility to print passports is sufficient as it is today.

Written Answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Willie O’Dea - to discuss the planned shut-down of a company in Raheen, County Limerick; (2) Deputy Maureen O’Sullivan - to discuss the creation of the European Peace Facility; (3) Deputies Thomas Pringle, Pearse Doherty, Pat The Cope Gallagher - to discuss the closure of Kilcar post office in County Donegal; (4) Deputies Kate O’Connell, Catherine Murphy, Jim O’Callaghan - to discuss the treatment by the State of former Garda Majella Moynihan; (5) Deputy David Cullinane - to discuss the cancellation of surgical procedures at University Hospital Waterford on Friday, 14 June 2019; (6) Deputy Niamh Smyth - to discuss cuts to home help hours and home care supports; (7) Deputy Martin Kenny - to discuss diabetes services at Sligo University Hospital; (8) Deputy Sean Fleming - to discuss the future of the An Post mail centre in Portlaoise; (9) Deputy Peadar Tóibín - to discuss solutions to the commuter crises throughout Ireland; (10) Deputy Fiona O’Loughlin - to discuss securing a site for a new Curragh post-primary school; (11) Deputy Kathleen Funchion - to discuss a review of the case of a constituent with autistic spectrum disorder as well as other serious health complications; (12) Deputy James Lawless - to discuss delays in the new school building for Naas community college, County Kildare; (13) Deputy Jack Chambers - to discuss the closure of a 27-bed unit in St. Mary’s Hospital in the Phoenix Park; (14) Deputy Mattie McGrath - to discuss extending the occupancy level of the Glenville mental health crisis house in Clonmel; (15) Deputies Stephen Donnelly and Richard Boyd Barrett - to discuss the industrial action by ancillary staff in the Health Service Executive scheduled for Thursday; (16) Deputy Louise O’Reilly - to discuss the compassionate access programme in respect of medical cannabis; (17) Deputy Pat Buckley - to discuss progress relating to the new three-school campus of Carrigtwohill community school; (18) Deputy Charlie McConalogue - to discuss funding for the development of St. Joseph’s Community Hospital, Stranorlar, Ramelton Community Hospital and Lifford Community Hospital in County Donegal; (19) Deputy Donnchadh Ó Laoghaire - to discuss ongoing upgrades to the Lehenaghmore Road L2455; and (20) Deputy Caoimhghín Ó Caoláin - to discuss HSE approval of access to Spinraza for children with spinal muscular atrophy up to 18 years of age.

The matters raised by Deputies Deputy O’Dea, Cullinane, Smyth, O’Connell and Murphy and O’Callaghan.

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Saincheisteanna Tráthúla - Topical Issue Debate

Jobs Protection

Deputy Willie O’Dea: As the Minister of State is aware, Analog Devices is one of Limerick’s biggest employers and the main European base for the Analog Devices company, which has its headquarters in Massachusetts in the United States. Recently the American Government blacklisted a Chinese company preventing it effectively from purchasing American made parts and components. Analog Devices makes semi-conductors for smartphones produced by that company and is a huge customer. The decision by the American Government to prevent the Chinese company continuing as a customer of Analog Devices has created great uncertainty and confusion in the region. We are informed that the company has arranged a three or up to five day shutdown to take place in the next week or two. Staff have been told take holidays during that time and staff who have used up their holiday are told they will have to unpaid leave. This is to prevent Analog Devices building up an inventory because of the uncertainty surrounding it. Analog Devices is one of the best employers in the mid-west region, employing 1,200 people in well paid jobs. That accounts for 1,200 families. If anything happened there, there would be a ripple effect throughout the economy of the mid west because many smaller companies and contractors etc. depend on the business they do with Analog Devices. It would have a devastating impact on the economy of the region. We have done pretty well in recent years but this would be a massive setback. I raise this matter to bring to the attention of the Government what is happening. Is the Minister of State aware of the situation? Have any discussions taken place between his Department and Analog Devices in Limerick, which has refused to issue a statement? Have any discussions taken place with the American authorities or with the enterprise agencies here?

The real reason I am raising this matter is because of the anxiety and distress that these developments have caused in the mid-west region. Does the Minister of State have anything to say that will reassure workers and their fear and uncertainty about their jobs into the future?

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank the Deputy for raising what he rightly pointed out is an important issue. I am aware of the reports of a planned, temporary cessation of operations at the Analog Devices plant at Raheen in Limerick. I know many employees who work in what is a great company, with 1,200 or more employees in the region. As the Deputy rightly said, it is the European base of Analog Devices.

I want to emphasise to the Deputy that I understand the concerns in connection with this. I know well how important an employer Analog Devices is in the region. IDA Ireland has regular contact with the company. Our understanding in the Department remains that this is a short-term measure which is being implemented across Analog Devices’ global sites and that there have been no long-term concerns raised over its Irish operation. Of course, the Government will continue to assess the wider situation and keep the matter under review. I understand that this measure is being implemented across the company’s global sites due to the current uncertainty in the market arising from the tensions in the trading relationship between the US and China. Ireland is not the only country affected by this. While I appreciate the concerns that have been generated here, particularly around the mid-west region, it would not be appropriate for me to comment or speculate on an operational decision by a commercial entity. What is

clear, however, is that trade-related measures taken in other states can have far-reaching effects beyond those borders. Consumers, suppliers, third party firms and most of all employees are all affected by such scenarios. That has been the situation with the case in hand.

Ireland's economy, as we all know, is outward-facing and export-orientated and reliant to a large degree on global foreign direct investment, FDI. While that serves us well in terms of employment and our economy, it also means we can feel the effects of geopolitical developments from time to time. We have all seen the effects of that in the mid-west and in other areas as well. The Department and I, as a Minister of State in the area, together with the enterprise agencies, IDA Ireland and Enterprise Ireland, are monitoring the situation closely, as is our Embassy in Washington DC. The Department is also assessing any other direct and indirect implications for Irish based companies that may arise, especially given the broad and complex global value chains that underpin the operation of the information and communications technology and telecommunications sectors. While I appreciate recent events have been concerning, we need to remember, as the Deputy rightly said, that there is a lot of investment in the region. We know the situation remains fluid and the Government will continue to follow developments closely.

As the Deputy said, moreover in the mid-west region, the situation is good. There are many high quality jobs in IDA Ireland supported companies. Since 2010, the number of staff at IDA Ireland supported firms in Limerick has increase by 82% to almost 12,000 last year. Last year alone there were over 1,400 gross new jobs created by IDA Ireland companies in the region. In recent times we have seen significant investment announcements in the area from other top companies such as Edwards Lifesciences, Regeneron, STATS and Johnson & Johnson.

The overall trend in job creation in Ireland is extremely positive. The year 2018 was another record year for the State in FDI-driven employment and investment. This will continue strongly in the coming year. We are conscious of the situation worldwide, particularly with the trade war between the US and China and the situation between Huawei and the US. It is something that we are monitoring closely and as I said to the Deputy, I know that IDA Ireland is in close contact with the company in Limerick.

Deputy Willie O'Dea: I thank the Minister of State for his reassurance that IDA Ireland is in close contact with the company. I want to ask the Minister of State a couple of questions. He says this will be a short-term close down. What evidence does he have to support that? There is a great deal of uncertainty out there. The reality is that people do not know whether this will be short-term or otherwise. The Minister of State cited the figure of 1,400 gross jobs being created last year. The number of jobs lost has to be deducted from that, which was in the region of 200 to 250. At one fell swoop this will wipe out all those gains and do more damage because it is 1,200 direct jobs and a great many more that we cannot count at the moment. We cannot assess the amount of jobs that will be lost indirectly. In his recent discussions with US President Trump, did the Taoiseach raise the issue of how decisions being taken by his Government are affecting investment in our region, which is heavily dependent on foreign direct investment, particularly from the United States, of which the Minister of State is as aware as I am?

Deputy Pat Breen: As the Deputy knows, US foreign direct investment is important in Ireland. Some 70% of FDI comes from the US. That is how important it is and we value all the US investment we have in this country because in the region of 150,000 people are employed as a result of it.

On the Taoiseach's meeting with President Trump, as the Deputy knows, the meeting was

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quite short but my understanding from my officials is that the issue was raised but they obviously did not go into it comprehensively. The Deputy will remember back to 2008 when the threat to Dell jobs was evident in Limerick. Both the Deputy and the then Minister, former Deputy Mary Coughlan, travelled to Texas to see what they could do about this. This is a totally different situation because it affects nearly 15,000 employees of Analog Devices worldwide and it is important to point that out.

I refer to trade wars and the Deputy will agree with me on this. All trade wars are settled in the end. It is in the interests of the US and of China to address any concerns they have. We have seen this before with Aughinish Alumina in Limerick as the Deputy knows. It was because of that special relationship we had with the US that we were able to lift the sanctions on Mr. Deripaska. That may have been a different situation to Analog Devices, however. This is an IDA Ireland company, it is a flagship company and it makes the chip devices for Huawei, as it does for other companies. President Trump signed this executive order on 15 May, as the Deputy knows.

I reassure the Deputy that as a Minister of State in the area, I am concerned about developments such as this, as is the Government. Matters that happen on the geopolitical stage affect every country, big or small. It will affect the European Union and it will affect the whole global stage. Much of that is outside our control but that relationship we have with the US will stand to us should a disaster happen. I do not believe it will, however. This is a short-term measure and we have to look at it as such. If the situation deteriorates then it will be a different matter but at the moment I assure the Deputy that everything is being done by IDA Ireland to ensure the viability of this company moving forward.

Sitting suspended at 5.40 p.m. and resumed at 5.45 p.m.

Hospital Overcrowding

Deputy David Cullinane: Last Friday, at University Hospital Waterford, a number of cancer patients who were preparing for surgery were, unfortunately, sent home because critical care at the hospital had reached capacity and was at crisis point, according to those who work there. I am sure the Minister of State appreciates that when somebody has cancer, it is a traumatic event for the person and his or her family. When preparing for major surgery as a consequence of the illness, one has to build oneself up psychologically and physically. Stephen was one of five patients who turned up for surgery on the day. He was with his wife and was preparing for what he saw as major surgery. He was initially told he would be kept at the hospital for a minimum of six days but then that he would have to go home and have his appointment rescheduled. I contacted the hospital management the next day and was told it had happened because the hospital simply does not have enough critical beds. A high number of trauma cases at the time meant people in the critical beds because of their illness could not be stepped down into other beds at the hospital. As a result, not enough critical beds and surgeons were available to do the necessary surgery.

The problem happens frequently at the hospital but it is not good enough that patients are treated in this way. Stephen, whom I met last week, was complimentary of the staff and management and did not blame any individual, whether those who work in politics or at the hospital. Rather, he pointed out we need to treat people with dignity and respect and that hospitals should have the capacity they need. He did so because he does not want others to go through

the trauma of what he and his wife went through, having built himself up emotionally, psychologically and physically, before going home and feeling - in his words - deflated because of what had happened. He will now have to experience all those feelings again whenever his appointment is rescheduled.

We all accept that such events can happen in hospitals and there is never certainty when one is scheduled for any surgery. Nevertheless, I am sure we would all accept that a cancer patient, who must go through the trauma associated with that illness, should be prioritised. That the problem is happening on a more frequent basis suggests that it is systemic and needs to be resolved. I have spoken with the Minister of State several times about the wonderful staff at the hospital, as well as about the lack of capacity throughout the health services. He is aware of the need for additional cardiac and neurological services, the high wait times for ear, nose and throat services and all the other issues that need to be sorted out. When not enough critical beds are available for older people who have cancer, and when people who need surgery do not receive it when needed, it is a poor state of affairs. The issue is not down to the wonderful staff at the hospital but rather to the lack of capacity.

Will the Minister of State raise the matter with the Minister for Health and revert to me to indicate when the appointments of the patients who were told to go home will be rescheduled? They should be notified quickly and prioritised. Will additional capacity be provided at the hospital to ensure that similar incidents do not occur in the future?

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Cullinane for raising this issue and for giving me the opportunity to provide an update to the House on the recent cancellation of surgical procedures at University Hospital Waterford. By way of context, it is of note that University Hospital Waterford is experiencing ongoing growth in demand for unscheduled care. Emergency department attendances over the past four years have increased by 11%. The HSE has advised that, as of 7 a.m. on Friday, 14 June last, there were 31 admitted patients in the emergency department and eight extra patients on trolleys at ward level at the hospital. The HSE has further advised that the demand for critical care beds already exceeded what was available on that day and, therefore, there was no critical care capacity available or likely to be available for patients who would require post-operative specialist critical care that day. As a result, and in line with the hospital's escalation policy, the HSE has advised that four scheduled surgeries were cancelled. The HSE has further advised that the patients will be contacted urgently to reschedule their appointments.

It is important to note that maintaining scheduled care access for all patients is a key priority for hospitals. I fully acknowledge the distress and inconvenience for patients and their families when elective procedures are cancelled, particularly for clinically urgent procedures. Furthermore, any decision to delay admission or treatment is not taken lightly, and where such decisions are made, they are done to ensure a safe environment, with safe delivery of care to all patients as the priority at all times.

In addition, the Deputy will be aware that increasing capacity across our hospitals is a priority for Government. An additional 241 acute hospital beds opened under the winter initiative 2017-2018, including 18 additional acute beds in University Hospital Waterford. Furthermore, the national service plan for 2019 provides for a comprehensive capacity programme and, as part of that programme, an additional six acute beds have opened this year in University Hospital Waterford under the 2018-2019 winter plan. The 2019 capacity programme also provides for 202 additional beds, including 24 beds in University Hospital Waterford during 2019, with

a view to bringing this extra capacity into operation in quarter 1 of 2020.

My Department is also working to improve access for patients waiting for hospital operations and procedures. Budget 2019 announced that the Government had further increased investment in tackling waiting lists, with funding to the National Treatment Purchase Fund increasing to €75 million. The joint Department of Health, HSE, and NTPF scheduled care access plan for 2019 was published on 11 March. The NTPF is collaborating with University Hospital Waterford and, to date this year, initiatives have been put in place to arrange treatment for over 3,000 patients across inpatient, daycase and outpatient waiting lists.

Deputy David Cullinane: I thank the Minister of State for his reply. I fully accept his point that any decision to delay admission for treatment is not taken lightly. I accept that hospital management do not take those decisions lightly because they recognise, as the Minister of State did in his response, there is an additional trauma for patients who are already traumatised because of the type of surgery they are in line for. The reply also states that these decisions are made to ensure a safe environment, with safe delivery of care for all patients. Again, I have no quarrel with that because, if it is the case that the critical beds are taken up and there is a higher demand than the capacity available, then, obviously, hospital management and staff have to make decisions, and decisions they probably do not want to make but are forced into making.

My main point, which was not addressed in the response, is that there is a shortage of critical care beds. I ask that the Minister of State takes this up with the Minister, Deputy Harris. This will happen over and over again unless we put more critical care beds into University Hospital Waterford. The Minister of State's response acknowledges there has been a massive 11% increase in demand because it is a university regional hospital, which services the south east. If the population grows, then demand will increase, and this means the capacity has to increase, which means more critical beds are needed.

I accept hospital management have a difficult job and that it has to make these decisions, and I have no quarrel with it whatsoever. As I said, the staff were very pleasant. They were excellent to the patients who had to be sent home and they were very conscious of the trauma patients were going through, to their credit. However, I have to press the Minister of State again on this point. We need more critical beds in the hospital in Waterford. I hope he will take that message directly to the Minister for Health.

Deputy Finian McGrath: I acknowledge the stress caused to patients. The issue of critical beds is an essential one. We have to ensure these cancellation issues and postponements of planned procedures are dealt with in a proper, professional way. That is something I will bring back to the Minister, Deputy Harris.

While every effort is made to avoid cancellation or postponement of planned procedures, the HSE has advised that planned procedures and operations can be postponed or cancelled for a variety of reasons, including the capacity issues which the Deputy mentioned and due to increased unscheduled care demand, which is what occurred in University Hospital Waterford last Friday. The South-South West Hospital Group is committed to the ongoing development of services at University Hospital Waterford. The hospital group aims to ensure the experience of patients in the hospital is of the highest standard. It continues to work closely with the hospital management team and community and primary care partners as part of the integrated care model to realise this. Of course, I will bring the issues raised by the Deputy to the attention of the Minister, Deputy Harris.

Home Help Service Provision

Deputy Niamh Smyth: The restrictions on new applications for home help services are appalling. This regressive decision will have knock-on negative consequences for families, carers and the wider health service. On the one hand, we have the Government saying it will facilitate people growing old in their own home and, on the other, it is restricting the means to do so.

It is important to remember we have an ageing population. Over the next 30 years, the number of people in Ireland over the age of 65 will double and the number over the age of 85 will quadruple. Despite the increasing life expectancy, chronic illness is on the rise and, therefore, people will need to be cared for in their home to take the pressure off acute hospital services. Real progress in meeting the challenge on home care must be made. It is the preferred option for older people and well acknowledged that the care based around the home is vital for keeping people active in their communities, which in turn has enormous health benefits.

I can cite to the Minister of State particular personal experiences of people in my own constituency and I am sure he has encountered similar experiences himself. People are under enormous pressure because, quite rightly, they are being allocated home help hours because of physical and chronic illness, but they are not being allocated a person or a worker to provide that service to them. We know that providing a service to people in their home costs the State a fraction of what it costs to have them in a nursing home. Not only is it the proper thing to do, the ethical thing to do and the most economic thing to do, it is the common sense thing to do.

We know there are extraordinary people working as home help carers and providers. However, they are put to the pin of their collar and are expected to do the impossible. They are expected to be at a house to provide a service to an older person, perhaps only for 15 minutes - to get them up, get them dressed, get them their breakfast and then to move on to the next person. As we know, older people and people who are ill may not be able to move at the pace of an able-bodied or well person. However, the home care service they are being provided with is for 15 minutes, or perhaps half an hour in the best-case scenario.

I recently attended a meeting of Family Carers Ireland and I have spoken at length on this before in the House. We heard from the families affected by these lengthy delays in having a home care service provided in their homes. It is putting them under enormous pressure, physically, emotionally and mentally. They are under great strain in their own homes, not only to provide care for their sick or elderly loved ones, be it a parent, sibling or otherwise, but they are being given false promises that they have been allocated home help when the HSE cannot provide it because it does not have the services or the personnel in place to do it.

6 o'clock

The HSE Service Plan 2019 pledged that 17.9 million home support hours would be delivered this year. However, it has been reported that this service is largely closed to new applicants until next November, which is appalling. As I said, I could cite numerous instances in which services are not being provided. One gentleman who is terminally ill not only had his home help hours reduced but following his committal to hospital for a short time he could not go home because his reduced home help hours had been withdrawn, which meant he was taking up an acute bed in a hospital when he could have been at home. These are the types of scenarios with which we are faced every day in our clinics. I look forward to hearing the Minister of State's response on the matter.

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Deputy Finian McGrath: I thank the Deputy for raising this issue, which I am taking on behalf of the Minister of State, Deputy Jim Daly. There has been much speculation and media attention in recent weeks asserting that there may have been a cut in the funding available for home care. This is not the case and I am glad to have the opportunity to clarify the position.

Home supports enable older people to remain in their own homes and communities and they facilitate discharges from hospital. The Government has made improved access to home support services a priority. Progress is reflected in the additional funding made available in recent years with the budget growing from €306 million in 2015 to almost €446 million in 2019. In 2018, the total budget for the service was €416.8 million, providing 17.5 million hours. This year the HSE intends to provide over 18.2 million home support hours, including intensive home care packages, to over 53,000 people. In 2019, almost €30 million has been added to the home support budget and 800,000 more hours of support will be provided compared to the 2018 target.

Throughout the winter period additional home support was provided supporting early hospital discharge and preventing hospital admission. Almost 1,100 clients nationally were approved for new home supports and 857 packages had commenced by the end of March 2019. Preliminary information for end of April indicates that 52,571 people were in receipt of home support hours. Between January and April approximately 5.8 million hours were delivered, with 5,761 new clients commencing the service. Despite this significant level of provision, demand for home support continues to grow and 6,310 people have been assessed and are awaiting either new or additional services. People on the waiting list are reviewed as funding becomes available to ensure that individual cases continue to be dealt with on a priority basis within the available resources.

The allocation of funding for home supports, though significant, is finite and services must be delivered within the funding available. The level of service provision must be in line with the HSE's budget, delivery plan and the national service plan. To achieve this, the HSE must ensure that the total number of hours provided does not exceed the targeted level of 18.26 million hours. While this may impact on its ability to provide new or additional hours, it is in line with normal prudent management of the budget. It is not correct to say that no new clients will be allocated home supports for the next five months. The allocation of new hours will be based on clients' needs and the resources available.

