



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 19 Meitheamh 2019

Wednesday, 19 June 2019

Chuaigh an Cathaoirleach Gníomhach (Deputy Eugene Murphy) i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Acting Chairman (Deputy Eugene Murphy): I wish everybody an enjoyable and productive day. Looking at the company I am in this morning, I am sure Deputies will stick to the time limits and I will have no difficulties.

Corporation Tax

23. **Deputy Michael McGrath** asked the Minister for Finance his plans to manage the risk posed to the public finances and the wider economy in view of the Irish Fiscal Advisory Council's recent warning that our dependence on corporation tax receipts means we are over-reliant on this volatile stream of income; and if he will make a statement on the matter. [25705/19]

Deputy Michael McGrath: In its recent report on corporation tax, the Irish Fiscal Advisory Council, IFAC, highlighted the volatile nature of corporation tax receipts. There has been a massive increase in the quantum of such receipts in recent years. Our dependence on this level of corporation tax receipts is posing a significant risk to the public finances and the wider economy. What are the Minister's plans to manage that risk?

Minister for Finance (Deputy Paschal Donohoe): I am not complacent regarding the risks posed by the increasing share of corporation tax within overall taxation revenues. Along with officials in the Department of Finance, I have identified this risk on several occasions, most recently in the April stability programme update and the Department's annual taxation report. The sharp increase in corporation tax is a notable development in recent years. There are a number of other concerns, including the concentration of receipts within a smaller group of firms. A shock to the corporate tax base cannot be discounted, particularly in light of change

and uncertainty in the international policy environment. Sector-specific shocks could reduce corporate profitability with adverse implications for future corporation tax receipts. As I have outlined previously, it is imperative that we ensure increases in public expenditure, particularly current expenditure, are sustainable and are not financed by potentially transient revenue streams. I would like to mention four steps we have taken in this context. A contribution of €500 million is being made to the rainy day fund that has been set up for 2019. We made an effort in this year's budget to broaden our tax base by reversing the temporary tax reduction in the hospitality and service sector. I have an ongoing commitment to seeking to find ways of reducing our national debt via windfall gains. We are aiming to deliver a surplus of 0.2% of our national income this year, and I hope to move to a higher surplus next year. The question of how we can manage this better in the future is an ongoing policy matter. In next week's summer economic statement, I will look at analysing the level of risk further and I will propose options to the Oireachtas for debate across the year regarding how this issue can be managed on a year-to-year basis.

Deputy Michael McGrath: I thank the Minister for his reply, most of which entailed an outline from the Minister's perspective of what has been done to date. I would like to know what new measures he intends to implement in light of the IFAC report. He has said he will outline some of his options in next week's summer economic statement. Can he give us a sense of what he is considering? Can he give a sense of his response to IFAC's key recommendation in respect of corporation tax, which was that a prudence account should be established and used to warehouse excess corporation tax receipts above a certain threshold to enable such receipts to be passed to the rainy day fund or used to pay down debt? That was its key recommendation in respect of corporation tax. Does the Minister have a view on the council's observation that somewhere between €3 billion to €6 billion of the €10.4 billion in receipts last year from corporation tax could be considered "excess" or outside the normal economic cycle? What is the view of the Minister and his Department on that quite startling conclusion?

Deputy Paschal Donohoe: In acknowledging what we need to do and given the scale of risk that could develop, it is always worthwhile saying what we have already done. There are two different parts to what I am going to do in further dealing with the matter. First, we will put in place a process that the Deputy in particular has called for to see if we can form a better view regarding the sustainability of current receipts. I emphasise that this will be particularly complex in light of the discussions under way in the Organisation for Economic Co-operation and Development, OECD, regarding the global environment for this tax. Second, I will be looking at benchmarks for how current expenditure can be better managed in future outside the existing fiscal rules proposed by the European Union. Across the coming years, we need to have different benchmarks for how expenditure is managed. I am examining the so-called prudence account but I must establish the benefits of creating a new account or a subset of the rainy day fund, given that the intention of the rainy day fund is to have a location for excess receipts in the first place.