I acknowledge that in some cases access to the service may take longer than we would like. However, the HSE has assured the Department that people on the waiting list are reviewed as funding becomes available to ensure that individual cases continue to be dealt with on a priority basis within the available resources and as determined by the local front line staff who know and understand the clients' needs and who undertake regular reviews of those care needs to ensure that the services being provided remain appropriate.

While the existing home support service is delivering crucial support to many people across the country, it needs to be improved to better meet the changing needs of our citizens. The Department of Health is currently developing plans for a new statutory scheme and system of regulation for home support services. The Sláintecare implementation strategy commits to the introduction of the new scheme in 2021.

Deputy Niamh Smyth: The Minister of State read out some staggering figures. However, a HSE spokesperson has said the opposite to what is in the response of the Minister of State,

Deputy Jim Daly. The spokesperson said: “while the budget increased in 2019, that increase will not allow us to deliver an overall increase in the number of hours of care delivered because the cost of delivering the service has increased”. The spokesperson continued:

In order to balance budget 2019 there will be a reduction in the level of new hours provided compared to early in 2019. This will continue until early November.

Those are the words of the HSE spokesperson which flies in the face of the response read by the Minister of State, Deputy McGrath, on behalf of the Minister of State, Deputy Daly.

As we know, there has been a significant increase in the numbers waiting for home support, from 4,481 waiting for public home help and a home care package in 2016 to 6,283 in March 2019. In my constituency of Cavan-Monaghan there are 253 people waiting, which is significant. I draw the attention of the Minister of State to the fact that many in need of home care help only receive it on a Monday to Friday basis, and they are the lucky ones. Clearly, this is inadequate in terms of health and social needs in terms of not operating outside a 9 a.m. to 5 p.m., Monday to Friday service. The result is many people end up being prisoners in their homes, and often their beds, with no quality of life. It is beyond time for the HSE to wake up and respond to people’s real needs. It should not be a 9 a.m. to 5 p.m., Monday to Friday, service. We need a Monday to Monday service, including over the summer holidays. We all know of families left high and dry when their home support worker goes on holidays, while acknowledging that support workers have to go on holidays.

The HSE is saying the opposite to everything the Minister of State, Deputy Daly, has said to the Minister of State, Deputy McGrath.

Deputy Finian McGrath: I take on board the Deputy’s points and I will bring her concerns to the attention of the Minister of State, Deputy Daly. I agree with her point regarding service provision on a Monday to Friday basis. I accept there is an obvious need to provide high quality and flexible services that not only best meet the needs of individual clients but also reduce the pressures elsewhere on the health system. There is no dispute there.

The social care services, including home care, day care and respite, are important components in enabling people to remain living at home and participating in their local communities. They also provide valuable support to carers. The Department and the HSE are continuing to improve existing services. Last year, a single funding stream for home support services brought together the funding for home help and standard home care packages. This provides significant benefits, including making the services easier to understand, streamlining the application and decision-making process and facilitating service users to move to changed levels of service as their assessed needs change without the need for an additional application process.

While the existing service is delivering crucial support across the country it is recognised that home support services need to be augmented to better meet the changing needs of our citizens. The Department is currently engaged in a detailed process to develop a new stand-alone statutory scheme for the financing and regulation of home support services. As I mentioned earlier, this scheme is a key action under the Sláintecare implementation strategy, along with improving and developing supports in the community.

I will bring back the very important points raised by Deputy Smith to the Minister of State, Deputy Daly.

Treatment of Former Garda

Deputy Kate O’Connell: One would have had to be made of stone not to have been moved by the bravery and resilience of Majella Moynihan as she told her story at the weekend on national radio. We are all aware of the legacy of cruelty of this State when it comes to the treatment of women. Majella was the perfect example of all things that Ireland looked down on. Reared in an industrial school, pregnant out of wedlock and female, she was a veritable scarecrow, crucified for her perceived sins and displayed as a warning to others. She could not have been any more inferior to her superiors. What was permitted to be done to her by organs of this State, aided and abetted by the church and its acolytes, is a shame on us all. This woman had her life, reputation and son taken from her. She is due an official State apology, her full pension and some form of an attempt at compensation for all the pain and suffering that was visited upon her. This is the least that Majella Moynihan deserves.

Deputy Catherine Murphy: Which one of us who is a parent does not treasure moments such as a first smile, word, step or day at school, the big and little moments, which can never be recovered for either Majella Moynihan or her son, David? Even when I spoke to her earlier today, she reiterated that the totality of what happened ruined her life. I particularly want to compliment RTE and the “Documentary on One”, which was a powerful piece of public service broadcasting. While Deputies O’Connell and Clare Daly and I all knew the programme was being worked on, I do not think any of us expected that it would get the attention that it did, even though we had individually met Majella and heard her harrowing and powerful story. She has been seeking her papers since 2005. She hoped, since her premature retirement, that one of the seven subsequent Garda Commissioners would offer her an apology. It is only now that her story has emerged so powerfully in the public arena that the response has changed. How many more stories will remain hidden? Are there others who have been treated so abysmally? If so, it should not and must not take such bravery and public exposure to put such a wrong right.

Deputy Jim O’Callaghan: I commend Majella Moynihan and the makers of the documentary for reminding the people of this country of what a cruel and intolerant place it was for women who had children outside of marriage. This problem was not unique to Ireland but it was especially acute here, as we have seen from the Magdalen laundries and other tragic stories. We need to recognise that it is not enough for Member of this House to display our empathy and sympathy for Majella Moynihan. We are policymakers and the Minister is in government. We need to take steps which are active and realistic with regard to what we can do to face up to the State’s responsibility to Ms Moynihan and our liability to her. One practical step that could be taken is in respect of her pension. In effect, Ms Moynihan was constructively dismissed from An Garda Síochána. She was shunned and forced out of the force. As well as apologising to her, the State should take some tangible steps to ensure that we compensate her for the damage and distress caused to her by the organs of the State. She and the women of Ireland are owed that. It was unfortunately the case that when a child was born outside of wedlock the woman was treated differently from the man. There are many reasons for the discrimination and shameful treatment that was meted out to women but two of them were unquestionably sexism and religion. Other factors included inheritance, class and snobbery, but sexism and religion were two main factors.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputies for raising this important matter in the House. I very much welcome the swift action taken by the Garda Commissioner, Drew Harris, to apologise for the treatment of Ms Majella Moynihan

and the impact it has had on her life since when he became aware of her case on Saturday. I have echoed this apology in a brief statement which I released over the weekend and I intend to apologise to Ms Moynihan in person when I meet her in the coming days. As Minister for Justice and Equality, I sincerely regret the appalling ordeal that Ms Moynihan faced as a young Garda member. The treatment she has described was simply wrong on every level. It is shocking. As a young garda, she should have been able to expect that the Garda organisation would offer her support at a time when she most needed support and welfare. It is profoundly disappointing that she did not receive that support and that, on the contrary, she feels she was treated harshly by the Garda organisation.

For many decades, Ireland was a country that was highly intolerant of difference. Women suffered particularly, as did members of the LGBTI community, those with disabilities and members of other minorities. Society then functioned in a way that would be regarded as completely unacceptable by our standards today. Listening to former Garda Moynihan being interviewed over the last few days, I recalled the tireless campaigning of people like my former colleague, the late Nuala Fennell, in the 1970s and 1980s, in particular, her advocacy for single mothers. Nuala Fennell and a small group of others worked tirelessly to help to make this country a kinder, more compassionate and tolerant society. We still have some distance to go but, thankfully, Ireland today, more than at any other time in our past, is more tolerant, more understanding and less autocratic.

The European Union's legal framework means that the protections under the law that are now in place, not just in the Garda Síochána but in all State organisations and private companies, would not allow these events to happen today. However, that is not to say that it was acceptable that they happened in the past or to deny the enormous pain of many people, including former Garda Moynihan. Various issues have been raised over the past few days in relation to this matter, including the question, as raised by Deputy O'Callaghan, of Ms Moynihan's pension. I expect this issue to be examined and discussed when Ms Moynihan meets the Garda Commissioner. I do not intend to pre-empt that discussion; I simply caution that the situation is a complex one. These are issues that can and will be addressed over the next while.

Deputy Kate O'Connell: I hope I am not misquoting the Minister when I say that he said that Ms Moynihan feels she was treated badly. I believe there is not a person in Ireland who thinks that she was treated in any way other than badly. It is certainly not acceptable by our standards today. I have said before that it is important for Members of this House to check our privilege on occasion, not the privilege of being here and elected to this great House, but of being born healthy and able-bodied to parents who either raised us themselves or gave us the opportunity to be raised by others. Majella Moynihan is a prime example of somebody who was victimised in our society. She had nobody to look out for her and the people in charge knew that. She was hung out for people to see what might happen to them if they behaved in a certain way.

We had a great moment in this country a year ago when eighth amendment was repealed but anybody in this House who thinks that happened in isolation and did not have repercussions and ramifications throughout the society which spawned it is wrong. We had a great moment here last year but what happened to Majella Moynihan symbolises all that was wrong with the church and State, with, in this case, Garda involvement. We cannot put a black mark over our history and block it out because it feeds our future. It is only by examining it that we can identify the true knock-on effects of certain behaviours on society today.

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Deputy Catherine Murphy: I would appreciate an answer to my question on when the Minister or his predecessor knew about this case. It is important that the Garda Commissioner also answers that question. I have spoken to Majella Moynihan and she has been seeking her papers and quietly seeking an apology since 2005. It is only now that the case has come into the public arena that it is getting the attention it deserves. There is also the question of files that have gone missing. It is important that the matter is addressed because it is not that long ago since Ms Moynihan received a redacted version of the files, so we are not talking about files that have not been seen since 1990, they were in somebody's hands not that long ago. She could have expected to have a very good career in the Garda. That is evident from some of the things that were said about her at the time concerning her ability as a garda. That is what she should have been judged on, and that is where the fault lies; she was judged on something other than her ability to do the job, and to do it superbly.

Deputy Jim O'Callaghan: The Minister said that the protections that exist in the law today would not allow the events to happen to Majella Moynihan if they occurred today. However, we must remember that back in 1984 she had a constitutional right of equality and that was infringed back in 1984. She was discriminated against on the grounds of her gender and on the grounds of her marital status. I know that statutory provisions in respect of those equalities were introduced much later than that, but she had a constitutional right to equality back in 1984. That is the reason I say to the Minister that the State has a liability in respect of this woman. I hope that we are not now going to force or permit her to have to go to court in order to try to vindicate a liability that exists on the part of the State and to vindicate her rights. I ask the Minister to intervene. I welcome the fact that he is going to meet Ms Moynihan. I also welcome the fact that he has apologised to her. I know that he will apologise to her in person on behalf of the State. As I said to the Minister, he is different from other people; he has power and he is a representative of the justice Ministry in this country. When he meets Ms Moynihan I ask that he would come up with some practical and real proposals that will have the effect of not forcing this woman to have to initiate court proceedings.

Deputy Kate O'Connell: I wish to correct the Minister as it was me who raised in the Chamber the pension being backdated not Deputy O'Callaghan.

Deputy Charles Flanagan: You are in this House a long time, Acting Chairman, and in this House over the years we have dealt with many sensitive and tragic personal cases. Deputies will appreciate that as Minister I have an obligation to respect the privacy of individuals as much as possible. As I outlined, I hope to meet with Ms Moynihan, along with the Garda Commissioner in the coming days. A number of important issues have been raised by Deputies O'Callaghan, O'Connell and Catherine Murphy. In response to Deputy Catherine Murphy, it is possible that there are other cases, given the nature of Irish society over so many decades. At this point women have been serving as full members of An Garda Síochána for 60 years. Currently, I am not aware of any specific cases that are similar to that of Ms Moynihan's case but, undoubtedly, other cases may emerge. If Deputy Catherine Murphy or any other Deputy has information I would be happy to hear from them, not only in respect of An Garda Síochána but perhaps right across the public service because, sadly, for far too long single mothers and many others who did not appear to conform to the dominant mores of the time suffered severe social stigma in Ireland in a way that we would consider to be utterly unacceptable and abhorrent in today's world. Both Commissioner Harris and I acknowledged the courage and bravery of Ms Majella Moynihan in coming forward in the manner in which she did. We stand ready to provide whatever support we can in the circumstances. I look forward to meeting Majella

Moynihan. In the meantime, I am in close contact with the Garda Commissioner and my hope is that the meeting will take place in the coming days.

Sittings and Business of Dáil: Motion

Acting Chairman (Deputy Bernard J. Durkan): I call on the Minister of State at the Department of the Taoiseach to make a statement.

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

Notwithstanding anything in Standing Orders or today's Order of Business that the Dáil shall sit at 9.30 a.m. on Thursday, 20 June, to take the Microbeads (Prohibition) Bill 2019 - Order for Second Stage and Second Stage. If the proceedings on Second Stage of the Bill conclude before 10.30 a.m. the sitting shall be suspended until 10.30 a.m.

Also on Thursday, after the suspension of the sitting under Standing Order 25(1), statements on the Government's Climate Action Plan to Tackle Climate Breakdown shall be taken. Statements of a Minister or Minister of State and the main spokespersons for parties or groups or a Member nominated in their stead shall not exceed ten minutes each, the statements shall adjourn after the opening round and shall not resume that day and, on resumption, the statements of all other Members shall not exceed five minutes each, with a five-minute response of a Minister or Minister of State, and all Members may share time.

Question put and agreed to.

Proposed Service by Defence Forces with United Nations in Mali: Motion

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

That Dáil Éireann approves, pursuant to section 2 of the Defence (Amendment) (No. 2) Act 1960, as applied by section 2 of the Defence (Amendment) Act 2006, the deployment of a contingent of the Permanent Defence Force to MINUSMA, established under United Nations Security Council Resolution 2100 (2013) and extended in subsequent Resolutions and subject to renewal of the UN mandate/authority for the mission thereafter.

The conditions, under which the Defence Forces may participate on overseas peace support operations are referred to as the "triple lock". The operation must be authorised or mandated by the United Nations; it must be approved by the Government; and it must be approved by way of a resolution of Dáil Éireann, where the size of a Defence Forces contribution is more than 12 personnel. MINUSMA, which is the United Nations Multidimensional Integrated Stabilization Mission in Mali, is authorised under Security Council Resolution UNSCR 2100 of April 2013. The Government at its meeting of 11 June last, granted approval for Defence Forces, Óglaigh na hÉireann, participation in the MINUSMA mission. The proposed deployment, which is due to take place in September 2019, will be drawn primarily from the Army ranger wing and the deployment will total 14 personnel. Dáil approval will complete the triple lock and will allow for the required training and other preparatory arrangements to be put in place in the coming months in advance of a proposed September deployment.

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There are currently no Irish troops serving with the MINUSMA mission in Mali. Ireland is however contributing military personnel as part of the UN mandated, EU Training Mission, EUTM Mali. Ireland has participated in EUTM Mali since its establishment in 2013 and currently contributes 20 personnel to the mission in a training and support capacity. The current instability in Mali represents a significant threat to the entire Sahel region of sub-Saharan Africa and to African stability. Securing stability in Mali is important as it will contribute to the stability of the wider Sahel region. This region is a source of much criminality, including people trafficking and smuggling, giving rise to unregulated migration and threatens security in the region and beyond, including to the European Union. Significant atrocities have also been committed in the region, where the highest death toll is among the local vulnerable populations, with thousands killed in the past six months alone. Protecting the local populations and providing them with a safe and secure environment are among the primary objectives of this UN mission. Ireland has a key interest in contributing to security and stability in western Africa, which is a key focus of our development aid programme. Development cannot progress in the absence of a secure, rules based, societal environment. As a committed supporter of UN action in this area, Ireland cannot remain aloof from this international effort notwithstanding the risks involved. Through the proposed Army Ranger Wing deployment, Ireland has the capacity to enhance the effectiveness of this UN mission and to contribute to security and stability in this key region in support of the UN, the EU and Ireland's development aid programme.

The MINUSMA UN mission is tasked primarily with providing support to the transitional governmental authorities in Mali in efforts to stabilise the country and return it to civilian rule in accordance with an agreed roadmap. The mission also has a significant role in the protection of civilians, the promotion of human rights and facilitation of humanitarian assistance. MINUSMA is mandated to protect civilians from the threat of physical violence and its mandate specifically links protection of civilians to stabilisation and efforts to counter asymmetric threats. In addition to collateral damage resulting from attacks against Malian and foreign forces, terrorist groups prey on civilians through targeted retaliatory acts, indirect psychological threats and societal pressures. When deployed to protracted conflicts, peacekeepers often face continued violence and hostile actors hampering their ability to operate. These challenges in Mali are particularly acute. This is a conflict marked by violent extremism, where attacks by terrorist groups have generally constrained the capacity of UN peacekeepers to protect local populations. In fulfilling its role as part of the MINUSMA mission, the day-to-day activities of the Army Ranger Wing will include engagements with local populations and gathering information and intelligence to support the UN's operations that will contribute to peace building activities.

The UN Security Council has primary responsibility for the maintenance of international peace and security. Over the years, the range of tasks assigned to UN peace operations has expanded significantly in response to shifting patterns of conflict and adapted approaches in addressing threats to international peace and security. MINUSMA is a United Nation's Chapter VII mission, which means that the UN has charged the mission with the role of peace enforcement in an environment where peacekeepers face continued violence and hostile actors hampering their ability to operate. Chapter VII missions are increasingly normal for UN missions in Africa. The UN missions in Sudan, Central African Republic, Mali and Democratic Republic of Congo are all operating under the Chapter VII mandate. Ireland has previously engaged in UN Chapter VII operations in East Timor, Eritrea, Liberia and Chad.

MINUSMA is the largest international UN mission, with a strength of over 16,000 personnel made up of military, police, mission experts and UN volunteers. It is also considered to be

the UN's most dangerous mission and consequently the threat to Irish personnel deployed to MINUSMA must be regarded as the highest level of any operation. It is understandable that people would have concerns about Irish troops participating in this mission. Risks attach to every peacekeeping mission, whether it is UNDOF, UNIFIL or, in this case, Mali. Decisions to put our soldiers in danger are never taken lightly by the Government. Protecting our personnel is always of paramount concern. The military advice I have received provides assurance that there are significant and robust security measures in place to give the best protection possible for the deployed forces.

Irish personnel operating with MINUSMA will not be deployed in isolation and will deploy as part of a larger team when carrying out surveillance and intelligence gathering operations. Operating as part of a larger German company, they will benefit from the security effort in place to protect the full company. The majority of Irish personnel will be based at Camp Castor in Gao. Camp Castor is a base within a larger UN base. Three of the Irish personnel will also be based at the protected UN headquarters camp in Bamako. However, while such measures can mitigate the risks to the safety of personnel, they can never eliminate the significant threats that exist in a dangerous mission in these significant conflict zones with adversaries associated with ISIS and al-Qaeda.

The Army Ranger Wing is the special operations unit of the Defence Forces, Óglaigh na hÉireann. Its members are trained and equipped to undertake a range of specialist roles. Indeed, this mission is the type of challenge for which they train every day. The unit with which the Army Ranger Wing will embed while operating as part of the MINUSMA mission is also a special operations forces unit. As an elite military unit, it is the best of the best and can play a significant role in supporting this challenging mission. That said, the decision to deploy the Army Ranger Wing has not been taken lightly and involved a significant in-depth assessment and review by both civilian and military authorities in my Department. My decision to bring forward this proposal has been informed by advice prepared jointly by both civil and military elements of the Department of Defence. The Defence Forces have carried out reconnaissance, travelling to Mali and visiting the camp in Gao and force headquarters in Bamako, to see the mission at first hand so the proposed participation in MINUSMA could be properly considered.

When I visited Mali earlier in the year, I met the force commander and received a detailed briefing from him. More recently, I have received detailed briefings regarding operations, security and intelligence from the Defence Forces. The Chief of Staff, the deputy chief of staff for operations and director of operations have advised and briefed me on this proposal. The most recent occasion was just prior to bringing the proposal to Government. The general staff have advised that participation is appropriate and that they are satisfied with the significant and robust security measures in place, the force protection measures and the available medical facilities. The comprehensive briefings and advice that I have received, from both civil and military elements of my Department, have enabled me to bring forward this proposal.

On behalf of the Government, I am now seeking Dáil approval to arrange for the deployment of a contingent of the Permanent Defence Force to MINUSMA. This deployment is an essential contribution in strengthening the international presence in the Sahel in support of the UN mission and provides practical support for the G5 Sahel.

Acting Chairman (Deputy Bernard J. Durkan): The Minister of State is two minutes over time.

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Deputy Paul Kehoe: I understand.

Acting Chairman (Deputy Bernard J. Durkan): I will have to give the other speakers similar latitude.