Deputy Michael McGrath: Will the Minister respond to the fiscal council's conclusion on the amount of receipts that could be considered excess? It does not matter which of the three spokespersons on finance is sitting in the Minister's chair when the Irish Fiscal Advisory Council has made the assertion that somewhere approaching 57% of last year's corporation tax receipts could be considered excess. If those receipts disappear, we will have a very large problem because of the huge hole in public finances. What is the early assessment from the Minister and his Department on the conclusion? Is the council accurate in stating that quantum

of receipts collected last year cannot be relied on, in essence?

I welcome the Minister's comments on having some form of a review on the sustainability of receipts. It is a key point and I have called for it. Has the Minister carried out any early assessment of the likely impact on our receipts of the emerging changes from the international tax environment, particularly the changes the OECD is now likely to propose that will have an impact on Ireland?

Deputy Paschal Donohoe: The council indicates that between €3 billion and €6 billion could be considered "excess" and this is the reason I want to put in place a new process to form a view on the sustainability of current receipts. This leads to the Deputy's point on whether we have been able to form a view on the risk that could be posed to our receipts due to the different proposals being considered by the OECD. It is currently too early in the process of the work being done by the OECD to be able to provide an answer on that. We will be in a better place to form a view on the matter by the middle of next year. There are two proposed pillars, one of which relates to a minimum effective global tax rate, with the other relating to the allocation of taxing rights. Where we stand from a revenue perspective will depend on the detail of those two proposals and if a mixture of both is delivered. At this point it is too early to give a view on the trade-offs between increased tax revenue being generated based on where value is located versus the risk of any taxing rights moving to larger markets.

Income Data

24. **Deputy Pearse Doherty** asked the Minister for Finance his plans to increase the threshold for entry to the higher rate of tax to €50,000; the estimated cost of this measure; and if he will make a statement on the matter. [25823/19]

Deputy Pearse Doherty: It is now six months since the Taoiseach at the Fine Gael Ard-Fheis pledged to increase the threshold to €50,000 for people entering the higher rate of tax. For a couple this would be €100,000. The package is estimated to cost anything between €2.3 billion and €3 billion, and the Taoiseach has committed to doing it within five years. Given the discussion we have just had on the volatility and vulnerability of corporation tax receipts and climate change agenda, is the Minister for Finance still certain that type of commitment to deliver this over five years can be fulfilled? The climate change report is uncoded but it will need significant spending. Will the process of delivering on the commitment begin in this year's budget?

Deputy Paschal Donohoe: Ireland has one of the most progressive personal income tax systems in the world, which plays a crucial role in the process of income redistribution along with our social welfare system. Our redistributive tax system has been acknowledged internationally by both the International Monetary Fund and the OECD. However, it is the Government's position that workers start to pay too high a rate of income tax at too low an income level. We cannot hope to remain competitive if someone on a relatively low income and who decides to work a few hours overtime has nearly half that extra money taken in tax. Therefore, in last year's budget I once again increased the entry point to the higher rate of income tax for all earners by €750 and reduced the third rate of universal social charge from 4.75% to 4.5%. The impact of these changes is that the top marginal rate on incomes up to €70,000 has been reduced to 48.5% and fewer people on incomes around the national average will have any income subject to the 40% rate of income tax. This is steady progress in reducing the income tax

burden for low and middle income earners.

As I have stated on a number of occasions, I plan to continue this progress in the coming years within available resources by concentrating on increasing the level at which workers pay the higher rate of income tax. An increase to the standard rate cut-off point would cost €460 million per annum over five years. The implementation of such a change would need to be delivered year-on-year to take account of our economy's performance. This would have positive consequences for businesses and jobs in the domestic economy and I am committed to measures that positively benefit workers while also keeping the tax base broad.

Deputy Pearse Doherty: I thank the Minister for his answer but it is unclear so I will reiterate my question. A clear commitment was given by the Taoiseach in front of all the television cameras, although I am not sure if he discussed it with the Minister before making it to the people watching at home. The commitment is clear and it is to increase the threshold to €50,000 within five years. It would mean that what the Minister did in last year's budget would need to significantly accelerated each year over the next five years. As has been pointed out, this would equate to approximately €2.5 billion of tax forgone to the State when we all know there is much pressure on public services, housing, health areas like home care packages and the cost of childcare and insurance, etc. There is no doubt that tax cuts would benefit some people but there are other pressures. In addition, the Irish Fiscal Advisory Council has indicated that between €3 billion and €6 billion cannot be relied on and it is above economic activity in the State in the medium term. A serious plan has been made out on the climate change agenda with no costing but it will no doubt require a serious investment in the next and every other budget if we are to meet targets.

Will the Minister indicate if the commitment is as clear as the Taoiseach outlined to increase the threshold to €50,000 within five years? For a married couple the threshold would be up to €100,000. Does the Minister believe it is affordable and we can give those kinds of tax cuts?

Deputy Paschal Donohoe: I reaffirm what the Taoiseach said, which is that if the economy continues to grow, the resources will be there to make a change like that. We can look at the funding generated each year through the non-indexation of the tax code, with approximately €500 million made available to do tax reform and reduction. As the Deputy knows, we are looking to move the tax thresholds in line with income growth.

What happens in the approaching budget will depend on the negotiations I have with Deputy Michael McGrath and Fianna Fáil. Up to this point we have been able to make progress on changes in the universal social charge and the standard rate cut-off point, both of which have been progressive and are affordable. I can answer the Deputy's question. The Taoiseach made clear that as long as resources are available within the economy, and our economy is growing, it is possible to make progress towards reducing the standard rate cut-off point every year.

Deputy Pearse Doherty: We are all familiar with the election posters about abolishing the USC but it has not been abolished. The thresholds have been increased and the rates cut but it still brings in an amount in excess of €4 billion. It has not been abolished.

The reality is that if the Government goes ahead with this type of package, which amounts to approximately €3 billion over a five-year period, it will be taking resources from other areas which badly need them. The Government has plans for economic growth in the next year. Even when we park the potential consequences of Brexit and the issues of climate change, the

money is not there to provide for the types of services that we need. Given the demands that exist for home care packages, infrastructure development and other needs in our economy, that type of tax-cutting agenda in a single area is simply not possible within a five-year period. Can the Minister clarify whether he was involved in the discussions before the Taoiseach made that announcement?

Deputy Paschal Donohoe: I was involved in all of the discussions about this, as one would expect me to be on any of the discussions about income tax policy or broader tax policy. The Deputy is correct to say that there are many competing pressures on the Exchequer currently but in many areas of public expenditure levels of expenditure and recruitment are equal to those in the pre-crisis period and in some case ahead of those levels. When I look at the trends within our economy I see that if we do not move our tax structure in line with income growth, a situation will develop whereby more low income earners will end up paying the higher rate of income tax. This is why I believe this is a targeted, focused change. Resources are available and I will be taking account of Brexit. I will talk to the House about a disorderly Brexit and other scenarios next week. I re-state that all of our commitments from a tax point of view and otherwise depend on an economy that is performing well, a degree of economic growth and, as long as that is there, I believe it is possible, year after year, to make progress on this objective.

Insurance Costs

25. **Deputy Michael McGrath** asked the Minister for Finance the priority measures he is putting in place to tackle the growing insurance crisis facing businesses, charities, community groups, sporting clubs and others nationally; and if he will make a statement on the matter. [25706/19]

Deputy Michael McGrath: This question relates to the ongoing insurance crisis. I do not need to tell the Minister or the Minister of State about the impact that rising insurance costs are having on businesses throughout this country. It is not only businesses that are affected but sports clubs, community groups, festivals and a whole range of other organisations nationwide. With just three weeks left after this one before the end of the current Dáil session, what are the priority measures that the Government intends to get over the line with a view to bringing about improvements and changes to the environment for insurance in this country?

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I thank the Deputy for his question. As he is aware, going back to the cost of insurance motor report in 2017 and the report on employer's liability and public liability insurance in 2018, the pathways are clear for what we must do. Last year, we did the Insurance (Amendment) Bill, the Personal Injuries Assessment Board (Amendment) Bill and the national claims information database.

I assume the Deputy's question is addressed to the Judicial Council Bill. It will be before the Seanad tomorrow. I hope and expect it will conclude all Stages in the Seanad tomorrow and come back before the Dáil next week so this crucial piece of legislation can be concluded before the end of the session. I have asked for an early signature motion so that the Judicial Council can be formed. The crucial piece of this will be the establishment of a personal injury committee from the Judiciary to review the guidelines and the levels of awards.