Deputy Paul Kehoe: The current instability in the Sahel region must be addressed as it represents a significant threat to regional and African stability and impacts on the security of the European Union. Ireland has a long and well respected history of participating in peacekeeping missions. We believe in, and take seriously, our commitment to making forces available for United Nations mandated missions. MINUSMA represents a mission where a gap has opened up that Ireland can fill. The members of the Army Ranger Wing have the necessary skill sets and are trained and equipped to operate in hostile environments such as Mali. The role envisaged for the Defence Forces team is within its competence and capability. Valuable experience will be gained by Army Ranger Wing personnel when deployed on this mission, which will further enhance their effectiveness in carrying out their national security role.

The MINUSMA mission is not without its challenges. Significant force protection and risk mitigation measures are in place to optimise the secure environment for deployed personnel. While the Army Ranger Wing team will engage daily with individuals in the local population as part of its intelligence and information gathering remit it will benefit from the substantial security effort that is in place to protect the full company. The timing is right for Ireland to contribute to this mission. Ireland deploying troops to MINUSMA, alongside over 50 other countries already contributing military forces to this crucial UN mission, is a positive gesture and one which I wholeheartedly support. I commend the motion to the House.

Deputy Jack Chambers: Fianna Fáil will support this motion. We are taking the advice of military management, which has carried out in-depth reconnaissance of precautions in this region. However, as the Minister of State indicated, we must be extremely careful and mitigate the risk to the 14 members of the Army Ranger Wing who are going there. Fundamentally, we believe that Ireland can play an important role with others - I think the Minister mentioned 50 countries - in restoring peace to this hostile region and ending the human rights violations committed against innocent civilians. However, we have a number of concerns and issues around this deployment that I will outline these later. Hopefully, we can get clarity on them from the Minister of State.

First, I feel the need to point out that it is almost one week on from my party's motion on improving pay and conditions for the Defence Forces, a motion the Government, unfortunately, opposed. Today we see exactly why my party, many other members of the Opposition and others have been fighting so hard for improved rights of the men and women of our Defence Forces and their families. Today we see the unique nature of the work undertaken by our Defence Forces and why they deserve so much more respect and dignity than this Government has shown them. This debate gives me the opportunity to remind the Minister of State that there is already considerable cynicism within the general defence community regarding the optics of how our Defence Forces are paraded when it is politically convenient. The Minister of State needs to match his words with actual respect for the Defence Forces. Words ring hollow and action is what is needed in the area of improving pay, allowance and conditions for the Defence Forces. This is why he needs to move on the Public Service Pay Commission report and provide serious clarity on what is a very worrying backdrop.

In this context, it is difficult to comprehend how the Minister of State can maintain his cal-

lous and heartless position on Defence Forces pay when one examines the MINUSMA mission carefully. It is an extremely dangerous mission in a high-risk environment. Almost 200 lives have been lost since peacekeepers first went into the area in 2013. We know this region is a hotbed for terrorist activity and a recruiting ground for ISIS and Al Qaeda in addition to the ongoing civil infighting. This is the environment where we are considering sending the Army ranger wing, to which the Minister of State has refused to award allowances due even after court adjudications that ruled in its favour. As I said last week, this is a shameful situation to be in in 2019. The Army ranger wing, like the rest of the Defence Forces, cannot wait any longer. The Minister of State saw last week the resounding support that exists in this House for allowances to be restored without any further delay. The entire Defence Forces community will take a very dim view if the Minister of State rejects the will of this House and continues to treat the Defence Forces with a lack of respect.

Regarding Mali, we acknowledge the serious risk of contagion to Europe and beyond posed by the instability in this area as well as the serious human rights violations, the people trafficking and the significant loss of innocent life. We also take very seriously and value very highly the advice of military management, which has undertaken careful reconnaissance work in the region. For the record of this House, we need the Minister of State to outline how long it was there, the engagement it had and the level of mitigation for our deployment. The advice of military management is that our elite Army ranger wing can play an important role in restoring peace in this area. Its expertise is designed and high level of training is carried out for scenarios precisely like this one. This is why we have an elite Army ranger wing, that is, so we can protect the world's most vulnerable people. I also note the Defence Forces general staff is satisfied that robust precautions are in place to ensure the safety of our Defence Forces members.

This mission is comparable to previous deployments of our Defence Forces and in particular, the Army ranger wing. This includes the incredible work undertaken in Sierra Leone and over a decade ago in Chad where Irish peacekeepers played a key role in the protection of thousands of refugees and displaced people fleeing war, ensured the safety of UN officials and oversaw the delivery of humanitarian aid and food. The Army ranger wing specifically provided security during the construction of the Irish base and conducted key long-range patrols in specialist reconnaissance vehicles. It also engaged in destroying unexploded viable devices.

However, there are a number of areas that require clarification. We need more information on why we are engaging at this time. Could the Minister of State outline the diplomatic context and contacts he has had? What has changed? Why is there now an opening for the Army ranger wing when there was none previously? It has been said we will be operating as part of a larger intelligence surveillance reconnaissance company. What does this mean? Could the Minister of State provide information? I understand from research in the area that there is a significant German deployment in the area. How will that work? How will the Army ranger wing integrate with that German deployment? Could the Minister of State provide clarity on the cohort with which the Army ranger wing will be working? How will the army ranger wing fit into the overall operation? It will be a smaller unit within a larger group. There has been some concern because a smaller unit is going. Could the Minister of State clarify whether that increases the risks for that unit compared to a larger deployment? Could he provide information on how that compares with other deployments of the Army ranger wing? How long is it envisaged that it will be posted on this mission? Is there an end date?

The Minister of State also needs to give us more information on the UN resolution we are going in under. I understand the existing resolution underpinned by this motion will expire in

about a week and a half. The fact that we are voting on a resolution that has yet to be passed by the UN is unusual in the context of the triple lock and its integrity. Will that UN resolution mirror the current one because I understand the context and wording of UN resolutions can change every year? This underpins the priorities, focus and very nature of the deployment. The integrity of the triple lock necessitates that if there is substantive change to the resolution regarding MINUSMA, we need to debate this again because that would change the actual deployment so it is important that the Minister of State provides some background on any change in the resolution and how that would affect the motion on which we are voting today. We also need to ensure that this mission does not hollow out domestic security operations with the Army ranger wing already depleted despite the Minister of State committing to increasing its capability in the White Paper. These are important questions on which I would appreciate further clarification.

One thing we know is that the situation in Mali will not resolve itself. People will continue to suffer and die without international intervention. Women and children will continue to be the targets of awful atrocities until peace is restored. The easy thing to do would be to stand back and let someone else do it. That seems to be what some in this House will argue for. That is wrong and morally reprehensible. Ireland has a long history and tradition of peacekeeping and I continue to envisage Ireland as a country committed to an “active neutrality”. We are world renowned for efforts in keeping and restoring peace in some of the world’s most dangerous places and we in this House and beyond should all be very proud of this legacy. We need to help the poorest and most vulnerable people in some of the most underdeveloped countries in the world.

We have a responsibility to share with others who may benefit from the lessons of our experience of peace building on this island and peacekeeping on the international stage in the Middle East and Africa. When we have highly trained personnel with the skill and expertise to make a difference and play a key role in trying to bring about peace and protect basic human rights, it is right that we play a more proactive role. However, we must ensure that this deployment of the Army ranger wing is a safe one, that maximum assurances are given around the mitigation of risks and that the Minister of State clarifies some of the questions around the operation of the future resolution and the smaller deployment in the context of the larger integration within this UN mission because the most important thing is that when we deploy our troops, we have ensured that robust reconnaissance is adhered to and we protect our troops in the context of this deployment.

Deputy Aengus Ó Snodaigh: What we are being asked to do is allow a detachment of 14 soldiers from the Army ranger wing to be deployed to the African state of Mali as part of the United Nations Multidimensional Integrated Stabilization Mission in Mali, MINUSMA, which was set up in 2013. We are being asked to endorse that and become part of the UN’s response to a coup in that state. The force to which the detachment of 14 soldiers from Army ranger wing will be joining consists of 13,750 soldiers and police officers.

That is not all. It is supported by an international military force of 620 soldiers called the European Union Training Mission in Mali, EUTM, of which 20 soldiers are Irish. This was never brought Houses of the Oireachtas and was never endorsed by it despite the supposed triple lock. Twenty Irish soldiers are operating in Mali at the behest of the EU. If that was not enough foreign military personnel in that African state, which is large compared to Ireland, the French have Operation Barkhane, which comprises a detachment of 4,500 soldiers. All told, in excess of 18,000 military personnel of a foreign nature are deployed in this African country.

Before our troops embarked on this mission, some analysis or discussion of the history of

Mali and the history of France in Africa and in the region now known as Mali should have taken place. Mali was established in 1960 after the rape of Africa by France, Belgium and other European countries whereby they ripped away many of that continent's mineral resources. These countries supposedly ended their imperialist adventure in Africa but they then decided that they had to reassert their influence. They started over again by ensure that all those mineral resources remained in their possession or in the possession of their fellow countrymen. Who owns the wealth of Mali? People might ask why I am talking about its wealth. It is the tenth poorest country in the world but it happens to be one of the biggest exporters of gold. That does not benefit the people living in Mali. It benefits other countries and international firms much more than Mali. There is not only gold but also phosphate, salt and other resources. That is the shameful history of European involvement in Africa and the division of nations that led eventually to the establishment of Mali in 1960.

It was not the end, however, because drawing lines on a map, as we have seen with Africa, often divided tribes and regions from each other. The Tuareg tribe was split between five different countries. That sowed seeds of division within Mali and we have seen the results. For decades, the members of the Tuareg tribe fought against the French. They fought against them before Mali was established. They fought against the French Foreign Legion and the French hated them for it and continuously put them down and slaughtered them. It was not only the Tuareg tribe; many other tribes were split, moved around and disconnected from their original heartlands. All of that led to civil war in Mali and other African states. Of late, those ingredients that led to civil war were added to by a mix of fundamentalist religious fanaticism and that, as well as the *coup d'état* against the Government in 2012, is what has ripped Mali apart.

What is the role of France and the UN Security Council in all of this? They would have us believe, and they might be right to a degree, that they are there to stop international terrorism and put down uprisings. However, it is not a UNIFIL mission that Irish troops are being asked to participate in. This is a peace enforcement mission. That involves taking sides. This is breaching everything for which we stand from the point of view of our neutrality. It also undermines the proud tradition of Irish soldiers who have served abroad in defending peace when it has been established. There is no peace in Mali. If there was, the French battalions would not be sending in drones to attack villages and the like.

There are human rights abusers and Members are rightly standing up here and arguing against them. They can to be found on both sides. Those who took power in 2012 have also been indicted for human rights abuses and many of those who back the current Government are the same people who were human traffickers in the past and they are probably still engaged in that activity in the background. This is not an international force to try to keep the peace. In many ways, it is the exact opposite.

There are questions to answer. There should have been a context in terms of a debate on participation in this mission before the Minister of State even talked about sending Irish soldiers to Mali, but he sent them in any event. There are 20 already deployed there. They are being exposed to the impact of having to take Lariam. Another 14 soldiers are going to be deployed. The Minister of State has not addressed the issue of the prescribing of Lariam to our personnel despite the Dáil passing a motion that this should not happen. Will these soldiers be forced to take Lariam?

Can the Minister of State indicate when the UN will renew the mandate for this mission? Will it be exactly the same, will it change it or will it be worse than is currently the case? The

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information I have is that the UN is taking a decision at the end of the month. The Minister of State would not even wait until the end of month for that because he wanted some publicity from sending troops abroad. The logical course would have been to wait for that and then to have a debate.

The right thing for the Members to do is introduce a motion to withdraw the 20 personnel who have been deployed, not to deploy any more of our personnel and to use the good offices of the UN to try to change the nature of the force that is already there. We should be seen as mediators, which is the proud role Ireland would have in any peace efforts in that region or anywhere else in the world, not as enforcers. However, that is exactly what the Minister of State is doing. He is changing the nature of Irish engagement with international politics by having our personnel act as enforcers rather than mediators. This is totally contrary to what most people would believe represents our neutrality. This exposes us around the world such that if Ireland is not neutral in its dealings internationally, then it would sell its soul to try to get on to the UN Security Council to play with the big boys just because we seem to have been left out. We should adopt a different approach of focusing on the little boys and pull all of them together and create a bigger force in the world of countries which are at peace, can espouse peace and go around the world with a proper track record and help other countries. These would be countries which are non-aligned and understand the value of being neutral. That is not what the Minister of State has sought by putting this motion before the House.

Deputy Brendan Ryan: The Labour Party has a long record of supporting Irish involvement in UN peacekeeping missions but we will not be supporting this motion. Central to our support for UN missions is the triple-lock mechanism which requires any mission to have a UN mandate, the agreement of the Government and the agreement of the Dáil. This motion illustrates very clearly why the requirement for a Dáil debate and vote is so important. We need to open up the discussion on the issues relating to this complex mission and satisfy ourselves that sending members of the Defence Forces to participate in it is consistent with our support for human rights and for peace and reconciliation. Our conclusion is that it is not.

In July 2013, the UN Security Council unanimously approved that a large peacekeeping force be sent to Mali. The force involves police as well as soldiers, most of them drawn from African countries. There is, however, also a substantial contingent from Bangladesh. The largest European contribution is 408 personnel from Germany, although there is a substantial French military presence in Mali operating separately from this UN mission but in partnership with the government of Mali. The MINUSMA mission is designed to prevent the return of armed elements in northern Mali, but not to take offensive military action against rebel groups. However, there is a very fine line about what counts as offensive military action when the threat is posed by guerrilla warfare and terrorism rather than conventional conflict. The UN mandate for this mission has included provision that the French will provide military support to the UN mission if required. That is a complicating factor and part of the reason for the Labour Party's opposition to this mission.

France's involvement relates to its post-colonial ties with Mali. It is also linked to French participation in global warfare against so-called Islamic militants.

7 o'clock

From the perspective of the insurgent groups, there is little to distinguish UN peacekeepers from French troops when it comes to identifying who is involved in offensive action against

them. However, that is not the main basis of our opposition to this mission. The Labour Party is opposed to Ireland's participation in MINUSMA on two specific grounds. First, we are concerned that this mission has been structured as a security-only solution to the conflict. The only endgame that seems to be envisaged is one where insurgent groups are defeated. This pulls the UN away from its traditional stance of neutrality into being a strong supporter of one side of the conflict, if not an active party on that side. This is a dangerous precedent. Sometimes peacekeeping has to involve peace enforcement but that must be even-handed in every conflict. We cannot support a circumstance in which the UN is perceived to be anti-Muslim or an uncritical supporter of the Government of Mali. It should be remembered that while elections have occurred in Mali, the range of civil and political freedoms enjoyed in that country are a far cry from the level of freedom and democracy in this country. Part of this mission should be about strengthening democracy for all people in Mali, including the people who are currently living under so-called Islamist insurgent groups. The mission should also recognise that some of those fighting in these insurgent groups may have legitimate grievances or may have been coerced into participation. In this context, the Labour Party cannot support Irish participation in MINUSMA due to the lack of focus on peace-building and reconciliation. Too much of this mission is focused on combating insurgents rather than finding a roadmap to peace. A security-only solution will not work. Peace-building efforts are required. In this context, I have a number of questions for the Government. What is its understanding of the endgame for this conflict? How will this UN mission lead not only to a reduction in violence but a durable peace? How will a lasting peace be built in ethnic communities that have been in violent conflict with one another? How will the legitimate grievance of various groups be dealt with and how will the voices of victims be heard?

I understand that the UN mission has contributed to the circumstances in which peace agreements were negotiated in 2013 and 2015 between the Government of Mali based in the southern city of Bamako and various ethnic groups in the north, including the Tuareg people. There is, therefore, a basis for overcoming decades old grievances held by ethnic minorities about their rights and autonomy within Mali. The participation of the Tuareg is particularly important to provide stability to Mali's extensive northern territories. Much of this territory is desert or semi-desert and much of it has never been fully under the control of the government since Mali's independence. Why did both the 2013 and 2015 peace agreements exclude other groups, including Islamist groups? There is no doubt that some of these groups have carried out atrocities but other ethnic groups have also been implicated in appalling violence. The French military objective of seeking the military defeat of Islamic militants, some of whom have links with al-Qaeda, is not a suitable objective for a UN mission. The UN's role should be genuinely keeping the peace, not providing policing and security so that the French military can pursue its goals. In this context, the second reason the Labour Party cannot support participation in MINUSMA is the failure to seek a fully inclusive peace process. We cannot support this mission unless and until there is a substantive push for new peace talks, which must include a genuine opportunity for the involvement of all sides to the conflict, including so-called Islamist organisations and people living under their control. While these organisations may refuse, we cannot allow the UN mission to take sides or to be used to advance the purpose of one side of the conflict.

It is worth recalling the chronology of this conflict. In 2011, there was serious drought and famine in west Africa. This created some of the conditions that led to a Tuareg ethnic rebellion in 2012 and a massive displacement of at least 350,000 people within Mali and to neighbouring states. The French became involved in a military action to support the Government of Mali and

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stabilise the country. In 2013, the UN mission took over from the French military to help stabilise the country. Two years later, the Government of Mali negotiated peace with militias and allowed more regional autonomy for the Tuareg ethnic group as part of that peace deal. Today, the people of Mali continue to suffer from violence carried out by a range of extremist groups, rebel factions and communal groups.

We need to get to the roots of the current crisis. Drought and famine conditions led to people taking part in violent uprisings. We saw the same pattern in Libya, Syria and other countries that experienced the Arab Spring uprisings. We need to recognise that these extreme conditions led people to join armed groups, including Islamist and jihadist groups, as they seemed to offer a way out of a dire situation. Whatever about the leadership of these groups, it is plausible that some fighters as well as others living in territory controlled by Islamic groups want an end to conflict and a return to normal life.

MINUSMA is an example of Europe being pushed to address issues in its own backyard rather than rely on the United States for military intervention. The conflict in Mali is an example of the kind of conflict that drives migration to Europe. Finding sustainable solutions must be part of the solution to a durable Europe-Africa partnership for the future. However, we must work to find a distinctly different European approach to conflict resolution, not blindly take up the American “war on terror” strategy which has left a disastrous legacy in Iraq and Afghanistan. The need for a different strategy is particularly relevant to Ireland’s bid for a seat on the UN Security Council. What is that seat for? Is it only posturing or does Ireland offer a different perspective that would provide new solutions to conflicts such as in Mali? From our history of conflict and our peace process and reconciliation in Northern Ireland, we should be in a position to offer something different. The Labour Party cannot support the participation of our Defence Forces in MINUSMA under the current strategy and we will vote against the motion.

Deputy Richard Boyd Barrett: People Before Profit will also oppose this proposal to send 14 more Irish troops, in this case rangers, to a deadly conflict and war that is raging in Mali for many reasons. Before explaining why we are opposing this planned deployment, I should note that our opposition to the Government’s plan is not in any sense a criticism of our troops who may be sent to Mali if this House makes the decision to do so and in that regard, if Fianna Fáil backs the proposal, it seems they will be sent. I have absolutely no doubt about the bravery, courage, professionalism and heroism of members of the Defence Forces, the personnel who are already in Mali on the EU training mission and, for that matter, those who will be sent and rotated if this mission goes ahead. Our opposition is because the political decision being made is a big mistake. From the point of view of Ireland’s neutrality, the safety of Irish soldiers and the impact on the war and conflict in Mali, we think there are dangers involved or, worse, that sending our troops would be counterproductive.

Members of the public need to know what is going on in Mali because they do not know a hell of a lot about it. The Minister of State’s speech has not illuminated our understanding of the conflict, the historical situation in Mali that led to that conflict, the role of the different powers involved in military intervention as part of the UN mission and, as has been mentioned, the crucial role of France. The public is not being informed. I do not know the degree to which the rangers or members of the Defence Forces generally are being informed about what is going on. If they were informed, we would be in a better position to have a serious debate about this before the Government rushes off and sends troops into a deadly conflict in which terrible massacres of hundreds of people have been perpetuated by all sides in the past three months and 177 UN peacekeepers have been killed over the past three years.