I hope the Judiciary will do its work in a quick and efficient manner. The Personal Injuries Commission report suggested that the levels of award in Ireland are out of kilter with those

in England and Wales. That report stated that awards here are 4.4 times the level they are in England and Wales. The Department of Finance has done work that shows the level of awards in Ireland is five times those in England and Wales. The Personal Injuries Assessment Board has done work which shows the level of awards here are five times that in England and Wales. Ireland's awards are between 4.4 and five times as large as those in England and Wales.

The Law Reform Commission has started doing important work on the hard question of whether or not this House has the authority to cap or limit awards. I do not have the answer yet but we will examine the matter after the report of the Law Reform Commission.

Deputy Michael McGrath: I thank the Minister of State for his reply. It seems that the Government has pinned all its hopes on the Judicial Council as the best vehicle to revise downwards the award levels. I must ask what if it does not work. I welcome the fact that the Bill is likely to pass both Houses by the summer recess, that is important, but beyond that it will be passed to the Judiciary and there is no timeline at that end. The Minister of State said he hopes the process will be concluded later this year. It may not be. We have not heard that from the Judiciary.

What if the Bill does not work? What if the council does not revise award levels downwards to bring us into line with other international comparators in the manner the Minister of State has described? That is a concern. What if the Bill is drawn up in a manner that is too loose, meaning that judges must have regard to these new guidelines but are not bound by them? What are the alternative options? What are options B and C to deal with this? We have a real crisis. Businesses are closing. We have hitched our wagon to the Judicial Council Bill but, once it passes through this House, we will have no further control over it and that is a real concern.

Deputy Michael D'Arcy: I share the Deputy's concern. We have hitched our wagon to this pathway because it was agreed with the Personal Injuries Commission and former President of the High Court, Mr. Justice Nicholas Kearns. Everybody has been, and is, on board.

The Deputy's point is correct. The schedule I have highlighted and outlined in my timeline and I cannot ensure implementation within it. If we can do our work quickly and efficiently, I see no reason why the Judiciary cannot do likewise. The Law Reform Commission will then report and we can liaise with the Attorney General based on that information.

Option C is that we may require a referendum to give this House the authority to cap awards. That is not a pathway I am eager to travel. The best and correct pathway is the one that has been agreed with the Judiciary. It is my timeline that I am highlighting. It will be a matter for the Judiciary. I do not want a clash between the Oireachtas and Judiciary because I do not see the purpose of that. Too much time and energy has been spent in such a manner rather than following what we believe is the correct pathway. That pathway is through the Judicial Council Bill, the establishment of a committee and a review of the guidelines in line with the Personal Injuries Commission report which took into consideration Court of Appeal awards and those in the UK.

Deputy Michael McGrath: I welcome the candour and openness of the Minister of State on the issue. From a Fianna Fáil perspective, it is important that the option of a referendum is kept on the table. We are going down this road of the Judicial Council Bill and we all hope it will result in the change that we believe necessary but, if it does not, we must look at alternatives. We will wait to see what the Law Reform Commission comes back with but there is also

the option of a referendum which is a live option that should be left on the table.

On a related issue, I ask the Minister of State for his view on the fact that Insurance Ireland, a representative body, continues essentially to own and control some key databases, particularly Insurance Link, which contains much important, market-sensitive data about claims history which is used by industry participants to crosscheck information that has been provided to them by policy holders and claimants. I ask that notwithstanding and without prejudice to the European Commission investigation which is ongoing and will take an undefined period of time. Is it appropriate, in the view of the Minister of State, that the industry owns and controls data that is vital to having a healthy, competitive insurance industry in this country? It is beyond the time when the State should take control of such data. I would welcome the views of the Minister of State on the issue.

Deputy Michael D'Arcy: I want to highlight that I do not think a referendum is the correct direction of travel; it is the last option rather than something we are eager to do.

11 o'clock

As the Deputy is aware, the national claims information database is the correct structure to put the spotlight on the data for the insurance sector. With the change to the Solvency II rules, we did not have the data. Insurance Link is owned by the insurance sector and the sector provides the information to Insurance Ireland, which is then provided with a cross-referencing of companies within the structure. I want to see us moving from the national claims information database for motor insurance and getting the information out as quickly as possible. We need to move immediately to employers' liability and public liability, which is the correct structure. The information is held by the Central Bank-----

Deputy Michael McGrath: That is at the aggregate level. Is the data the industry controls specific to individual claimants?

Deputy Michael D'Arcy: I note the Deputy's question. The challenge we have with the GDPR is over who owns the data and how it is shared. I am not sure that it is appropriate for anybody else to receive the data.