We are sending our troops into a deadly situation. There has been no real explanation as to why this is happening, the context or what might come out of this endeavour. To put it in simple terms, this mission breaches our neutrality. Most people understand that our neutrality has something to do with our historic opposition to empire and colonialism. In so far as people have a view of the commendable and noble tradition of the Defence Forces being involved in UN missions abroad, it concerns peacekeeping. On both of those counts, this mission does not qualify. We are now involving ourselves with a colonial intervention. The French are backing the Malian armed forces and we are going to be involved on this mission, backing Mali and its armed forces. The French Army is a colonial force with a long history of trying to control this area and ruthlessly crushing opposition movements. As has already been mentioned, the Tuareg is the most notable of those movements. The colonial carve-up of the region was the ultimate cause of this conflict. The other cause is the desperate poverty in Mali. It is worth mentioning that as well. Half of the population lives below the poverty line, life expectancy is 55 as a result of malnutrition, access to clean water is lacking and adult literacy stands at 38%. That is despite Mali having considerable mineral resources. All of that desperate poverty is a direct result of colonialism and French colonialism in particular. We are effectively going into Mali and underwriting a colonial intervention to allow France to maintain its influence and control in the area.

That to which I refer is a very dangerous thing to do in the context of the welfare and safety of our soldiers. It is also dangerous to our reputation internationally as people who are not associated with imperial and colonial interventions, as well as to our neutrality. In any meaningful definition of neutrality, backing the armed forces of the Malian state in a civil war has nothing to do with that concept. It is a clear breach of neutrality. This is a serious matter because the lives of Irish soldiers are on the line. As has already been mentioned, we do not pay these soldiers properly and their allowances have been slashed. The result is that they are already at the bottom of the ladder in terms of public sector pay. The Government refused to restore those allowances and many members of the Defence Forces are living on family income supplement. We are, however, willing to send them into this deadly situation. It is a great tribute to the heroism, bravery and professionalism of our Defence Forces' personnel that many of them want to go on this mission. They want to hone their skills and try to do some good. The political context in which they are being sent, however, is dangerous for those troops and also flies in the face of our military neutrality.

There is a very simple question we should ask ourselves. Why have the Canadians pulled out of this mission having previously participated? If the Minister of State is concerned about understanding the nature of the conflict and protecting the welfare of our troops on this mission, has he had a conversation with the Canadian Government? If he has, could he please relay details of that conversation and the rationale regarding why Canada pulled out of the mission to the House? That would be very illuminating.

The other context relating to this issue is Ireland's desire to get a seat on the United Nations Security Council. It is interesting to note that we are competing with Canada for that position to some extent. Is coincidental that just as the Canadians pulled out of the mission, Ireland has rapidly stepped into the breach? We have done that without a proper public debate. Are Irish troops being put in danger by engaging in peace enforcement instead of our traditional role of peacekeeping because of a desire to get a seat on the Security Council? The UN was not terribly happy that Canada made a decision to pull out of its involvement in Mali. I suspect there is a connection and that is another important reason for us to not get involved in this mission. I do

not think the timing is coincidental.

Nobody could suggest that what we are doing is not a serious departure from the traditional practice and understanding of peacekeeping. There is no peace to keep in Mali because a war is going on. It is a very bloody war with many massacres. The UN and the EU are now involving themselves with forces from a country, France, that has a definite colonial agenda. People in Mali know that. Those involved in the conflict have bitter experience of French involvement in Mali. Ireland being connected to that, even indirectly - though in reality it will be direct and will be perceived as such - is going to implicate us in the French role and agenda. There will be immediate damaging consequences for the safety of our personnel. Our reputation as a neutral state will also be damaged.

I do not state that we oppose this deployment lightly. If the troops are sent, then we have to exert pressure to ensure that their security will be protected as much as possible and that they are as well equipped as possible. Given all that I have stated, however, I do not think these troops should be sent at all. The Government is sending them into danger and doing so in a way that damages Ireland's international reputation as a neutral power.

Acting Chairman (Deputy Declan Breathnach): We move on now to the Independents 4 Change technical group and Deputies Connolly, Maureen O'Sullivan and Pringle. They are sharing ten minutes. I call Deputy Pringle.

Deputy Thomas Pringle: After last Tuesday's Cabinet meeting, the Government very quietly announced plans to send about a dozen members of the Army Ranger Wing to Mali to join a counterterrorism operation that is widely regarded as the most dangerous UN mission in the world. It is no accident that five of the deadliest UN missions since 2010 have been in Africa, with MINUSMA being the deadliest. Some 177 peacekeepers have been killed in the last five years, including 16 so far this year, by gun attacks, home-made car bombs and improvised explosive devices.

The MINUSMA mission was created following a UN Security Council Resolution in April 2013. It was given a mandate based on the security and protection of civilians but it has never managed to end insecurity. That insecurity has now spread to the centre of Mali, causing the UN to deploy a peace enforcement mission to deal with the consequences. The operative words are "peace enforcement". That has encroached on the meaning of peacekeeping and further blurring more than ever before the already blurred boundaries between peace and war. That is particularly the case when it comes to Ireland's involvement.

MINUSMA represents a new venture. Peacekeepers will rub shoulders with those directly involved in conflict, including the French army and the joint G5 Sahel force, which is itself involved in counterterrorism operations. According to Maria do Céu de Pinto there is a paradox involved in the use of the oxymoron "peace operations". These operations traditionally built on the principles of UN peacekeeping, including the consent of the parties, impartiality and the non-use of force, except in self-defence. Those principles are now, however, being increasingly transformed into enforcement operations.

MINUSMA's mandate of powers is to engage in direct operations, including joint operations with the Malian military. The mission is supported by advanced hardware such as short-range drones and attack helicopters. There has been an emerging pattern of increased aggressiveness and offensive operations in parallel with what Maria do Céu de Pinto calls an "essentially hy-

brid nature involving both elements of peacekeeping and enforcement”. The International Red Cross believes that countries such as Ireland and France are a party to the conflict and it has been stated that the legal implications of UN peacekeepers losing their non-combatant status could be far reaching. That is not taking into account the fact that Ireland already has a small contingent of troops in Mali on a non-combat training mission. What happens to their mandate?

By breaching the principle of the impartiality peacekeepers, the UN makes it harder to cast itself as a mediator elsewhere. This is dangerous considering that there is already international suspicion of multilateral co-operation between countries, with the United States taking the lead on unilateral approaches to global conflicts. It is not an accident that no Minister has since said a word in public to explain the decision to send troops to Mali. I distinctly remember that the Independent Alliance Deputies were very outspoken when it came to wanting to engage in a peace mission to North Korea and that they called for a free vote when it came to the Control of Economic Activity (Occupied Territories) Bill 2018. However, there has been nothing since it emerged that a dozen Irish Defence Forces personnel will be sent to one of the world’s most dangerous conflicts. The Government needs to be honest about its motive which, simply put, is France. It may be a way to gain favour with France over Brexit negotiations, it may be part of Ireland intensifying its campaign for a seat on the UN Security Council in 2021, or it may be part of the continuous moves to get rid of our neutrality agenda. It is less about peacekeeping in Africa and more about appeasing the West.

Deputy Maureen O’Sullivan: I admit that when I read this proposal on Ireland’s participation in Mali, I was very conflicted. Like others, I am very proud of Ireland’s peacekeeping troops, whose behaviour and reputation are exemplary. We know the role of Irish peacekeeping troops, some of whom have paid with their lives. In spite of the fact that the Government is going through the process of the triple lock, my concern is whether this is actually a peacekeeping mission mandated by the UN. We know about the extreme terrorism, the threats to local communities and the recent slaughter in villages. The question is whether we are getting caught up in a much bigger situation than peacekeeping. We may be getting caught up in the residue of a colonial issue stemming from French imperialism and France’s historic role there, not to mention the very valuable resources in the area that drew France to it in the first place. I would want to be very much assured that the presence of Irish troops is not facilitating French interests in the area. If that were the case, it would completely undermine Ireland’s role and reputation when it comes to human rights and development.

Mali is a very troubled state. We know about the Tuareg rebellion and the way in which it was exploited by Islamist extremists. We know about the military coup and how the violence has spread. We know the recent violence between the Fulani herders and the Dogon farmers and the reports that the Government there is arming the Dogon militia. The latest information is that there is much concern among people in Bamako that they do not want the G5 Sahel troops to be based there.

It is a dangerous mission, as are all missions. It is ironic that we are deploying troops at a time when there are so many questions over their pay. We all agree with our troops being there to support peace, security and stability and to protect civilians. However, there are questions over the Malian state. I do not think there is much confidence in its role in creating a peaceful, democratic country. There are concerns over what political process is to come. Ireland’s troops in the Golan are keeping the peace. There is no peace in Mali to keep, especially when we do not know if the UN is going to resume that mandate.

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Deputy Catherine Connolly: Like my colleague, I thought carefully about this motion and read up on it, given that there is a UN mandate. This debate is extremely important because it is the third part of the trinity, namely, the UN resolution and authorisation by the Government and the Dáil. The Minister of State's speech gave us absolutely no background or context as to why he recommends that we send troops to Mali other than that we have to mind our friends, to paraphrase him, because we cannot stand idly by when our friends need us. At the very least, if we are going to ignore our neutrality, a proudly cherished policy going back to the 18th century, there is an onus on the Minister of State and the Government to explain why it is necessary. We have a war situation in Mali to which the Government is going to send 14 Army rangers. They are going to be changed every three or four months over a two-year period, so we are not just talking about 14 individuals.

This has crossed the boundaries of peacekeeping and entered into the area of enforcement. I find that most unacceptable as a woman, a mother and a Deputy. I took the trouble to read as much as I could about this but the onus is on the Government to provide that material to us and to explain why it needs to send special Army rangers to Mali. At the very least, as a country that has suffered at the hands of a colonial government, I would have thought that we would have a natural empathy and solidarity with the people of Mali. We ought to look at how we can use our neutrality and our voice in a more active, peaceful way. None of that has been explained.

The Minister of State has given us no background and has conveniently ignored the fact that in 2012, the French Minister foolishly and carelessly told us that France intended a full reconquest of Mali. David Cameron indicated his curious resolve in 2012 and 2013 to dedicate himself to dealing with the terrorism threat in Mali in North Africa. At the time, Mali, a landlocked state with a population of approximately 12 million, was a peaceful country. The Minister of State has conveniently ignored that Mali is very rich in raw materials such as gold, uranium, lots of oil, copper, phosphate, bauxite gems and so on. There is no clarity on that whatsoever. The Malian President was deposed, although he was not standing for re-election and had organised elections. For the first time, that Government had initiated a systematic mapping of the vast wealth under Mali's soil. Conveniently, there was a coup and the person who led it was trained in Bennington in America. Most of the people involved in the conflict since have been trained either by EU militaries or by America. We are standing here now without one word from the Government as to why our neutrality is going to be breached, with all the dangers it brings for the personnel we are sending out and for this country.

We are doing this while the soldiers on the ground in Ireland have had to find an innovative way of telling us that they are relying on family income supplement or that they have to sleep in cars because of accommodation problems. We have no problem sending out these 14 top-of-the-range Army rangers. Even if I were to agree that this is necessary, the Minister of State has to explain to us why it is so. He has to take us through the history and the resolution, which was to restore democracy. That in itself is ironic seeing as America and France were actively involved in overthrowing democracy and deposing the Malian President. Does the Minister of State think the Dáil and the people of Ireland deserve that information so that we can make our minds up as to what is necessary and what is not?

I will not be supporting this motion. I would ask Fianna Fáil to see sense, as the proud republican party that takes all the credit for the decolonisation of the country. We might ask it to reflect, show some solidarity and stand up for our neutrality.

Deputy Mattie McGrath: I am sharing time with Deputy Michael Healy-Rae. As Ruadhán

Mac Cormaic wrote in *The Irish Times* on Saturday, the Government has quietly announced plans to send about a dozen members of the Army ranger wing to Mali to join a counter-terrorism operation, which Mac Cormaic states is highly unusual. This mission is widely regarded as the most dangerous United Nations mission in the world. I hope the Minister of State will listen to that. As I understand it, MINUSMA is made up of more than 15,000 military and police personnel from 50 countries. With an annual budget of \$1 billion, it is the third biggest ongoing UN so-called peacekeeping operation. As Ruadhán Mac Cormaic noted, it is also the deadliest. In the past five years, 177 peacekeepers have been killed, including 16 so far this year, by gun attacks, home-made car bombs and improvised explosive devices. It is one of the deadliest of all time. This makes it clear that we are sending our troops into a situation that resembles a war rather than a peacekeeping operation. That is quite clear to anybody.

It has to be said that missions like these, however they might be justified, raise real and serious concerns around our neutrality. The Minister of State should listen to the last speaker and to other speakers. We have taken our heads out of the sand and opened our eyes and ár gcluasa freisin. I know that it is the Government's perception that this does not infringe on our neutrality and that the triple lock system guarantees against this, but that is not how those fighting in these disputes will see it, the people between whom we are trying to keep the peace. They will not see that as Ireland being neutral. Islamist groups involved in this conflict have no interest in the finer details regarding Ireland's neutrality. They will see an elite wing of the Irish Army acting against them and, as a result, the Irish State will be considered their enemy. Apart from the peacekeeping aspect of the mission, this has wider implications for Ireland as a so-called neutral country. I put it to the Minister of State that we are blind to this.

I seriously question the appropriateness of becoming involved in conflicts of this nature, particularly in light of the news last week that 3,200 personnel left the Permanent Defence Force between 2014 and 2018. That equates to 34.7% of the average strength for those years, with 82% of these being premature voluntary retirements. The Minister of State has been asleep at the wheel or else he is so arrogant that he cannot see the issues or empathise with these good and dedicated soldiers and their families. We also heard that the personnel turnover rate in the Permanent Defence Force now stands at 9% overall, with a rate of 14% in the Naval Service, and that there were 256 discharges in the first four months of 2019. What is the Minister of State presiding over? Why does he not engage and get down to listening to the real problems? The 266 discharges in the first four months of 2019 were by far the largest number since the reorganisation of 2012. In April there were 86 discharges, a figure not previously matched in a single month. Has the Minister of State no concerns in this regard or does he not care? Is he not interested? Is the Government so arrogant that it cannot see this?

Clearly, the crisis we have at home is bad enough without adding to it by deploying members of our armed forces abroad in a move that may actually do serious harm to Ireland's declared policy of neutrality. I ask the Minister of State to reconsider the position. I cannot support this deployment. I support the peacekeepers all over the world. They have done great work over the years. This, however, is not a peacekeeping mission. Many other Deputies have espoused the reasons that different countries' forces are deployed on this mission. However, those countries are not neutral and have never claimed to be. They are not standing idly by. They are involved on one side or another and are arming and supporting some of the militias. This mission is fraught with danger. It would far better for the Minister of State to get the Army to provide support to An Garda Síochána in dealing with the thuggery that goes on in the capital city and in dealing with murders that occur on weekly basis. If Army personnel were acting

providing support in this way, it would allow them to be at home with their wives and families. They could use their expertise to keep the peace in order that people might sleep in their beds at night and to help prevent murders taking place every second day. There are armed vagabonds who are robbing and beating up older people throughout the country. The Army could certainly act as back-up to An Garda Síochána. The Garda is the first line, but we need the Permanent Defence Force at home and we need to ensure that their safety is respected also.

Deputy Michael Healy-Rae: I am grateful to the Minister of State for the time to speak on this important issue. When I heard about the Cabinet's decision, my first thought was that this decision definitely seems to be more a politically motivated than based on military ideology. I question the motivation behind it. Our Defence Forces have a very strong respectable reputation for peacekeeping around the world, a tradition of which I am especially proud. I respect any person who puts on a uniform of any type for the State and I respect the work they do.

We have had debates in which we spoke in support of our Army personnel and the fact that they are so underpaid. It is ironic at a time when the Cabinet makes a decision such as this deployment, we have still not properly or adequately addressed the issue of poor pay and recompense for our Defence Forces personnel. Those personnel have been treated very badly for many years.

Ireland has a proud tradition of helping out when needed. I question the decision to send elite Permanent Defence Force members to Mali at this time. Since 2013, I have observed what MINUSMA involves. It is a massive operation. It must be remembered that the mission is fraught with danger, with, tragically, 177 members of the 15,000-strong force having been killed. In anybody's terms, this is a massive loss of human life, causing suffering for those families affected, to whom we offer our sincere sympathies. To send members of our Permanent Defence Force out there at this time is dangerous. MINUSMA is not a normal peacekeeping mission. I would really like to know more about what motivated Cabinet to make its decision. I ask again whether the decision is really a politically motivated one. Is there more to this than meets the eye, particularly in the context of what the Cabinet considered before it signed off on the decision? It is obvious what will happen next. As a result of this decision, the Dáil will be obliged to approve the proposal in order for the troops to be deployed. I presume the Minister of State will be able to do that despite objections from Deputy Mattie McGrath and others who have concerns like those I harbour.

In recent days, I read about this matter by Stephen McDermott in *thejournal.ie* and in the national newspapers. There is a lot of concern about this proposed deployment. We see it as perhaps endangering the neutrality for which Ireland is so highly regarded and respected throughout Europe and across the globe. I have grave concerns about it. Even if the triple-lock conditions are satisfied, if the Dáil passes the motion and if the deployment happens, I will continue to wonder about thought put into making this decision. Will the Minister of State make a clear statement on behalf of Government as to what motivated it to reach this decision? On behalf of the families and the people who work in our Defence Forces, will the Minister of State indicate when we can be sure that their pay and conditions, which the Government has tinkered with over a period, will be addressed? When can we say they will be treated in the same way as their counterparts in other countries, namely, with the respect they deserve? I ask the Minister of State to reconsider this deployment. I have grave concerns about it. I acknowledge the contributions that were made earlier and to which I listened. There are many more Members than Deputy Mattie McGrath and I who are concerned about this matter.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I respect all of the views across the House. First, I shall answer Deputy Healy-Rae's question on pay. The Minister for Finance is due to bring the report of the independent Public Service Pay Commission to Cabinet shortly.

While I respect all views across the House, for or against the motion, I must pick up on Deputy Catherine Connolly's point. She stated - and I shall paraphrase - that I look after our friends. If the Deputy takes the time to read my opening statement, she will see that I never meant such a thing. Deputy Connolly only entered the Chamber when I was concluding my opening remarks so I do not know how she could have known what I said.

Last year, Ireland celebrated 60 years of an unbroken legacy of providing forces to UN peacekeeping missions, which we have done since 1958. As a strong supporter of the United Nations, and in line with our commitment under the United Nations Charter, Ireland is committed to making Defence Forces personnel available for United Nations mandated missions. Over the past six decades, Ireland and its people have made some significant contributions to the United Nations. There is no doubt that this mission is another significant contribution.

Members posed many questions and I will try - in no specific order - to reply to them. I was asked if this will be a safe mission. This is not a safe mission. It is a very high risk mission but I have every confidence in the Army Ranger Wing of Oglaiġ na hÉireann having the capability and capacity to participate on this mission. I have been given advice by the Department and by members of military management who visited the mission in Mali, spoke to the force commander and at first hand what is happening out there.

I was asked how Defence Forces will integrate with their German counterparts. I have no issue in this regard. Ireland has a proud tradition of integrating with many other like-minded nations. That is why we participate in battle groups and on peacekeeping missions with other countries. It is also why we bring personnel from other countries here to train.

Our troops will be in Mali for 24 months. The staff officers will be on six-month rotations and the Army Ranger Wing personnel will have four-month rotations

Deputy Boyd Barrett asked why Canada is pulling out of the MINUSMA mission. Canada's contribution of six helicopters and support troops was part of a one-year deployment. Canada is due to be replaced by Romania as part of a scheduled rotation at the end of July. Several other countries are rotating the provision of C-130 transport aircraft.

The MINUSMA mission was established in 2013 and we always showed an interest in participating in it. We have always asked the Defence Forces whether we could fit into this mission. Since 2013, military management and the Department have examined this mission and are of the view now is the right time. We talked about sending staff officers to the headquarters in Bamako but the general staff has concluded, following a recent and further reconnaissance visit to the MINUSMA mission, that all of the concerns we had have been addressed to such an extent that they can recommend our participation now.

The resolution has not been changed. The mission mandate is being renewed. There is a big difference between something being renewed and changed. There has never been a question of this mandate being changed. Nobody here this evening can quote anybody who stated that this mandate has been changed. The mandate is being renewed this month. There are no indications that it will change. It will be extended. Those are the indications coming from the

United Nations.

I could go on here for the next hour trying to answer the questions.

Acting Chairman (Deputy Declan Breathnach): The Minister of State cannot do so.

Deputy Paul Kehoe: I can absolutely assure the Deputies that military management, the Departments of the Taoiseach and Defence and the Government have given this motion due and lengthy consideration.

Acting Chairman (Deputy Declan Breathnach): The Minister of State should conclude.

Deputy Paul Kehoe: The Army Ranger Wing has the capability and capacity to participate on this mission and I have full confidence that it will be able to do so.

Acting Chairman (Deputy Declan Breathnach): I have confidence that the Minister of State is going to conclude. He is two minutes over his time.