Acting Chairman (Deputy Eugene Murphy): I have to move on. I do not like interrupting anybody but if I do not hold Members to the time, other people will not get an opportunity to put their questions.

VAT Rate Increases

Acting Chairman (Deputy Eugene Murphy): Following another great performance on TV3 last night, this question is from Deputy Michael Healy-Rae. The Deputy has 30 seconds.

26. **Deputy Michael Healy-Rae** asked the Minister for Finance if a survey will be undertaken of the hospitality sector before a decision is made on retaining the 13% VAT rate in view of the effect on business to date. [25794/19]

Deputy Michael Healy-Rae: The Government made a decision to increase VAT on the hospitality sector and said it would review it and that it would work with and engage with the organisations representing all aspects of the tourism sector. In light of statistics and what we

know of the effect of the rate, can the Minister look at the situation again and keep the promise he made?

Deputy Paschal Donohoe: The second reduced 9% VAT rate was introduced on a temporary basis as part of the jobs initiative from July 2011 to December 2013 and was aimed at boosting tourism and the creation of additional jobs in that sector. The rate was designed to be temporary, but was maintained in subsequent budgets. In 2016, in A Programme for a Partnership Government, we committed to maintaining the 9% VAT rate. I decided in budget 2018 not to make any change to the 9% VAT rate. However, I accepted that the rate must be subject to analysis. In this context, I asked my Department to undertake a comprehensive study of all aspects of the 9% VAT rate ahead of budget 2019.

The review in question was published by my Department in July 2018, in order to better inform my decision-making.

The review found that tourism expenditure was more sensitive to income growth and the economic cycle than price changes. The economy is currently performing well, with high levels of employment and strong demand in the tourism sector. This positive economic outlook means that the income channel of demand is likely to ensure that economic activity within the sector remains strong.

Furthermore, the Revenue Commissioners published a report on the 9% VAT rate in June 2018 which analyses the output and employment impact of the 9% VAT rate using Revenue data. The analysis found an estimated increase in employment of, on average, 1.8 employees for each firm benefiting from the reduced rate. However, beyond the short term, they were unable to distinguish the impact of the rate on employment from the impact of other factors in the economy.

Given the impact of an increase in the VAT rate on the hospitality sector has only recently been reviewed, there does not seem to currently be a case for reviewing the impact of the increase. I will continue to engage with any sectors of our economy and Members of the Oireachtas on issues about which they have a concern.

Deputy Michael Healy-Rae: I will relate the experiences of people on the ground. I come from the county that is probably the tourism capital of Ireland if not the world and Killarney is the tourism capital of Europe if not the world. Places of note in my county include Kenmare, Dingle and the entire Ring of Kerry. All parts of Kerry are deeply involved in tourism and the hospitality sector. On behalf of those places, I wish to highlight the fact that there are businesses that are struggling. In a great town such as Killarney, the figures are back, the businesses are back and the revenues are back. However, family-owned businesses throughout the Ring of Kerry, from the Maharees to Sneem, Castlecove, Waterville and Cahirsiveen, are struggling because they borrowed money to improve their businesses and now they are saying that this rate is having a detrimental effect on them. They are asking the Minister to keep his commitment and look at the matter again.

Acting Chairman (Deputy Eugene Murphy): The Minister may also have a capital of tourism he would like to promote.

Deputy Paschal Donohoe: I fear that singling out one part of the country would mean I will have to name them all. The recent Central Statistics Office figures for overseas visitors to Ireland show that there was an increase of 6% in the first quarter of this year. In the first 12

weeks of the year, we had more tourists coming to our country than a year ago. I accept the huge effort that goes into running tourism businesses and delivering services across the country but we now have companies, big and small, that are evaluating their performances against the level of performance of a year ago, which was at an all-time high. If there is a decline in business performance against a base that was at an all-time high and the expectation is created that we have to change tax measures in response, we will end up with tax policies that contribute to our economy overheating. If that happens again, the people who will pay the price will be the businesses to which the Deputy refers.

At the end of May, tax from VAT was €392 million ahead of where it was a year ago, which shows that consumption is being maintained, despite the fact that the rate has gone up.