Deputy Paul Kehoe: I have one thing to say. Deputy Jack Chambers referred to the Army Ranger Wing adjudication. This was made in 2009 when his party was in government and could have paid the adjudication.

Deputy Jack Chambers: The Minister of State's party has been in government for eight years and has done nothing. It is sitting on its hands.

Deputy Richard Boyd Barrett: Deputy Jack Chambers will still back the Government.

Question put.

Acting Chairman (Deputy Declan Breathnach): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 20 June 2019.

Gaming and Lotteries (Amendment) Bill 2019: Second Stage

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I move: "That the Bill be now read a Second Time."

I am very pleased to have this opportunity to move Second Stage of the Gaming and Lotteries (Amendment) Bill 2019. The Bill seeks to address certain deficiencies with regard to the conduct of gaming and lottery activities regulated under the Gaming and Lotteries Act 1956. Deputies will agree that the provisions of that Act are, for the most part, outdated and require modernisation.

The Bill proposes a number of interim reform measures for the licensing and regulation of gaming and lottery activities covered by the 1956 Act, pending the development of comprehensive reform through a revised gambling control Bill. The discussions on the Bill in the Seanad were most informative and a small number of Government amendments to the published Bill, primarily of a technical or textual nature were agreed. I look forward to a constructive discussion on the Bill's proposals with Deputies during its passage through this House.

It would be useful to mention some of the issues that were discussed in the Seanad. The issue of the activities of so-called private members' clubs arose. Such clubs are not licensed

in accordance with the 1956 Act or under any other legislative provision. Thus, the provisions of this Bill do not concern them and there is no intention in the current Bill to impact on their current operation. However, private members' clubs are subject to taxation and anti-money laundering compliance regimes. I should also mention that there are no proposals in the Bill to provide for the licensing of casinos. That must await the planned comprehensive reform. The prohibition on any kind of gaming in which by reason of the nature of the game, the chances of all the players, including the banker, are not equal, is maintained in new section 9A. This effectively prevents casino operation.

There was also extensive discussion in the Seanad on the issue of prohibiting licensed on-line remote bookmakers and licensed bookmakers' shops providing betting opportunities on the outcome of the national lottery draws. As I pointed out in the Seanad, I have no function in respect of the national lottery. That is a matter for the Minister for Public Expenditure and Reform under the National Lottery Act 2013. I opposed proposals to introduce such a prohibition. My approach to this matter must be guided by the relevant Minister. The latter recently reiterated his position of opposing any prohibition on licensed betting operators providing this betting option. There was no evidence advanced in the Seanad that betting on lottery numbers is undermining good causes funding currently or that it threatens the long-term profitability of the national lottery operator, now a private company.

I have no proposals to repeal sections 12 and 13 of the 1956 Act, to end the requirement for a local authority resolution allowing gaming, by way of gaming machines, in a local authority area, as was suggested during the debate in the Seanad. Such resolution is required for an application to the District Court for a gaming certificate and then to the Revenue Commissioners for a licence. Some matters in this regard are, I understand, still before the courts and therefore, we must be careful of commenting. However, for the avoidance of any doubt, I should emphasise that the Minister for Justice and Equality has no role in the licensing of gaming machines. Neither does this Bill provide for a licensing pathway for online gaming, including the playing of gaming machines online. In regard to gaming machines, Deputies will note the recommendations contained in the interdepartmental report of the working group on the future licensing and regulation of gambling, approved by Government on 20 March last, which would transfer future responsibility for licensing of all forms of gambling, land based and online, to a new gambling regulatory authority. At that time, the involvement of the local authorities and other bodies currently concerned would cease. Work on comprehensive legislative and regulatory reform that will include the establishment of the new regulatory authority, has commenced in my Department. However, it will take some time to bring my proposals to fruition, and I do not expect that a revised general scheme of a gambling control Bill may be presented for Government approval until 2020 at the earliest. The scheme will be based on the report of the interdepartmental working group which reviewed the 2013 general scheme of the gambling control Bill and developments since.

To return to the Bill before the House, the amendments to the Gaming and Lotteries Act 1956 provide for a significant modernisation of the provisions of that Act. They provide greater clarity and certainty for all promoters and participants involved, primarily in local fundraising efforts and seek to ensure the best conduct in the promotion of gaming and lottery activities. We all know from our involvement in our local sporting clubs and community organisations how important they are to our local communities. I am sure Deputies will appreciate the need to ensure that worthwhile and necessary fundraising activity through gaming and lottery activity is supported, while also ensuring that the permit and licensing process is as clear as possible

for the promoters.

The primary features of this Bill to amend the 1956 Act will be as follow. The Bill will modernise the permit and licensing regime for local gaming and lottery activities and to standardise the age limit for participating in all activities under the Gaming and Lotteries Act 1956 and for betting with the tote at 18 years of age. These limits are currently applied to betting activities and the national lottery. It will assist in combatting potential fraudulent behaviour and it will provide an improved application process, setting out more clearly the conditions required for promoters of gaming, and lottery activity, whether to a Garda superintendent for a permit or to the Revenue Commissioners or the District Court for a licence. The Bill will increase, for the first time since 1956, the now archaic stakes and prize limits for licensed gaming activities and machines. For the first time, the Bill will set out a clear distribution matrix for how the proceeds are allocated to prizes, beneficiaries and promoter expenses for those lotteries held under licence. It will also modernise the offences provisions of the 1956 Act and require An Garda Síochána, the Revenue Commissioners and the clerk of the District Court to maintain a register of all permits or licences issued under the Act.

The main provisions of the Bill include the following sections. Section 2 includes a number of amended or additional definitions of the principal Act to ensure greater clarity and to reflect the modernisation of that Act. Section 3 replaces section 4 of the Gaming and Lotteries Act 1956 and requires that a valid permit or licence is required to promote gaming and provides that it is an offence to do so without a permit or licence. Section 4 inserts a new section 9A into the 1956 Act. This section sets out the application process for a permit for gaming to be issued by a Garda superintendent for charitable or philanthropic purposes or for private benefit, with a maximum stake of €10 and a maximum prize limit per game of €3,000. The section further sets out the various conditions that will apply to gaming promoted under a permit issued in accordance with the Act. No person under 18 years may take part. The section continues the provision that no permit for gaming on licensed premises will be issued for that gaming to be carried on by means of gaming machines.

Section 5 substitutes a new section 14 for that section of the 1956 Act. The amendment concerns essentially the updating of maximum allowable stake and prize amounts. These are increased from 3 cent and 50 cent to €10 and €750, respectively. There is a new regulation making power for the Minister for Justice and Equality to amend stake and prize amounts. The section also makes it an offence to accept a stake from a person under the age of 18 years. Section 6 amends section 15 of the 1956 Act in a number of respects, including that the District Court may attach to its certificate conditions limiting the hours during which gaming may be carried on, restricting the kinds of gaming, and the extent to which particular kinds of gaming may be carried on.

Section 7 inserts a new section 19A into the 1956 Act requiring the Revenue Commissioners to establish and maintain a register of gaming licences accessible online. Section 8 substitutes a new section 26 for that section contained in the 1956 Act. In accordance with the new section, it will be an offence to promote any form of lottery activity without a licence or permit having been issued in accordance with the Act. Section 9 inserts a new section 26A into the 1956 Act. This section is based on the provision in Part B of the approved general scheme of the Gambling Control Bill 2013 for *de minimis* lotteries promoted for the benefit of a charitable or philanthropic purpose and not for the promoter's benefit. Such a lottery would not require a permit or licence, the prize would be limited to €1,000 and no more than 1,500 tickets at a maximum price of €5 could be sold. This would be useful for those wishing to conduct a raffle

on the night of local events.

Section 10 inserts a new section 27A into the 1956 Act based on the provision of the general scheme of the Gambling Control Bill 2013, which allows for the use of sales and marketing promotions, which may involve a lottery element. Such activities will not be subject to a permit or licence, provided there is no cost of purchase and a total prize value of €2,500 is permitted. Section 11 inserts a new section 27B into the 1956 Act and details the process involved in an application to a Garda superintendent for a lottery permit. The section maintains the current weekly prize fund amounts of €5,000 for lotteries held under a Garda permit.

Section 12 substitutes section 28 of the 1956 Act with a new section that sets out the application process for a lottery licensed by the District Court. The section maintains the current maximum prize amount of €30,000. The section, however, makes provision for a prize fund limit of €360,000, where a once-off annual lottery is promoted under a District Court licence. This provision is advanced from the 2013 general scheme of the Gambling Control Bill 2013.

Section 13 amends section 30 of the 1956 Act by relocating the penalty provisions contained therein to an amended section 44, as inserted by section 18 of this Bill. Section 14 substitutes section 33 of the 1956 Act with a new section concerning information to be contained on lottery tickets. Section 15 amends section 37 of the 1956 Act. The current seizure provision in that section relating to unlawful gaming instruments, as defined in the Act, is now extended to gaming machines. Section 16 amends section 41 of the 1956 Act, by relocating the penalty provisions contained therein to an amended section 44.

Section 17 amends section 42 of the 1956 Act by extending its provisions to include gaming machines in addition to gaming instruments. Section 18 substitutes section 44 of the 1956 Act with a new offences section. Penalties for all offences, existing or new, under the 1956 Act, as amended, are located in one section. The possible sanctions that might be imposed on conviction are updated. Corporate bodies are also subject to the consolidated penalty provisions under section 44.

Section 19 of the Bill, as published, was amended in the Seanad to introduce greater certainty into the process for the revocation or suspension of a gaming licence or permit or a lottery licence or permit. Where the holder of a licence or permit is convicted of an offence under the Act, a superintendent of An Garda Síochána may apply to the District Court for an order that the licence or permit be revoked or suspended. The clerk of the District Court will be required to notify the Revenue Commissioners of any order made under the section and its terms. Section 20 amends section 47 of the 1956 Act by providing that the current forfeiture provision for gaming instruments is extended to provide also for forfeiture of gaming machines.

Section 21 amends section 48 of the 1956 Act by extending the provision for the courts to order destruction of documents relating to a lottery to provide also for destruction of documents relating to a gaming activity. Section 22 amends section 50 of the 1956 Act and provides for the regulation making power with regard to the keeping of accounts and other records of permits for gaming and lotteries issued by the Garda to now be vested in the Minister for Justice and Equality, rather than the Garda Commissioner, who would be consulted on the matter.

Section 23 inserts a new section 50A into the 1956 Act. A regulation making power for the Minister for Justice and Equality was inserted into section 28A of the 1956 Act through section 51 of the National Lottery Act 2013. As the repeal of section 28A is now proposed, this regula-

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tion making power is restated in this section. Section 24 details the sections of the 1956 Act to be repealed by the Bill. The section also contains a transitional provision dealing with lottery permits in force at the time of the proposed repeal of section 27 of the 1956 Act. Section 25 amends the Totalisator Act 1929 by inserting a new section 4A into that Act, which introduces for the first time, an age limit for betting on the tote of 18 years. The penalties in subsection (2) mirror those contained in the Betting Act 1931 for engaging in betting transactions with persons under the age of 18 years.

Section 26 is a new section inserted in the Seanad. It sets out a series of amendments to section 6 of the Betting Act 1931 relating to the power of the Minister for Justice and Equality to revoke or refuse certificates of personal fitness required when seeking licensing as a bookmaker. Deputies will note that the Bill's Long Title has been consequentially amended to take account of this new section. Section 27 provides for the Short Title, collective citation and commencement of the Act.

In summary, the amendments I have proposed in this Bill comprise an interim reform measure. While it is limited, it will have the effect of modernising and clarifying the provisions of what is, as matters stand, greatly outdated legislation. I expect Deputies to raise issues relating to harmful gambling in their contributions. The primary approach to treatment of persons with a gambling problem or addiction must be from the health perspective. I reiterated this point during our debate in the other House. However, I accept that we must and we will, through the planned comprehensive reform, find ways to better address the complex matters involved. We should be careful to avoid raising undue expectations that the proposed regulatory authority can fix all gambling problems. Measures that may be taken by the authority can help to educate and alleviate concerns about problem gambling. Unfortunately, there is no remedy available that can ensure total success concerning this particular addiction. It is an addiction and it is a health issue. In any event, this is not a matter that can be addressed in this limited Bill at this time.

I look forward to the debate on my current proposals and I hope, with the co-operation of all sides, that we can facilitate the swift passage of this Bill. I commend the Bill to the House.

Debate adjourned.

8 o'clock

National Minimum Wage (Protection of Employee Tips) Bill 2017: Second Stage [Private Members]

Deputy John Brady: I move: "That the Bill be now read a Second Time."

I am delighted to have the opportunity to speak on this important legislation, following its passage in the Seanad last week. I commend my colleague, Senator Gavan, on his hard work and sheer determination to progress the Bill through the Seanad. I also commend the trade union movement, through the Irish Congress of Trade Union, ICTU, and SIPTU, as well as the OneGalway and OneCork movements, which have worked hard to ensure the passage of the Bill in support of workers who need to see it made law. I welcome the representatives of the organisations who are watching the debate in the Visitors Gallery.

The Bill has no hidden meaning. It has two basic aims, namely, to give workers a legal right to the tips they earn and to mandate companies to display their tips policy to ensure transparency for customers. Nothing in the Bill will punish or affect in any way good employers. In

fact, they must welcome the Bill. Those who will not do so are bad employers who steal their employees' tips, to supplement the till on a slow night or to keep them for themselves. They are who will be affected by the Bill, which we should all welcome.

Last week, Adrian Cummins of the Restaurants Association of Ireland said that in 2010, the Revenue Commissioners estimated that tips constituted 10% of restaurants' turnover. It is clear why the industry is opposed to the Bill. If the Minister for Employment Affairs and Social Protection is taking their side because she feels they are owed something because of the increase in the VAT rate for the hospitality sector from 9% to 13.5%, it is clear she is on the wrong side of the issue. The Bill is for workers who are employed in a precarious and low-paid sector. Many rely on the working family payment to supplement their low pay. They are the very workers who constitute the more than 100,000 people who work and yet live in poverty. They are the workers who get up early in the morning and go to bed late at night. We must ask ourselves why so many workers in the sector are forced to rely on tips to get by. They are living on the minimum wage or less but the money they should receive in tips as a reward for their hard work, to top up their wage and make life a little easier, is being withheld from them.

I am sure the Minister will outline all the reasons the Government will not support the Bill but they are just excuses. They make no sense and do not stand up to scrutiny. The Bill has nothing to do with taxation. It will have no impact on the current practice of giving tips or on taxation. Revenue is clear that where tips are received directly from patrons, there is no obligation on the employer to operate PAYE, the universal social charge, USC, or PRSI on the amounts received. Where tips are paid by card, the employer must operate PAYE, USC and PRSI on the tips received. Employees are obliged to declare cash tips to Revenue. All such practices will remain the same and will not be interfered with following the passing of the Bill. It will be a shame if the Minister goes down the road of using taxation as an excuse for not supporting the Bill, as she did in the Seanad last week, given that no such taxation alterations are included therein. The Minister's newfound desire to take action on employee tips, in bringing forward her own legislation, as she did previously with the banded hours Bill, following Sinn Féin's lead on workers' rights issues, is welcome but her proposal will not tackle the core issue. Her proposal to make it illegal for tips to make up a person's contractual wage is fine but it does not deal with the issue. Instead, she is telling employers they cannot use tips to make up the wage but that they can pocket them.

The Minister has a simple question to answer. Does she believe that workers are entitled to their tips or not? It is a simple "Yes" or "No" question. She has an opportunity to put aside politics and work together, including with the trade unions and their representatives who are present, to make life a little better for the most hard-pressed workers in the State.

Deputy Mary Lou McDonald: Táim fíor-bhuíoch as an deis labhairt ar an mBille tabhachtach seo agus iaraim tacaíocht ó gach aon Teachta dó.

If passed, as I hope it will be, the Bill will represent an important step forward in strengthening workers' rights, particularly for those in the hospitality sector, who are often on low pay and who suffer disproportionate levels of exploitation in the workplace. The Bill will ensure that workers' tips will be given legal protection by making it illegal for an employer to withhold or deduct staff tips and will require businesses to display their tipping policy in order that customers will know how tips are distributed. No reasonable person could disagree with either of these clauses. They are positive measures and the Bill has rightly received tremendous support from the trade union movement, not least through ICTU, as well as from the OneGalway

and OneCork organisations. They recognise the importance of the Bill, as I hope every Teachta Dála will when the vote is taken.

If we leave a tip in a restaurant, bar or café, we all reasonably and rightly expect that the person who served us or who prepared our food or drink will receive the tip, or at least a cut of it, but that is not always the case. Most people are surprised and angry to learn that workers do not have a legal right to their tips, which is a problem. Research conducted in 2017 highlights that one third of employees' tips are regularly stolen or dipped into by their employers. Nobody can stand over that or allow such practices to continue. Workers deserve their dues, fair treatment, their wages and their tips. That is the way it has to be. In that regard, the Bill is unashamedly pro-worker but I emphasise that it is not anti-employer in any way. There are not two competing, mutually exclusive demands. No good employer has anything to fear from the Bill and, in fact, many employers have welcomed it because it will remove from employers the responsibility and burden for the administration of employees' tips and put workers in control of the tronc scheme. That is welcome and will bring transparency to the system in workplaces. There is no downside to the Bill unless one happens to be a bad employer. There are some of them around but those who breach the provisions of the legislation rightly deserve to face the sanctions outlined in the Bill. For the vast majority of employers, however, and for employees alike, the Bill is good news and should be made law.

Iarraim ar gach Teachta tacú leis an mBille atá romhainn. Let us get the Bill passed and enacted. Let us do the right thing.

Deputy Imelda Munster: I welcome the opportunity to speak to the Bill, which was sponsored by the Sinn Féin Member, Senator Gavan, and I am delighted that it has been passed on all Stages in the Seanad. I hope the support we have received from other parties will continue as the Bill makes its way through the House.

The Government predictably opposed the Bill, which is unfortunate. I was disappointed, in particular, with the Minister for Transport, Tourism and Sport and the Minister of State at the Department, Deputy Griffin, who did not think enough of those working in the sector to support our Bill. I hope they reconsider their position and take seriously their responsibilities towards those employed in the tourism industry. Often, when tourists visit Ireland, the reception they receive from those working in the hospitality sector stays with them forever. This is known as the land of the céad míle fáilte but if we look at any of the TripAdvisor reviews, the making or breaking of any business, whether it is a hotel, a bar or a club, is the reception people receive from the staff working in the hospitality area.

Many people are surprised that hospitality workers do not have the legal right to their tips and that one third of all tips are taken from them by their employers on a regular basis. This Bill will make it illegal for any employer to withhold, deduct or demand the return of a tip from an employee. The Bill will also require that employers display their tipping policy on menus or in another suitable manner to ensure that customers have transparency with regard to whom and how their tip is distributed.

As Sinn Féin spokesperson on tourism, I am acutely aware of the poor pay and conditions endured by many workers in the sector. The Government, every so often, brags that 260,000 people are employed in tourism but it ignores the fact that many of these workers have to contend with low pay, and uncertainty in respect of working hours and seasonal work, which leaves many people having to draw social welfare over the winter months. The very least these work-

ers deserve is to be in control of their own tips. Hospitality workers work hard and they often work long and unsociable hours. By God, they earn their tips and they rely on them because most people in the sector earn very little pay.

Employers have nothing to fear from this Bill. The only people who will lose out are employers who steal the tips of their employees. The Government might prioritise such people but anyone with a common shred of decency will recognise how wrong and unfair that is.

This Bill is short, simple and to the point. It will give workers the legal right to their tips and it is positive legislation. I hope the Government thinks over what it is doing and comes on board to support the Bill.

Deputy Donnchadh Ó Laoghaire: Momentum has built behind the Bill. I commend Senator Paul Gavan and his team for this initiative. I also commend ONE Cork, ONE Galway and all the people involved in the hospitality sector who have generated this momentum. This momentum has, albeit belatedly and hurriedly, prompted the Government to bring forward proposals. Amidst that momentum, there is a fair bit of discussion, a fair bit of interest and a few reactions. Among the people to whom I talk, there is significant surprise that there is no legal protection for people to their tips. Of course, one category of people who are not a bit surprised are those who work in the hospitality sector.

It is a tough job for many people. They often have to face unpleasant and rude customers, they have short-hours contracts, they could be on low pay and there are all sorts of other issues. The least they deserve is to keep the tips the customer intended to give them. It is common sense. It is a very simple Bill. I cannot imagine any good reason in the world that the Government or anyone else would vote against this. I know Fianna Fáil supported it in the Seanad and I hope it supports it in this House. This is a Bill with broad support.

This is a category of workers who are often vulnerable. Their average earnings per week are €320 compared to the average industrial wage of €697. Very often, these tips can be the difference between being able to manage rent for the month or being able to pay the electricity bill or whatever other bill.

It is correct, as Deputy Brady said, that good employers have nothing to fear from this Bill. However, bad employers, who deprive employees of something they are rightfully entitled to, should be nervous. The Government should have no place in defending this. The Bill contains the word “theft”, rightly, because it is theft of tips that were fairly and squarely earned by these people working in the hospitality sector. It is a large category of people. I urge the Minister to reconsider this and I am sure she has been contacted by many people in the hospitality industry. This is a good Bill and it deserves to be progressed. I am glad it went through the Seanad with cross-party support. The Minister is in the wrong position on this. I hope she revises that and gives these people in the hospitality industry their due and their tips.

Deputy Brian Stanley: The Bill before us is straightforward and simple. I do not know how anybody could oppose it. It would give hospitality workers, who are low paid and on approximately half the average industrial wage, a legal right to have what is their own. We have a solution. We have a Bill that has gone through the Seanad and it should go through this House also, without any messing. If the Government or anybody else wants to put forward amendments, they can do so. It would put an end to the injustice of low paid workers in the hospitality sector having money in the form of their tips taken from them. It is unacceptable

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that any worker would not have the legal right to take home at the end of the evening what is rightfully theirs. Our Bill would strengthen workers' rights and give more power to people who are currently working in a sector that is dominated by low pay and precarious employment. Most people I have spoken to throughout the country and in my constituency are shocked and surprised to find the tips they leave do not always get to the workers and that workers do not have a legal right to them. Most people are shocked and outraged to find there is a high chance the owners will take the tips with their labour.

My constituency has a large tourism sector, which is good and brings a lot of business and wealth to the area. However, the industry is built on the back of these workers and would not exist but for the work and commitment of those who get up early in the morning and work late at night. It is shameful to think the Government may oppose this Bill and deny each and every worker their statutory right to have these tips. It is telling that the Minister did not find the time to meet with the trade union sector on this Bill but she did meet representatives of the Restaurants Association of Ireland.

I have a money message, given money messages are often popped up in the House to stop Bills. There is a message in this Bill that we should make sure the money that is earned by the workers goes to them. Sinn Féin is a party of ordinary working people and we stand with workers and for workers' rights. However, we are also a party of solutions and this Bill is an example of that. We have a Bill which would provide the solution for workers and give them what belongs to them. I call on all parties to support the Bill in the Dáil and give it the support it received in the Seanad.

Deputy Dessie Ellis: In many businesses, primarily in the hospitality, leisure and service sectors, tipping has increasingly become a common practice. Cafés, bars, restaurants and hotels comprise a large proportion of this sector. Tipping staff, especially after a meal, is something I do, not because I am expected to do it, but because I believe it is the right thing to do.

Customers in general have a number of ways to pay tips and gratuities, whether it is through a discretionary service charge or a gratuity paid to the employer as part of a payment via a credit or debit card, a cash tip paid into a staff box, or, more commonly, a cash payment made directly to the waiter, waitress or employee. None of these payments should be used to make up the national minimum wage, be kept by the employer to cover breakages or the costs of those who have done a runner, or as additional profit for the employer. Sadly, this seems to be the case in many places and staff are not getting tips that customers leave with the expectation that the staff member who has served them will receive the tip.

Tips, gratuities and cover charges cannot be used to make up the national minimum wage but should be paid on top of it. This Bill will amend the National Minimum Wage Act and add protections ensuring that employees receive the tips paid by customers and pass them on to staff members. If this Bill becomes law, it would make it illegal for an employer to withhold, deduct or demand the return of a tip from an employee without a lawful excuse. It would also require businesses to display their tipping policy on a menu or in a similarly prominent manner.

People like to reward good service and courteous and friendly staff. It is to the benefit of an employer in the hospitality sector that his staff do their utmost to make the customer feel at ease and have an enjoyable experience in the restaurant or bar. Quality staff are crucial to enhancing the reputation of the business and a business with a good reputation will lead not just to repeat custom but to new customers. This is vital for the survival of any business but particularly a

business in the hospitality sector. Customers will sense when staff are disgruntled or not happy in their work. I can understand that a member of staff rewarded because of his or her service, who does not receive that reward, would feel hard done by. The tip is a recognition of a job well done. Taking a tip from a staff member is effectively telling that person he or she does not matter.

Ireland is very dependent on the tourism industry. Those at the front line of that industry are often staff in cafés, bars, restaurants and so on. Ireland is famous for its hospitality and céad míle fáilte. This can only continue if we treat those on the front line of this industry correctly. We can do this by ensuring they receive the gratuities they have earned.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I oppose this Bill, as I did last week in the Seanad. I do so not because the Government does not want to help low-paid workers - our record in that regard speaks for itself - not because there is nothing good in the Bill, because there is a lot in it that is good, and not for political reasons, even though that is what has been alluded to by Sinn Féin. My record in the past three years as a member of the Government shows that I will work with anybody who is willing to try to achieve additional protections for workers. I am opposing this Bill because it is fundamentally flawed. This is not only my view, as Minister with responsibility for the working rights of people, but the view of the independent Low Pay Commission, by which I am guided on this matter.

The Government did not oppose this Bill in its early Stages of its passage through the Seanad because I had asked the Low Pay Commission to examine tipping practices and to report back to all of us with its findings. When those findings were examined closely, it became clear that this Bill had taken the wrong direction and it could not be fixed by a few amendments. A different approach was needed and I am taking a different approach, one that I believe will be workable and, probably more important, enforceable.

Who is the Low Pay Commission? The commission is an independent body representing a wide range of interests and perspectives. In conducting its examination of tipping practices, the commission engaged in a targeted consultation with political parties, trade unions, employer and employee representative groups, experts in employment law and State bodies such as the Revenue Commissioners and the Workplace Relations Commission, WRC. It also examined current tipping practices in other jurisdictions similar to Ireland. What were the findings of the Low Pay Commission? It found, as set out in its 2018 report, that legislation or regulation should not be introduced in this area as it could be unworkable and unenforceable. It also found that there could be unintended negative consequences for low-paid workers such as the reclassification of service charges, which would lead to a potential reduction in their take-home pay. The commission also stated that because tips are paid in a variety of different sectors and contexts, the one-size-fits-all approach set out in the Private Members' Bill should not be recommended.

I want to note some specific points that were made in the submissions made to the commission during its examination. The Revenue Commissioners noted that if tips are issued through the employer, PAYE, universal social charge and PRSI, including employer PRSI, must be applied. This is what I mean when I say the Bill has tax implications. These are not my words. They are the words of the Revenue Commissioners. In Ontario, Canada, the Protecting Employees Tips Act 2015 contains a number of similar provisions to this Bill. There is currently to my knowledge no study regarding the effectiveness of this Canadian provincial legislation, but

there is at least some anecdotal evidence to suggest that employees' take-home pay was reduced as a result of that legislation. This is not something I can countenance in this country.

The Green Party argued that it would be very unlikely that the State could provide the level of inspection and enforcement that would be required for this Bill to work. The Workplace Relations Commission, which if this Bill is passed would have the role of inspection and enforcement, stated this legislation would be unenforceable. The WRC's adjudication officers rely heavily on paper-based evidence. Tips, by their very nature, do not attract records, receipts and paperwork. In the absence of paper records, an adjudication officer in the WRC would have to consider the credibility of those giving evidence and judge who they considered to be telling the truth. There would be no official paper record, unless a formal system of recording and distributing tips was introduced. This is no easy task. This was a key reason the Low Pay Commission concluded the administrative and compliance costs involved in regulating this area could not be justified. On that point, it was Fianna Fáil that submitted the opinion to the Low Pay Commission that we should not create more bureaucracy in an area that does not warrant it.

The WRC also sees a problem with the Bill's proposed tronc schemes. This is because in the employment rights sphere, claims must be taken by employees against employers. However, when a tronc exists, the responsibility for the collection and distribution of tips shifts away from the employer, and as a troncmaster is not an employer, no claim could be taken against them if they did not distribute the tips fairly. It is in that context, Revenue confirmed, that if a troncmaster is involved in the distribution of tips, they would in fact be required to register as an employer and, therefore, make tax deductions accordingly. Furthermore, the WRC noted that the entirety of section 4 of the Private Members' Bill, which provides for offences, would be impossible to enforce. It said that for section 4 to be viable, the Bill would require an explicit statutory obligation on employers to keep a record for a specified period of all gratuities received and in all forms, cash and non-cash, similar to the record-keeping obligations in other employment law statutes. This is not provided for in this Bill and, if it were, we would be talking about an extraordinary level of bureaucracy and a huge burden.

I want it to be clear that this is not about me finding fault with this Bill. Informed and interested parties, including the very body that would be charged with enforcement of this Bill, have found fault with it. The Low Pay Commission, the Workplace Relations Commission, the Revenue Commissioners, Fianna Fáil and the Green Party have pointed to problems around legislating in this manner. There are other problems with this Bill that should not be underestimated. For example, it proposes to amend one section of the National Minimum Wage Act 2000 in a way that fails to distinguish between tips and service charges, despite the fact that another part of the National Minimum Wage Act 2000 makes an important distinction between them when calculating a person's minimum wage. That brings a contradiction into this Bill that would make it unworkable.

The Bill also provides the Minister with regulation-making powers relating to the introduction of tronc schemes, but it is unclear from the Bill who should operate these schemes and how they should operate. There is no detail, policies or principles set out. The Bill provides that there should be employee involvement in the tronc schemes but it does not say whether employers should also be involved or which of them should be in control of the tronc schemes. It further provides that a collective agreement on tips should prevail over any provision of the Bill that conflicts with it, but it fails to set any parameters around what is meant by this, what is envisaged by it and who might be a party to it. Many of the workers in this sector do not have trade union representation. There are implications, too, for low-paid workers, some of whom

benefit from certain social welfare means-tested schemes, if tips are pooled into tronc schemes and distributed that way.

My departmental officials and I have met, together and separately, industry stakeholders such as the restaurants, vintners and hotels associations, as well as representative groups such as ONE Galway. We have listened carefully to concerns expressed by hospitality workers, university students, secondary students, trade unionists and commentators. It will take a consensus to solve this problem, a consensus that the commission found to be absent in this legislation. I was glad to learn that some of the key stakeholders are amenable to reaching a voluntary agreement on tipping as an alternative to heavy regulation. I have not minced my words with any of these groups around the need to move on this issue. I am seeking to regulate only to the extent necessary to make progress for the workers concerned and to avoid the pitfalls the Low Pay Commission has warned about that would act against the interests of those workers. I want to take a balanced, considered approach.

It is important to note that none of the proposals put forward will be a silver bullet for workers in this sector who have described to me their struggles in terms of paying rent, education fees, car insurance, utility bills etc. There are broader issues at play. As Minister for Employment Affairs and Social Protection, I can build on the advances I have made with the Employment (Miscellaneous Provisions) Act to help low-paid workers and workers in precarious employment. I intend to amend the Payment of Wages Act 1991 to ensure tips and gratuities cannot be used to make up or satisfy a person's contractual wages and to provide for a requirement on employers to display clearly, for the benefit of workers and customers, their policy on how tips, gratuities and service charges are distributed. In confining the scope of the new legislation in this way, we will support workers and avoid the downsides the Low Pay Commission states are in this legislation. It is about doing what is possible and that is on what we are basing our measures. The transparency we have can be very strong and can have an important impact. As Members described here earlier, many people who leave a tip automatically assume that it goes to the workers. We have to make sure that it goes to workers. We will bring clarity to what we mean by tips, gratuities and service charges.

I wish to notify the House that while there are the best of intentions in this Bill, there are far too many unintended consequences that would reduce the take-home pay of the people working in this sector. I will oppose it. I wish the House to note that in accordance with Dáil Standing Orders 178 and 179, I have asked that a money message be required with regard to this Private Members' Bill. The Bill, if enacted, would cause significant additional expenditure to be incurred by the Workplace Relations Commission. There are more than 10,000 establishments nationwide in the hospitality sector that would fall within the scope of this Bill. If the WRC was to fulfil its inspection and compliance obligations for even a portion of those 10,000 businesses, there would be a significant additional burden on that State-funded body. This Bill would create new offences. The costs associated with the prosecution of these criminal offences would give rise to an appropriation of public moneys and this necessitates a money message in this case. It would be remiss of me not to raise this issue in the House. It would be dishonest.

Deputy John Brady: That is disgraceful.

Deputy Regina Doherty: The measures that we have outlined will fundamentally change and give transparency to the rights of workers to their tips. In addition, the patrons of all these establishments will know exactly where their money is going.

18 June 2019

Deputy Willie O’Dea: I wish to share time with Deputies Eugene Murphy, Butler and Murphy O’Mahony.

Having read this Bill, I recommended to my party that it should be supported and we intend to support it. The Bill seems to set out to do two things which are quite simple but, to me, eminently sensible. It seeks to ensure that when a tip or a gratuity is given to a worker in a place such as a restaurant, which is intended for him or her, the person for whom it is intended gets it, and the employer has no right to any part of that gratuity. Second, it seeks to display in a prominent place of business where this sort of activity takes place the policy relating to how these gratuities are dealt with and distributed in order that people will know where their money is going. It seems to me that were I to go out onto the street on a busy day to ask people their opinion on whether those two propositions should be put into law, I do not think I would find a single reasonable person who would disagree.

I acknowledge the Low Pay Commission referred to taxi drivers, hairdressers and such other categories of employment where tips sometimes come into play but the overwhelming majority of people about whom we are talking work in the hospitality industry. They are at the very lowest point of the pay scale, as the Minister will be aware. Many people who rely on tips are part-time workers, short-term workers or workers in precarious employment. They are people who struggle to make ends meet from one end of the week to the other. I was scandalised. I always paid tips in cash and always assumed that when anybody paid a tip, it went to the person for whom it was intended. While most employers behave reasonably, I was scandalised to find that quite a percentage hold on to a payment which was clearly for the benefit of somebody else, namely, their worker. That is wrong and should be legislated out of existence at the earliest possible opportunity.

The Minister has stated she is bringing in her own legislation. I have looked at her proposal. It is laudable and I support it but it will not deal with the issue. It is much narrower. Let us face facts. I do not know what the thinking of the Government is when it proposes a panacea. It wants to ignore this legislation and introduce a panacea which is not a panacea at all. It will not deal with the problem. The Minister can take my word on it.

The Government has raised a number of objections, namely, that the Low Pay Commission told it that because there will be a change in the way these things are taxed, those who are in receipt of tips will finish up with less take-home pay. That is a charade. It insults the intelligence of this House. I do not care whether the advice came from the Low Pay Commission, the high pay commission or any other commission. The fact is that this Bill is about giving workers legal entitlement to what was given to them. That is it. It is not about tax law. It does not change tax law in any way, shape or form.

There are three ways in which a person who is employed in the restaurant business, for example, can get a tip. He or she can get it through a service charge, which is imposed for the benefit of staff. He or she can get it paid by way of credit card, which also goes to the employer. He or she can get a cash payment. It seems that as far as taxation administration is concerned, nothing will change in the first two cases of a service charge or payment by credit card. That comes to the employer anyway and the employer does what it has to do, namely, deducting tax, PRSI etc. In the third category, where one gets a cash payment, the law in this country is that one has to declare that for tax purposes. It is taxable under the PAYE system. The Government appears to be saying that if one changes the law in the way proposed by the Bill, it is still taxable but the employer will be operating the tax on it rather than the employee declaring it directly

to Revenue.

Why would the Minister say in her response that the employee will be less well off? The tax rates are the same. Instead of going directly to Revenue, it goes through the employer. Is it the Government's argument that in this third category of payment by cash, it is aware that people are not declaring these cash tips, there is widespread tax evasion and that if we do something to ensure that workers become legally entitled to their tips, all of this will come to light and they will be worse off? With all due respect, that is a lamentable argument for the Government of a sovereign state to hide behind. In any case, the third category I mentioned will become less relevant as the years go by because we have crossed the threshold of a cashless society. In ten years' time, there probably will be no such thing as cash and everything will be paid by credit card, therefore, the argument will be redundant.

The Minister and the Taoiseach dragged in talk about social welfare, housing assistance payments, HAP, and medical cards. They have said people will suddenly not get their medical cards or they may not get as much in social welfare payments or any at all or they might not be able to get HAP. As I understand social welfare law, if somebody is getting a means-tested social welfare payment, his or her whole income is reckoned for that purpose, including tips if he or she happens to be working in a restaurant and is in receipt of tips. That does not change. The same thing applies to the HAP and medical cards. A person's entire income is taken into account. Is the Government again saying that those people are wilfully concealing part of their income, which will now come to light if the Government at last is forced to do the right thing? It is a spurious, threadbare argument.

I will give the Minister one bit of advice as a long-standing Member of this House. We are more than three years into the lifetime of a minority Government. The future is very uncertain. The prospect of a general election looms ever closer, like the sword of Damocles. We can see it right in front of us. The Minister is proposing that some sort of half-baked legislation, which is being drafted as we speak, will appear some time in the indefinite future - maybe before the end of the session - but it will not be law before the end of the session. It seems to me that this legislation deals comprehensively with the problem. It is not perfect. There are places where I would like to see it amended. I am prepared to sit for as many hours as I have to sit in committee to make the appropriate amendments and to discuss any Government amendment. We should remember that the figures indicate that many low-paid workers are in consistent poverty. People at the lower end of the scale depend on the gratuities to survive from week to week are having what is rightfully theirs taken from them. That is happening and it will continue to happen. As a House, we have a moral obligation to do something about this and to do it now without delay. I respectfully suggest to the Minister of State, Deputy Stanton, that the simplest way to do it is to allow the Bill to pass. We will all have our ideas for Committee Stage amendments. The Bill can go to Committee Stage next week and, as a member of the committee, I am sure I speak for my colleagues on all sides, we will sit for as long as it takes to get the Bill as right as possible and have it passed into law before the end of this session. The low-paid workers of this country who are in precarious employment and struggling to survive deserve no less.

Deputy Mary Butler: Fianna Fáil is in favour of increased transparency for workers and consumers in terms of how tips and gratuities are treated and to make it clear to consumers that tips and gratuities are voluntary. We recognise that many employers act in a fair and reputable manner and that many businesses have their own individual arrangements in place regarding the distribution of tips. Moreover, while we also recognise that this is not a black and white issue, we are concerned that some employers behave in an unscrupulous manner and that must

be addressed. That is the reason Fianna Fáil supports the Bill.

We recognise that those who work in the hospitality, leisure and service industry play a crucial role in the economy and we are committed to supporting and protecting staff working in those industries. Fianna Fáil believes all workers should be paid a fair and decent wage. It is imperative that the Government addresses issues regarding low paid, precarious work and underemployment which, unfortunately, are too common a feature across several sectors in the economy. Many workers in those industries depend on tips.

One could ask what is a tip. A tip is a sum customarily given by a client or a customer to a service worker in addition to the basic price. Tipping is completely different to a purchase. It is an amount one gives because one values good service. Tips should always be for the staff and should never be seen as a service charge. It is clearly a gratuity payment to recognise good service and good treatment. Unfortunately, we have heard recently that some employers in the restaurant business keep the tips and use them to supplement wages for employees. That is the reason this legislation is important. When a customer leaves a tip, he or she assumes the tip goes to the server not to the employer of the person.

The Bill is short, with three clear aims: introduce a provision prohibiting an employer from withholding tips or other gratuities from an employee; making a deduction from an employee's tips or other gratuities; or causing the employee to return or give his or her tips or other gratuities to the employer. Electronic payments by debit card or credit card have become popular. I always leave a tip in cash, which makes it easier for the server or employee to receive the payment. When it is included in an electronic payment of the bill, it is much more difficult for all concerned. People who work in low-paid jobs depend on the few bob they earn every week in tips. I am pleased to support the Bill.

Deputy Margaret Murphy O'Mahony: Although tips are discretionary, many employees in the service industry, particularly the hospitality sector, depend on them to complement their basic weekly wage. Many of those in the service industry in west Cork fall in the category described as "underemployed persons" or persons who work part time, although they are seeking full-time employment. Such a situation is further compounded by the nature of the work, which is seasonal, with many businesses only operational during the summer months. In that regard, the provision of tips bears even more significance to an employee. Aside from the reliance on those moneys by the employee, it is necessary that there be clarity and transparency not only for the employee but also the employer and consumers. Policy information pertaining to tips and gratuities should be clearly displayed in all premises where tips may be handed over to employees.

The Minister has pledged to amend the Payment of Wages Act to ensure tips do not form part of the contracted rate of pay, which should go without saying. I am concerned that the measure does not go far enough. Nothing short of total transparency is acceptable.