Deputy Michael Healy-Rae: My argument against what the Minister said is factual and soundly based. He stated that previous Ministers reduced the VAT rate as a temporary measure to help the struggling sector at that time. Instead of the Minister indicating that it is a permanent increase and cannot be revisited, I am holding him to account for what he said in this House previously. We devoted 74 days to formulating the programme for Government. I was with the Minister throughout that process. One of the commitments made was to the tourism sector. The Minister's then party leader was deeply and sincerely committed to the sector. I am asking the Minister, the Taoiseach and their Government colleagues to honour their commitment to tourism and to help people, in County Kerry and throughout the country, by saying that they will keep this under scrutiny and are not saying "No" to reducing it at some point.

Deputy Paschal Donohoe: I acknowledge that the Deputy was in the room for 74 days but, ultimately, he decided not to join.

Deputy Michael Healy-Rae: That is not factual.

Deputy Paschal Donohoe: It is one thing acknowledging how much time he spent in the room but he decided not to join.

Deputy Michael Healy-Rae: The Minister must not say that on the record of the Dáil. He has to withdraw it.

Deputy Paschal Donohoe: I am not sure what I said to bring the Deputy to his feet in this way. I am simply pointing to a fact. He decided not to join.

Acting Chairman (Deputy Eugene Murphy): Deputy, please sit down.

Deputy Michael Healy-Rae: I will not let the Minister tell a lie on the record of the Dáil.

Acting Chairman (Deputy Eugene Murphy): Deputy, please sit down.

Deputy Michael Healy-Rae: The Minister cannot tell a lie on the record of the Dáil.

Deputy Paschal Donohoe: To respond to the question the Deputy put to me-----

Deputy Michael Healy-Rae: Please withdraw the comment.

Acting Chairman (Deputy Eugene Murphy): Sit down, Deputy.

Deputy Michael Healy-Rae: The Minister has to withdraw the comment.

19 June 2019

Acting Chairman (Deputy Eugene Murphy): Deputy, please.

Deputy Michael Healy-Rae: I will give the Minister one minute to withdraw the allegation.

Acting Chairman (Deputy Eugene Murphy): I ask the Deputy to resume his seat. He is wasting other people's time.

Deputy Michael Healy-Rae: I will sit down to give the Minister the chance to withdraw an untrue allegation.

Acting Chairman (Deputy Eugene Murphy): Resume your seat, Deputy.

Deputy Michael Healy-Rae: Withdraw it. I will not allow the Minister to tell a lie on the record of the Dáil. How dare he?

Acting Chairman (Deputy Eugene Murphy): The Deputy should sit down and address the Chair.

Deputy Michael Healy-Rae: I am sorry but-----

Acting Chairman (Deputy Eugene Murphy): No, sit down.

Deputy Michael Healy-Rae: The Minister should withdraw the lie that he stated.

Acting Chairman (Deputy Eugene Murphy): The Deputy is taking valuable time from other Deputies. I ask the Minister to continue.

Deputy Michael Healy-Rae: He should take back the lie.

Deputy Paschal Donohoe: It is not Deputy Michael Healy-Rae's role to decide what rules I obey. That is the role of the Chair. The Deputy does not set the rules of this House. They are laid down in Standing Orders and overseen by the occupant of the Chair. Given that a moment ago, the Deputy praised the argument that we should stand by the facts, I simply outlined two facts. The Deputy participated in the Government negotiations and he is not a member of the Government. Before I go on to further address the issue he raised regarding VAT, I will put a point to him. I understand that he is a successful businessperson who understands the demands of the balance sheet of a company. If he runs a promotion that is very successful and he sells more of that good at a lower promoted price than he thought he would, would he decide to keep that promotion running forever? That is a principle that every hotel operator or bed and breakfast in the country understands, as I am sure the Deputy does as a small business owner. That same insight applies to how we must manage our national finances. We ended up with a tax base that was too small to fund the needs of our State because that insight was not adhered to. Deputies Michael McGrath and Pearse Doherty and other speakers raised potential risks with regard to corporation tax and Brexit. We cannot recognise the risks and, at the same time, lack the courage to do something about them.

Acting Chairman (Deputy Eugene Murphy): We will move on.

Deputy Michael Healy-Rae: The Minister made an allegation and I am asking him to-----

Acting Chairman (Deputy Eugene Murphy): I ask the Deputy to resume his seat or I will suspend the House.