Deputy Eugene Murphy: Like many of the previous speakers - the Sinn Féin Members who proposed the Bill, my colleagues, Deputies O'Dea, Butler and Murphy O'Mahony - I add my total support to what is proposed. I am in agreement with Deputy O'Dea that if amendments are required we can all work together to ensure changes can be made for the betterment of the Bill. I encourage the Government to allow the Bill to go through. It should withdraw the amendment because the Bill favours people who should get the money. Many of them are part-time employees, work unsociable hours or seasonally and they need it.

When I leave a tip in a restaurant, I expect it to go directly to the people who prepared and served the meal. I would be angry if I found out the money was going elsewhere. That should not happen. The right thing to do this evening is to support the Bill and if we want to make amendments to improve it further along its passage, let us do that.

I spoke to an employer about the issue only last week. She told me she would welcome this type of legislation because it would be clearly there in black and white and the public would understand where in law the money was supposed to go. I am sure many employers who rightly give tips to their staff would welcome such legislation.

Fianna Fáil brought in the National Minimum Wage Act in 2000. We increased the rate six or seven times in the following ten years. I am not surprised that this side of the House would fully support what Sinn Féin is trying to do. There should be no interference by employers with money that is given by a customer to staff who need the money.

There has been much talk about electronic payments. When I go to a restaurant, on paying the Bill, I ask for an extra €10 or other amount back in cash and I give it directly to the people who served me. Some say they must put it into a special container and then the money is shared out. That is fine if that is the way it is done. That is one way to get over the fear that if a tip is paid electronically that it will never make its way to the people to whom it should go.

There are times when one needs to do the right thing and the right thing to do for every Member is to support the Bill and to work to bring it into law as quickly as possible. Many employers would welcome the fact that such a provision would be in law and there would be little or no confusion. People would not say employers hold the tips or do not give it to their workers. It would be clearly there in black and white and there would be no further confusion about it. When I was in a restaurant in the west last year, I saw a notice saying that all tips given would go directly to the staff, which is great. It was there in black and white in public. The public would welcome that.

The Minister has left the Chamber and the Minister of State, Deputy Stanton, is representing the Government. The public is very much against what the Government is doing, which is tabling an amendment to the Bill. In most people's minds, the legislation is the right thing to do. In the name of God, if somebody leaves a tip for an employee in a restaurant for the chefs or those serving the customers he or she expects that tip to go to the staff. That is the bottom line.

Deputy Sean Sherlock: I do not propose to detain the House for long. We unequivocally support the Bill. I came to the House with the expectation that the Government would have taken into consideration the points made in the Seanad and supported the Bill on that basis, but I am disappointed to hear, yet again, that it will use the tool of the money message to stymie the Bill. It is a practice that has become more prevalent as this Dáil progresses, particularly where robust legislative measures are proposed by the Opposition. It is another form of the guillotine, to be frank. There was much discourse previously about the use of the guillotine, and the money message has become its replacement, in my humble opinion.

I read the Minister's speech and I am still trying to internalise most of it. I am speaking off the cuff about it, to be honest. I do not understand the Minister's use of the report of the Low Pay Commission as a mechanism to oppose this Bill. Points were made about tips by the Low Pay Commission in its report, but it is not useful to use that as a Trojan Horse for opposition to the Bill. I was hopeful that the Minister would say there were challenges laid out in the Low

Pay Commission's report and suggest that we try to meet those challenges head-on by working together through amendments on Committee Stage to seek to legislate for this principle in respect of people who receive gratuities. I worked in the hospitality sector as a student and I know one becomes reliant on tips. Arguably, they form part of one's income, but they are nonetheless gratuities. There is a cultural precept whereby tipping is very much part of the hospitality sector. Where the gratuity is given it provides an additional form of income but it is not, of itself, the primary form of income. If we move away from that cultural aspect, we will do a disservice to people in the hospitality sector. The principle that Senator Gavan and others are seeking to establish in this legislation is that people would retain those gratuities and the gratuities would be recognised for what they are, which is something over and above the wage accrued by the individual worker.

However, the Minister has come to the House with quite a bureaucratic and technocratic response, using the Low Pay Commission report as a mechanism to kick this legislative proposal to touch. The idea of the troncmaster is used as a mechanism to oppose the legislation by saying it would have certain obligations in respect of reporting to the Revenue Commissioners. That is not insurmountable. It could be legislated for on Committee Stage if we are imaginative. It is not good enough to come to the House to express sympathy or empathy for the situation in which workers find themselves unless one comes forward with an alternative or at least an expression of goodwill towards progressing the legislation, without using a *de facto* guillotine of the Bill through the money message tool.

The ownership of tips is not considered wages under the Payment of Wages Act. That appears to be the kernel of this issue. There is a majority view in the House in favour of this legislation. If a majority view in favour of the legislation has been articulated by the political representatives of parties and entities, it is a matter for the Government to allow this Bill to proceed to further examination on Committee Stage. We must recognise the majority view and the paradigm that exists in this House whereby if the majority of political parties express a view in favour of legislation, the Government of the day should respect that and at least allow it to proceed to the next Stage. We will wait to see what happens on Thursday in respect of allowing this Bill to proceed to the next Stage, but I again lament the fact that the money message has been used as a tool to stymie this Bill when it has already been passed by the Seanad.

We stand unequivocally by this Sinn Féin Bill. We recognise the people who helped to craft the Bill and we recognise it as a genuine attempt to ensure that people who receive gratuities get what is duly theirs, without putting a bureaucratic or technocratic imposition on that attempt. From a cultural and societal point of view in the hospitality and other sectors there is a recognition of the principle of giving a gratuity or tip. We should legislate to ensure that the tip goes to its rightful owner.

Deputy Gino Kenny: I am very disappointed to hear the dreaded words "the money message" used again against the majority will of the Dáil. This place goes from bad to worse when it stifles the democratic will of Deputies. It is extremely disappointing. There is also an element of scaremongering in the Minister's statement. Some of it can be quite credible but other stuff is quite bureaucratic and scaremongering.

I congratulate Senator Gavan and Deputy Brady for bringing forward the Bill. It has brought light to the hospitality sector with regard to tips. For my part, I thought tips would naturally go to the workers but that does not happen for one in three employees in the hospitality sector. People would consider that grossly unfair. Most workers in the hospitality sector are non-

unionised and have precarious work and precarious hours. It is important, therefore, that the tips are fed down to the workers to subsidise their wages. That brings us to another argument, probably for another day, about a working wage in Ireland. Most workers in the hospitality sector will not earn that. That is another battle we need to fight on another day.

Other Members have mentioned that not all employers are bad. However, there are employers who abuse the tip system to their own ends financially and to rob workers of a fair gratuity paid by the customers for their service. It is important that this Bill gets across the line. One scratches one's head sometimes because one comes into this House to try to make a difference but whenever one tries to do that, a minority Government in this House tries to stifle the will of the majority of Deputies. Most people watching these proceedings will be quite confused and angry that this is being done continuously to stop progressive Bills and matters that could be very progressive when it comes to workers' rights.

It is important that this Bill go forward, but the concept of the money message is stifling democracy in this House.

9 o'clock

Deputy Paul Murphy: It was James Connolly who described the socialist movement as the great anti-theft movement. He was obviously talking about the capitalist system of wage slavery and the profits of the bosses being made through the exploitation of and robbery from workers. He did not quite have this in mind, which is taking it to an even greater extreme, whereby one sees what is literally the theft of what should be part of workers' wages; it is an element of wage theft by unscrupulous employers. It is obviously part of a very large imbalance of power between employers and workers and finds prevalence in conditions of precarity. It is also part of what is increasingly a two-tier economy in which, despite the fact that formal figures show that the economy is moving ahead, from which some better-off sections are benefiting, we see the prevalence of and massive expansion of low pay and precarious conditions, part of which is the theft of people's wages, including their tips.

I pay tribute to the workers in The Ivy and elsewhere who have spoken out about this and put their necks on the line to expose the reality to the many customers who think that when they leave a tip, it goes to the workers for whom it is intended. I listened to an interview with a worker who said the theft of tips by employers had been found in six of the seven restaurants in which she had worked; obviously, therefore, the phenomenon is widespread. It is a testament to those workers who are speaking out and points to the need for this legislation and the organisation of unions in the workplace as the way to defeat unscrupulous employers on this and a range of other issues and win benefits. Workers in precarious employment, including in the hospitality sector, can be organised. If we look at what is happening in the North, we can see that this is the case in the establishment of the Unite hospitality branch. It has shown how it can be done in a number of employments. Workers are being organised in the South, which is crucial.

I listened to the Government express its opposition to the Bill and thought its arguments against it were very hollow. They involve the idea that this issue is very complicated and that the Bill will not deal with it. It deals with it in a very simple and clear way by stating the tip given is the property of the worker to whom it is given. That seems to be the simplest way of dealing with it.

I wish to make a broader point. I have had it with the Government and money messages.

It is scandalous. It is time for the Opposition to call a halt to this practice by the Government. We have the power to call a halt to it and need to do it now. The Government can make its arguments against the Bill and argue why it does not think it is great, which is fine. I have no problem with that, but if a majority in the Dáil pass it on Thursday, in the way it has been passed by the Seanad, the Government should not find another way to block it. It is scandalous and makes a joke of democracy. The people elect Deputies to the Dáil to make decisions on a majority basis, but the Government is now reserving to itself the power to ignore the will of the Dáil. The Minister just threw it out based on Standing Orders 178 and 179; she was going to suggest a money message was needed for the Bill. It is not her role under Standing Orders to suggest a money message is or is not needed for a Bill, but that is the prerogative the Government has taken for itself. It is meant to be objective. As Deputy Gino Kenny and others said, progressive Bill after progressive Bill has been halted by the Government after it has lost a vote. Examples include the Control of Economic Activity (Occupied Territories) Bill, the Prohibition of Fossil Fuels (Keep it in the Ground) Bill, the Provision of Objective Sex Education Bill and now this one. In a good article written by Dr. Eoin Daly and Dr. David Kenny in *The Irish Times* last week the point was made that this was a cause for great concern and had the makings of a democratic and constitutional crisis. It was stated “dozens of Bills that have been approved in principle by the Dáil are blocked because the Government has refused to issue money messages”. It went on to state:

The interpretation of the Constitution and standing orders adopted by the Ceann Comhairle and the Government runs against the idea of democracy by majority vote and the spirit and purpose of the Constitution. A minority government should not have a general power to override legislation passed by a democratic parliament, and yet that is what has come to pass.

It has come to pass time and again. I suggest to everyone in the Opposition - ultimately, it is Fianna Fáil that will decide whether we should bring this situation to an end - that we end it by amending Standing Orders to bring them into line with the Constitution. We should get rid of the reference to incidental expenses and stop this nonsense whereby Bills that have nothing to do with the expenditure of money by the State are stopped because that is not the purpose of the provision in the Constitution. It was not what was intended and it is being abused repeatedly to stop the democratic will of the Dáil from being implemented. It is time to call a halt to it.

Deputy Joan Collins: I am very happy to speak in support of the Bill. I organised a press conference this morning to support Senator Gavan’s National Minimum Wage (Protection of Employee Tips) Bill 2017 at which a former worker in The Ivy restaurant spoke. She expressed articulately the conditions in such an environment. In July 2018 workers were headhunted by management of The Ivy because they were possibly the best in the city and because of their experience as they had spent a long time working in the industry. They left jobs to work in the restaurant with the expectation that it would be a good place in which to work, with a good atmosphere and decent wages and that they would be given their tips. She explained that her basic pay was the national minimum wage, although her contract stipulated that it would be slightly more per hour. On their first day, staff were shocked not to receive tips given by credit card. They were told that the money raised by way of the service charge would be pooled in a so-called “tronc” to make up the difference between the national minimum wage and contracted pay rates and that tips given by card would be paid the following month after working for six weeks. She said tips given by card were referred to as a bonus and would have been the difference between poverty and survival pay rates. She said that when staff raised concerns about the

process, they were promised that they would retain an increased share of tips given by card and that they would be paid fortnightly instead of monthly and that the distribution of tips would be monthly. In November 2018 they received no tips bonus; instead they received a letter accusing them of greed. In December they met The Ivy's London-based HR manager who told them that 100% of the tips given by card went into the tronc to pay wages, with the company retaining the excess after wages had been paid. Given that The Ivy was accepting on average around €3,000 per day in tips given by card, the excess was substantial.

When we raised the issue - I raised it during Leaders' Questions - the Taoiseach told me clearly that it was illegal to use tips given in cash or by card in part payment of wages to make up the difference between the national minimum wage and contracted pay rates. Obviously, The Ivy very quickly obtained legal advice and took the option of giving a tip by card off its card machines. The only alternative is to pay a 12.5% service charge at every table; previously it had only been paid at tables of five and over. That is quite deliberate and an example of greed, not on the part of the workers but on the part of big companies that are undermining others that are trying to pay their workers a decent wage and run a system that could be beneficial to workers in receiving their tips. This morning The Ivy worker said of the seven or eight restaurants in which she had worked - she has 11 years' experience - only one had had a democratic way of dealing with tips given by customers. The key point is that when a customer gives a tip, it is given on the basis that he or she makes a decision that he or she has received good service from the waiter or waitress.

The Bill deals with these issues. I cannot say strongly enough that the workers are vulnerable. If a customer asks them whether they will receive the service charge, they cannot answer. There have been instances where stooges have been sent into some restaurants to ask staff this question to see what their response will be. If the response is not the one the management wants to hear, they could be sacked.

That is the environment in which the employees are working. I made the point during Leaders' Questions this morning that this practice of greedy employers does not describe a republic of opportunity but rather a republic of the unacceptable face of capitalism.

What has been happening in the hospitality sector during the past ten to 15 years is the same type of practice that has happened with the bogus self-employed, zero-hour contracts and underemployment. There has been an attack on workers' pay and conditions on the basis of bosses who are greedy and want to keep getting more profit while they may be under pressure due to costs related to their industry. They are going after workers' pay. They are going after the workers' tips and, essentially, it is tip theft and wage theft.

I thank the Sinn Féin Deputies for bringing forward this legislation. I am sure it will progress and be dealt with in committee. It is bad for democracy that the Government has again raised the issue of a money message with this Bill. These workers need some sort of response and the sooner the better. When will the Minister bring forward the heads of the Bill she is proposing? Will it be next month, before the Dáil rises for the summer recess or before the next general election? We do not know. This Bill has progressed since 2017 to the Stage it is at. I thank Sinn Féin for bringing it directly into the Dáil on Second Stage. I believe it will progress and be dealt with in committee in good faith, not in bad faith, which is what is happening on the Government side.

I read an article while I was getting some information on the Bill. There is much reference

to the Low Pay Commission. It has raised issues about this and they should be examined. It made the point in its report that the Union of Students in Ireland and Sinn Féin submitted the results of surveys in the ONE Galway campaign that they had undertaken which examined the practices within the hospitality sector and included data regarding the withholding of employees' tips by employers which showed that one in three workers are not receiving those tips. The commission went on to state it:

[D]id not consider undertaking its own survey into the matter. However, given the time constraints involved and the problem of trying to accurately survey what is, in essence, an informal and undocumented practice, the Commission did not feel such a survey was a practical option.

That is key to the report. It should have gone and got that information. Reporters in the media are coming back with more information on this about different restaurants around town, one of which is the Hard Rock Café. A few of them around town are engaged in the same practice of withholding service charges. This is money that the customer believes should go to the employee who served them. The Minister should review her position on the money message and on opposing the Bill so that we can get this Bill through as speedily and efficiently as possible with the goodwill of everybody in the Chamber.

An Leas-Cheann Comhairle: The Rural Independent Group has the next time slot and its first speaker is Deputy Michael Collins.

Deputy Michael Collins: I support this Bill and commend Sinn Féin on bringing it forward. It will make a great difference for all hospitality workers in Ireland. It will give them a legal right to their tips and all restaurants would be required to introduce a system which fairly distributes tips among staff. Up to now many felt that there was a wrong being done to workers in this sector. There is no doubt that the hospitality sector is a hard one in which to work and far too many workers are depending on tips to make a living. This sector is vulnerable to season peaks and dips, especially in my constituency of Cork South-West, making it difficult for both employees and employers in off-peak seasons. To this day I cannot understand how the Government raised the VAT rate on this sector in the previous budget. This year's statistics are showing that the restaurant sector prices are up 5.2% on last year. Does the Government realise it is the pockets of not only the businesses but those of the consumers and employees it has hit?

My concern about the Bill is what will happen to the employees receiving these tips with regard to paying tax on them. As the law stands, they will have to pay tax on these tips. Are Revenue inspectors going to sweep down on these low-paid workers and demand their pound of flesh? These hard-working people are earning just above the minimum wage and now their tip money will be taxed as well. That would be a disgrace. We need to support the people working in our tourism sector and to work towards improving the lives of many vulnerable workers in the hospitality sector. They are on the minimum wage and the tips help them to survive in a country where our living costs such as rent, energy, childcare and insurance are constantly increasing. I know of some places where managers in the tourism sector are taking the biggest part of the tips. There is not proper regulation in place. The hard workers on the ground are only picking up the scraps that are left over. This has to stop.

The Government has hiked up the VAT rate on restaurants, hotels, hairdressers and other tourism industries, yet it has not reduced the universal social charge that it sold to the hard-working people as a short-term measure. The people working in the hospitality sector endure

unsocial and long hours and they should get their just reward for this by getting not only the right to their tips but also those tips tax free.

Deputy Danny Healy-Rae: I am glad to have this opportunity to speak in support of this Bill. I thank Sinn Féin for bringing it forward. It has always been my understanding that if someone gives a tip, it is for the waiter or the workers and not for management. It is for the staff. I have had no complaints in my county that anything other than that happens, but I hear it happens in other parts of the country. I am disgusted about that. In my county of Kerry I have not heard a complaint about it from any staff, and I am around it as much as anyone. I am glad to support this Bill to ensure that the staff get the tips. If I give a tip to someone, I would mean it to be for the staff, the waiters and the workers in the kitchen or whoever. It is rarely I go out like that. That is what I always understood the tip was for. If I go back far enough, and I am going back a good bit now, when I was a young fellow cutting hay with a 135 and a finger bar mower, if I got a tip of a half crown or ten shillings from a farmer, I would make sure I cut it as close it as I could to the ditch for him and that I would leave nothing standing. One man used to give an English pound note every so often and I never forgot him.

Tips are definitely for the staff and not for the management. As Deputy Michael Collins said, there has been a drop in the tourism business because of the Government's drastic increase in the VAT rate, and I hope the Minister of State is listening to me. It has already hit County Kerry and there is a reduction in business. We can attribute it to nothing else but that. We had two great years in 2017 and 2018 but the signs are that it will not be as good this year. There is only one factor that is being directed at and it is the increase in the VAT rate. It was too severe and too much together, and the Government should have realised that. I am disappointed the Minister of State with responsibility for tourism, Deputy Griffin, who comes from our county allowed that happen in a county that depends so much on tourism.

Let there be no ambivalence about it, however, that I am supporting the Bill in order that this issue is addressed throughout the country, although it does not appear to be an issue in County Kerry as I have heard no complaints, to ensure that workers get their tips, which is what the Bill is about.

Deputy Mattie McGrath: I am also delighted to speak to this Bill, about which I have mixed feelings. I totally agree that a tip is meant for the staff, the waiters, kitchen staff or whoever. Deputy Healy-Rae spoke about being given a tip when he was younger. I also often cut hay but we would not have as many stones in Tipperary as they have in Kerry, so I could get in closer to the ditches with the mowing bar than Kerry fellows, but one could do more damage. However, on a serious note, I am concerned this might be a cynical move by Sinn Féin. Having read the recommendations of the report of the Low Pay Commission, it stated this could be unimplementable and found that it could have unintended negative consequences. That is something I have found out since I came up here. We pass legislation every day. As soon as it gets dark every night, we have legislation. The unintended consequences can be very serious. We should make haste, or make hay if we get the weather this year, slowly.

Certainly, the tips are for the worker. I vehemently dislike big business and what has happened. Capitalism was mentioned and I do not disagree with what was said. With all the big takeovers, with all the land being bought up in my own county and with the Goodman empire in beef, now we have the chains. There is one not far out the front gate here, down the street and across the road on the corner. I am told that is where there is a huge problem. It is a big chain industry, with queues out the door. It is disgraceful, if they do not pass on the tips. The

tips are made with good will.

I was in America for Paddy's day, Lá Fhéile Pádraig, and one is expect to tip there. One is not expected to tip here in Ireland, but we do tip. If we get a good, decent and nice person serving, if that person looks after us as best he or she can, and everything is fine, we give a tip. It is with good will. It is in good taste. It is a good gesture. Why not?