Deputy Michael Healy-Rae: I will not let the Minister get away with telling a lie.

Acting Chairman (Deputy Eugene Murphy): The Deputy cannot accuse-----

Deputy Michael Healy-Rae: The Minister stated something as if it was a fact.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy allow me to speak?

Deputy Michael Healy-Rae: The Acting Chairman is not providing me with a chance to respond.

Acting Chairman (Deputy Eugene Murphy): The Deputy should resume his seat.

Deputy Michael Healy-Rae: How can he tell a lie on the record of the Dáil? Can anyone come into this House and tell a lie? He said something as if it was a fact when it was not.

Acting Chairman (Deputy Eugene Murphy): I will have to suspend the House if the Deputy does not resume his seat.

Deputy Michael Healy-Rae: I am very sorry but I want the Minister to withdraw the lie.

Acting Chairman (Deputy Eugene Murphy): There is no point in being sorry.

Deputy Michael Healy-Rae: The Minister said something as if it was a fact when it is not true.

Acting Chairman (Deputy Eugene Murphy): Will the Deputy resume his seat?

Deputy Michael Healy-Rae: I am very sorry but will the Minister withdraw the lie? He cannot say something that is untrue.

Acting Chairman (Deputy Eugene Murphy): There is no point in saying sorry to me. Will the Deputy resume his seat?

Deputy Michael McGrath: What did the Minister say?

Deputy Michael Healy-Rae: I will tell the Deputy exactly what he said. He said that I chose not to participate in Government. One cannot participate if one is not asked to do so. The Minister can understand that. It is like someone asking a girl out to dance. If she says "No", he cannot force her to go to a dance with him. I was not asked to the dance so how can the Minister come in here and say something as if it was a fact and think that he will get away with it? That is not fair, honest or decent. The Minister said something that is a lie. It is not true and I am not going to-----

Acting Chairman (Deputy Eugene Murphy): Will the Deputy resume his seat?

Deputy Michael Healy-Rae: -----have an allegation made about me as if I did something wrong. I ask the Minister on the record of the House to withdraw the lie that he put before the House.

Acting Chairman (Deputy Eugene Murphy): I am left with no option but to suspend the House.

Sitting suspended at 11.13 a.m. and resumed at 11.25 a.m.

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Acting Chairman (Deputy Eugene Murphy): We will move on to-----

Deputy Michael Healy-Rae: I would like to make a point of clarification for the Minister for Finance and the House. During the negotiations on the programme for Government, the then leader of the Fine Gael Party, Deputy Enda Kenny, called me into a room in which-----

Acting Chairman (Deputy Eugene Murphy): We must move on.

Deputy Michael Healy-Rae: I am making a clarification. In that room, the Fine Gael leader stated to me that it would be good if I were a Minister in a future Government that he would put together. I said that he was not in a position to do anything like that as he had not yet spoken to Fianna Fáil, and that it could be discussed at another time. The programme for Government was then developed and the Minister was involved in all of that. Deputy Enda Kenny spoke to Fianna Fáil and the confidence and supply agreement was put together. The incoming Taoiseach never picked up the phone to ring me when he was appointing his Ministers and Ministers of State. As I have said on Radio Kerry, I never got a phone call. That is the truth.

Acting Chairman (Deputy Eugene Murphy): I am moving on.

Deputy Michael Healy-Rae: I am just clarifying a matter. That is the truth and the Minister's statement was factually incorrect.

Acting Chairman (Deputy Eugene Murphy): I have allowed the Deputy to clarify the matter. Deputy Catherine Murphy is waiting to ask her question.

Deputy Michael Healy-Rae: That is all I wanted to say. I appreciate the opportunity to clarify and I apologise to my colleagues for the delay this has caused. The Acting Chairman cannot allow the Minister to tell a lie.

Acting Chairman (Deputy Eugene Murphy): I am moving on to Question No. 27. I apologise to Deputy Catherine Murphy for the delay.

IBRC Liquidation

27. **Deputy Catherine Murphy** asked the Minister for Finance his plans to establish a committee of inspection in respect of IBRC; his plans to include on that committee independent non-departmental officials and external persons with the appropriate expertise; if he envisages a role for the Comptroller and Auditor General in this process; and if he will make a statement on the matter. [25813/19]

Deputy Catherine Murphy: This question relates to the Irish Bank Resolution Corporation, IBRC, the combination of Anglo Irish Bank and Irish Nationwide Building Society, and how the special liquidation is supervised. It is supervised in the Department of Finance and I am seeking the Minister's views on establishing a committee of inspection into IBRC to increase transparency and accountability.