The staff in the restaurant - I have been in there this evening - have a food tasting involving wonderful Irish fare from all over the country, including County Kerry, west Cork and counties Tipperary and Donegal. The staff who work in these Houses never get a tip and they look after us all very well.

I often get a tip from my colleagues to shut up and sit down because a Deputy wants to speak.

I am only saying we should consider this legislation carefully. I will not be able to support it because I do not want unintended consequences where the tips would be included for tax purposes. As the Taoiseach stated this morning, they could be included to deny a person getting a medical card, the bus pass or carer's allowance. We must be very careful.

It might look grand. I welcome it coming up from the Seanad to here. I welcome the research on it. However, we must be careful to make hay, as I said, slowly and make good rather than bad legislation.

Deputy Seamus Healy: I have been a lifelong trade unionist. The first day I went to work, I joined the union. I have been a member of the Irish Transport and General Workers Union, now called SIPTU - a union of which my late father was a founder member in Clonmel in 1934. I was a member of the Federation of Rural Workers and the Amalgamated Transport and General Workers Union, now called Unite. I was a long-time member of the union now called Fórsa. In my day, we started off with it called the Irish Local Government Officials Union. As a trade unionist, I strongly support this Bill. I will obviously be voting for it on Thursday.

I thank Senator Gavan for bringing forward this Bill and commend the Seanad on passing the Bill last week. I ask each and every Deputy in the Dáil to support and to vote in favour of the Bill on Thursday next.

The Minister's contribution was shocking. Words such as "arrogant", "intransigent" and "anti-democratic" come to mind. The use of the money message has been referred to by other Members. This is obviously a tactic to ensure that this Bill does not see the light of day. Of course, because of where we are in this Dáil cycle, the certainty is that no Government Bill will see the light of day either. The Minister's position, as set out here tonight, is anti-democratic. The Minister knows the Seanad has passed this Bill. She knows that all the main parties and Independents in the House, with the exception of Fine Gael, support this Bill. She deliberately uses the money message to stymie this Bill. If the Minister was genuine in this regard, she would allow this Bill to proceed and have it passed on Thursday. If there were areas that she was not happy with and if she wanted to ensure that workers were treated fairly in relation to tips, she could use the legislative process, particularly the committee system, to amend and improve the Bill.

The hospitality sector is a particularly difficult sector for workers. It includes precarious, temporary, part-time, casual and seasonal employment. It is very hard work that involves large-

ly unsocial hours and is low paid. In many cases, it is minimum wage employment. I would say that a significant number, if not a majority, of the working poor are working in this area of employment.

The measures contained in this Bill are reasonable and positive and I do not believe that any good employer has anything to fear from them. A study, as has been stated, in 2017 showed that one third of workers simply did not get the tips that were intended for them. Tips should not be used to make up an employee's wage, to subsidise low wages, or to cover for breakages or shortages in cash or in payments. That sort of conduct by an employer can only be described as theft.

This Bill includes two simple and reasonable measures that the Dáil and the Government should support and introduce. It gives workers a legal right to their tips and it requires all restaurants and establishments to display their policy on how tips are distributed. If that were done, if this Bill were passed, then we would at least have a situation where staff would have access to the tips that customers intend for them.

There are a number of related areas to which I will refer briefly, as I do not have much time. The question of trade union representation for workers in the hospitality sector is an important one. I believe the trade union movement should be putting more effort into ensuring that workers in this sector are unionised.

As I stated, this is a low-wage sector. It is a minimum-wage sector. We need to ensure that all those employed, particularly in this area, would have not only the minimum wage but a living wage on which they could live decent lives and look after themselves and their families.

We must remember also that this sector is one that has had considerable support from the Government in the past few years. Six hundred million euro in VAT was given back to this sector for quite a number of years. It is a sector that has made significant profits over the last period.

This is an area I feel strongly about. I certainly will be supporting the Bill, and voting for it on Thursday. I ask that all Dáil Deputies do the same.

I ask the Government to reconsider its position on this Bill. As I stated, I believe it is arrogant, intransigent and anti-democratic. It would be in the Government's best interests to reconsider its situation. I call, in particular, on two Government supporters, the Ministers of State, Deputies Halligan and Finian McGrath, who in the past were known for their trade union membership and activities, to call the Government to account, to call them out on this Bill, and to vote in favour of this Bill on Thursday and ensure workers in this sector are treated fairly and get the tips that the customers intend for them.

Deputy Denise Mitchell: I thank Senator Gavan for bringing forward this important legislation.

The situation in Ireland is that if the Minister of State, Deputy Stanton, or I go to a restaurant or café and leave a tip for the staff who serve us, there is no guarantee that tip will go to the staff. It could end up in the business owner's pocket and that is wrong. We all know that hospitality workers are some of the lowest paid people in this country. They are in an industry where worker's rights are trodden all over by a significant number of employers every single day.

All this Bill seeks to do is to give transparency to the customers so that they know where their tips is going. It also aims to ensure business owners cannot pick the pockets of their staff. It is a bit rich of the Government, after eight years in office, to suddenly come out the other day and state that it is working on legislation similar to this Bill. That legislation goes nowhere near far enough. Part of that proposed legislation, which nobody has seen but it has been widely reported on, will include a voluntary code of conduct. Another word for “voluntary” in this sense is unenforceable. It is completely pointless and is a Fine Gael cop-out.

Deputy David Cullinane: Hear, hear.

Deputy Denise Mitchell: It is self-regulation and there are no consequences if the rules are broken.

Deputy John Brady: The workers out there do not find this funny.

Deputy Denise Mitchell: If it is voluntary, the only people who will take the legislation seriously are those restaurants and hotels that are good employers. They are not the people whose behaviour we are trying to change with this Bill. We are concerned with those bad employers who simply will not bother with voluntary codes. The Government’s proposal also only prohibits employers putting tips towards their employees’ wages. That does not stop them stealing the tips and putting them into their own pockets or using them to pay for breakages, stock, etc. Our Bill gives employees a legal entitlement to their tips. It is a much stronger protection for workers. The Government should do the decent thing and support this Bill. It has broad backing and is aimed at protecting and increasing the rights of workers who work in a tough and low-paid industry.

Deputy Pat Buckley: I also welcome the opportunity to contribute to the debate. I congratulate Senator Gavan and commend the support of the those in the Seanad. I welcome all of those in the Visitors Gallery. The hospitality sector is a tough area to work in. We know as public representatives something of what is involved in dealing with people but it is extremely tough, however, in the food and drinks industry. I have listened to many contributions. Sometimes we work on scripts but not tonight.

I was taken aback by some comments in the Minister’s opening contribution. I found that some of it was derogatory towards these people who get up early in the morning, go to bed late at night and try to work everyday with a smile on their faces. They are trying to provide for their families. Many people within the industry work very well together and there is a common sense approach to tips. I will refer to one of the earlier quotes from the Minister. She said the Bill provides that “a collective agreement in relation to tips should prevail over any provision of the Bill that conflicts with it but it fails to set out any parameters” blah, blah, blah.

It is a common-sense approach. The Minister has come in with details of technicalities on whatever the Low Pay Commission has stated. She has blamed Fianna Fáil and the Green Party for this, that and the other. This is about giving people back their tips. It is very simple. To some of the people working in this sector, tips are their bread and butter. These tips are what normally feed and clothe the people within the industry, taking into account the austerity we have faced in recent years and the impact of many of the great policies brought in by this Government in the housing and the rental sector. These tips are necessary because the wages are so low. The people who work in this sector are depending on these tips.

The Minister of State can laugh at whatever comments have been made on this side of the

House but I believe that this Bill is about doing the right thing, having a common sense approach and giving back to the people that deserve it. The Minister of State will be well aware that this weekend the Ironman event will take place in Youghal. There will be a major dependency on the hospitality sector in east Cork to cater for that event. The hospitality and tourism sectors go hand in hand. We have a great reputation worldwide. Those of us in this Chamber did not build that reputation; it was the people that work in this sector, which is difficult to work in.

I have heard other comments about the Government having a plan. These plans always seem to emerge after solutions have been put on the table. A solution is very different to an idea. A solution has an end product. I appeal to the Minister of State to come on board with our Bill for the benefit of the people, these workers who are on the lowest possible scale of the wages in this country. The Government, however, has made another decision based on technicalities or recommendations. I love the word “recommendations”. They are sometimes the idea or opinion of someone else. We are not working on opinions tonight. We are working with the facts and statements from people that work within the hospitality sector. That is what we should be taking on board.

The Minister’s contribution mentioned something to do with unions. I was taken aback by that also. It referred to many of the workers in the sector not having trade union representation anyway. That was said as if it was just a dismissive aside. That does not matter. These people have feelings. They need to pay bills. That is what this is about and it goes back to the Bill. This initiative is about giving protection to the employees. I genuinely feel that the majority of employers take the common sense approach. I am well aware of it because we all know people who work in the hospitality sector. There is a fabulous idea in operation in the area. The tips are normally received by the people on the floor who serve the food or the drinks. A chain of events, however, leads from the cleaner to the chef upstairs on to the waiting staff, etc. All of the tips, therefore, are gathered in one pot and then divided out among all of the staff. It is a reward for being a team player. It would be a travesty if the Government does not change tack and come on board to support this Bill and workers in this country.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I have listened carefully to the debate. I commend Sinn Féin and Senator Gavan for bringing forward this legislation. It has been a very good, important and interesting debate. There is no doubt that we all want to assist low paid workers. The Government has a strong record in that regard. There are, however, ways and means of achieving that aim and, unfortunately, this Bill is not one of them.

After the debate on Second Stage in the Seanad, the Minister requested the Low Pay Commission to examine current practices. That was to include whether legislation might impact negatively on tax and financial aspects on either employees or employers. Fianna Fáil subsequently made a submission and sometimes that party gets things right. The submission made reference to the fact that before any legislation was introduced on employee tips, a thorough analysis of the impact such a move might have on employees and employers would be required. It went on to state that it was essential to ensure more bureaucracy and legislation was not required in an area that does not warrant it.

The Minister made that request to the commission to carry out a study in this area and to report on it. The commission comprises nine members and they are independent. The commission came back with a good report, which was 66 pages long. I read all of it. Few colleagues referenced the report. They have only been rubbishing that report. I am not sure if any Mem-

ber even read it. I recommend that my fellow Deputies take the report and read all 66 pages, including all of the submissions. They should read all the report and see what it recommends.

In the end, that report, from a totally independent body, recommended that legislation or regulation should not be introduced in this area as the administrative and compliance costs involved would not be justified. It reported that legislation or regulation should not be introduced in this area as the administrative and compliance costs involved would not be justified. The commission has also indicated that there could be unintended negative consequences, as Deputy Mattie McGrath said earlier, such as the reclassification of service charges leading to a potential reduction in the take-home pay of low-paid employees. That is what the independent commission said. Fianna Fáil also made a submission at the time, which stated that all workers should be paid a decent wage. We all believe that. The submission went on to state that a code of practice should be introduced. It did not say anything about supporting the legislation even though it had been published and debated in the Seanad by that time. Fianna Fáil believed that such a code should be considered as it would improve information to customers and workers and enable business to operate in a fair and transparent manner, which would benefit both workers and consumers. That was what Fianna Fáil stated in its submission.

Deputy Mary Butler: The Minister of State is missing the point.

Deputy David Stanton: I have listened for an hour and half to everybody and have not said one word. The Green Party stated legislation which provides for enforcement in this specific issue would be helpful for a marginal number of cases. I note that many colleagues have said this is not widespread. I think I heard a colleague from Kerry saying it did not happen in that county at all. I do not know whether that is true but I think that is what I heard him say.

Deputy John Brady: Neither does climate change.

Deputy David Stanton: The Green Party went on to argue that it is unlikely that the State could provide the level of inspection required for enforcement to be effective. The Minister, Deputy Regina Doherty, is proposing a better alternative. She wants to put forward a payment of wages (amendment) Bill. She wants to bring transparency in the form of prominently displayed notices in business premises. On that we are agreed.

I was struck when I read the commission's report that it would be hard for anybody to disagree with it. It is very clear, comprehensive and very independent. That is one thing we cannot disagree with. Our opposition to the Bill is not for political reasons. It is for reasons of good legislation and because we want to pass an Act that works in the interest of workers in the hospitality sector. Sinn Féin has brought forward a very interesting and important topic. The Government is going to act on that. We are not going to ignore the report of the Low Pay Commission. It states that legislation or regulation should not be introduced in this area as it could be unworkable and unenforceable. The Green Party agreed with that, and it was also echoed by the Workplace Relations Commission. It was indicated in the report that there is a risk around the reclassification of service charges and other matters that could lead to a reduction in take-home pay. We cannot stand over it if there is a risk there.

This Government enacted the Employment (Miscellaneous Provisions) Act of 2018 to help workers in a jobs market that includes casual and precarious work, as was mentioned. This Act obligates employers to give employees basic terms of employment within five days and restricts zero-hour contracts except in limited cases. It also introduced a minimum payment for

employees called into work but sent home again without work, and introduced banded hours contracts. Crucially, the Act contains strong anti-penalisation protective measures for workers. We know from feedback we have been receiving that this legislation is well crafted and well conceived, is working well and is helping those it is supposed to help. Similarly, the proposals on tips that are being brought forward by my ministerial colleague, Deputy Regina Doherty, will serve workers well and represent the right way forward. That legislation is imminent and will be brought before the House very soon.

Deputy John Brady: Fine Gael has been in power for eight years.

Deputy David Stanton: It will be brought here within days. We cannot support this Private Member's Bill but we will introduce practical, workable measures to tackle the issue. The debate has been useful and helpful. I urge colleagues to read the report of the Low Pay Commission. It is independent and very well done. More work needs to be done in this area. The debate was useful. The Government wants to proceed with something that will work and that will be practical. Unfortunately, this legislation will not work as it is conceived. Deputy Mattie McGrath agreed with me on that point. I thank colleagues for the debate. It has been positive and practical in the main and it serves to highlight an area that needs further examination and work.

Deputy Pearse Doherty: I have listened to the Minister of State, Deputy Stanton, and the Minister, Deputy Regina Doherty. It never surprises me how Fine Gael can come up with ways to scupper a Bill that has broad support, has passed in the Seanad and is supported by sectors and workers, the trade union movement and a number of organisations in Galway and Cork, to mention a few. I am struck by the lengths to which the Government goes to try to take down a very decent concept which any ordinary person can subscribe to. Listening to the Minister, I was reminded of my first job as a 13 year old when I worked alongside my mother for a summer. My mother and her colleague, Annie, were the people who cleaned up after the guests in our local hotel. They dressed the beds and made sure everything was fit when the guests came back that night or to welcome new guests. They built up relationships with people who returned over and over again. My mother and Annie always received whatever tips were provided and they needed every single one of them. They worked damn hard in their jobs in the hospitality sector. Others in the same situation, who are also working hard, are being denied those tips because the employer feels he or she can do so as there is no law to outlaw it. That is despicable.

There are a number of bad employers. We have seen all the research on this and have had all the statistics put on record. Still, the Government decides this is not the time or the Bill to introduce. The Minister went to extreme lengths. She knows that one of the only ways to block the Bill is through a money message, given that it has majority support in both Houses. She said she is acting on Standing Orders 178 and 179 in requesting a money message. The Minister knows fine well that the Government cannot prevent this through a money message. It will be the Bills Office that will make that determination. She went on to say that this brings up to 10,000 business establishments within the scope of the Workplace Relations Commission. Every single one of them is already under the scope of the WRC and is already subject to supervision and compliance by it. Last year and the year before, about 600 premises were inspected. They do not go in to inspect compliance with one piece of legislation but look at all of the legislation. Last year, they found non-compliance of 38% in the hospitality sector in respect of the Employment Permits Act, the National Minimum Wage Act, the Workplace Relations Act, the Organisation of Working Time Act, and the Payment of Wages Act. When this Bill passes, it will also be able to look at compliance with it. The signal the Government is trying to send out

that this will cost additional money is not accurate. It shows the extent to which the Government is trying to deny people who have been given tips legitimately by customers the ability to ensure that when they finish their shift, or at the end of the month when the tips are distributed, they will get what was rightly intended to be in their pockets, not in the pockets of the employer.

Deputy David Cullinane: The only thing on which I agree with the Minister of State, Deputy Stanton, is that this was a good debate. The problem is that the people whom this Bill is intended to help do not need debate. They need support. They need the politicians to do their job. A minority of employers are unscrupulous in taking people's tips and using them to supplement very low pay or to bolster their profits. Our job is to ensure they are no longer in a position to do so. Some issues are complex and need very complex legislation. There is no doubt about that. Then there are issues that are black and white, and this is a very simple, black and white issue. I have sat here for the past two hours and listened to all of those who spoke. Deputy Mattie McGrath is the only one who struck a note of discord. Everyone else in opposition spoke in favour of the Bill. They could see that this is a black-and-white issue. It is for the people in the Visitors Gallery who are low-paid workers fighting to make sure they can keep their tips and fighting on behalf of all the other people throughout the State, including in County Kerry. They would be positively affected by this Bill if it passed.

There is a real sense of *déjà vu* about this. Two years ago, I introduced a Bill in this House to deal with precarious work, if-and-when and low-hour contracts. Ministers sat there as the Minister of State is doing now. They made all the same excuses and put in our way all the same blocks, with all of the same red herrings, to the effect that the sky would fall in if the Bill passed. That Bill was to make sure that we dealt with the issue of zero-hour and low-hour contracts. The Government said it could not be done and that if the Bill was passed, the sky would fall in on employers and on the economy. What did the Government do? It brought forward its own Bill very shortly afterwards because it knew that something had to be done. The Government knew that Sinn Féin had put forward a solution but as it did not want to accept a Sinn Féin solution, it brought forward a Bill of its own. The Government's Bill, however, watered down the proposals to the extent that they would have no real impact for the people the legislation was supposed to support. It was through the work of Deputy Brady and others that we were able to include amendments to strengthen that Bill to at least give some comfort to those workers.

The same is happening here. The Minister of State has said that our Bill is not the solution and that the Government would bring forward its own Bill, which is imminent. This flies in the face of what the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, said earlier in one of her criticisms. The Minister cited the Low Pay Commission and said legislation is not the solution and there is no legislative remedy. On the other hand, the Minister stated she will amend legislation as part of the solution. Which is it? By introducing these red herrings about taxation - which have nothing to do with this Bill - the Government is telling these workers they must wait. Deputy Pearse Doherty is correct when he talks of the application of a money message. All Members in the House are aware this is a tactic by Fine Gael to stop the democratic will of this Dáil and this Parliament. When we have voted for proposals that are in the interests of ordinary working people and hard-working families the Government will try to block it - by attaching a money message - if the proposal does not come from it. I put it to the Minister of State, Deputy Stanton, the only message this sends is that he and the Government do not care about people in low-paid positions.

I ask the Minister of State to put himself, if he can, into the shoes of a restaurant worker who is paid €324 per week on average. Imagine being one of those workers living in Dublin with its

high rents. Average rents in Dublin are €1,600 per month. Some workers may have childcare costs. The Minister of State will be aware that restaurant workers work very peculiar and varied hours; it could be morning, evening or night-time. There is no certainty in the employment with regard to hours. Restaurant workers do very demanding jobs and are on their feet almost all of the time they are in work. The only thing they can look forward to that might supplement the very low levels of pay is tips. All the Bill seeks to do is make sure the employees can keep their tips but the Government puts every possible block in the way of progressing the Bill.

The people who are affected do not care if the legislation comes from Fianna Fáil, Sinn Féin or the Government. They want us all to work together to do our job. Fianna Fáil and others indicated they would amend some of the elements of the Bill. That is why we have various Stages when progressing legislation. If there are flaws in any Bill we can work on them to perfect the Bill. If the Government was really concerned about all of the provisions of the Bill, it could have accepted the Bill, allowed it to go on to Committee Stage, perfect the Bill, work with it, and then we could have had legislation in place very quickly with remedies for those workers who need it.

Almost every week the Taoiseach sits in this Chamber and criticises the Opposition for not having solutions. The reality is that we have solutions and we put forward solutions all the time, but the Government blocks them with money messages, by voting down Bills and by defying a majority of people in the House and in Seanad Éireann. When they see the cynical politics that come from Fine Gael and the cynical politics of Ministers who put in place every red herring they can think of to block a simple and basic protection for people with very low levels of pay to keep their tips, is it any wonder that in the last local election, almost 50% of the people did not vote? The Government should be ashamed of itself for not supporting this Bill. The Government is doing it for party political purposes, which is worse.

Question put

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 20 June 2019.

The Dáil adjourned at 9.55 p.m. until 10.30 a.m. on Wednesday, 19 June 2019.