Deputy Paschal Donohoe: It is important for me to set out the role of a committee of inspection in an ordinary liquidation and the legislative and factual context of the special liquidation of IBRC. The Irish Bank Resolution Corporation Act of 2013 specifically disappplied a number of provisions in the Companies Act 1963 insofar as they applied to the liquidation of

IBRC, including those relating to committees of inspection. In the liquidation of IBRC, the Act conferred supervision of the liquidation to the Minister for Finance and provided the Minister with special powers in overseeing the liquidation of IBRC. In an ordinary liquidation, a committee of inspection grants the creditors of the company oversight of the liquidation as well as a say in the decisions of a liquidator regarding the liquidation. Under the Companies Act, there is no role for non-creditors of a company to participate in a committee of inspection. In the case of IBRC, at the point of liquidation the make-up of a committee of inspection would likely have included representatives of the National Treasury Management Agency, NTMA, the National Asset Management Agency, NAMA, and other unsecured creditors of the bank, potentially including employees and subordinated bondholders. It is important to note that the special liquidators have recently announced that all outstanding subordinated unsecured creditor claims and unsecured creditor interest claims will be paid in full. As such, the expectation is that the only remaining creditor in the liquidation of IBRC will be the State, as the sole shareholder of the entity. Furthermore, the option remains open to any creditor of IBRC to apply to the High Court to determine any question arising in the winding up of IBRC, including the manner in which liquidations have occurred. I have been advised that no such determinations have been made.

Deputy Catherine Murphy: I remember the night in February 2013, as will the Minister, when we were presented with a Bill at 10 o'clock or 11 o'clock at night. We hardly had time to read it and it passed all Stages by 5 o'clock the following morning. Clearly, this issue and other issues were not afforded the kind of scrutiny they would otherwise have been given because the legislation had to be enacted before the markets opened the following morning. This did not receive the attention it needed to receive. Given that it is the State - the people - that is carrying this, we are really talking about the limits on public services and about extra taxation. The Minister probably knows this better than anybody else. People have every right to see how assets are disposed of. I find it unsatisfactory that there is not more transparency associated with the disposal of the assets and that the supervision is within the Department. The Minister is clearly saying he is not minded to change or establish a committee of inspection.

Deputy Paschal Donohoe: The Deputy is correct on that. I take her point that the legislation was passed at great speed. I remember the night very well and the circumstances. I do not have any plans to establish a committee of inspection in regard to the liquidation. I am satisfied it has happened in an entirely appropriate way, in accordance with the law and the legislation passed. As the Deputy is aware, a report is issued to provide the House with an update on the liquidation status of IBRC. The special liquidators have now published their sixth report on this to try to provide as much transparency as possible on what is a very significant issue. If the Deputy outlines the areas where she believes there is no transparency, it might give me an opportunity to respond on them.

Deputy Catherine Murphy: In many ways, it is a matter of how it is interrogated. For example, there is a fundamental difference between this and the handling of NAMA, where the Comptroller and Auditor General has a role. There are staff from the Office of the Comptroller and Auditor General embedded in NAMA. There is a degree of transparency regarding asset disposal owing to interrogation by a committee of the Dáil. The process is not as satisfactory in regard to IBRC and the detail required. This is not to say the assets are not disposed of entirely appropriately and are resulting in the best possible yield but the transparency is missing. This represents an error in how the legislation was framed.

Deputy Paschal Donohoe: Where I differ from the Deputy is in my belief that the progress reports issued by the liquidator have tried to get the balance right in terms of providing transpar-

ency and information to the House and also in terms of completing a liquidation that was and is immensely important to the financial progress of our State.

As the Deputy knows, the various progress reports published have, at different times, provided an update on the liquidation and provided information on the sale of loans, the cashflow associated with the sales of loans, the fees incurred as part of the liquidation, and the kind of work that still remains to be done. As the liquidation stands, there are approximately 93 legal cases outstanding. The reports published have provided an update to the House on work under way. Through the Committee of Public Accounts, for example, officials in my Department have been subjected to scrutiny over the status of the liquidation.

Ceisteanna Eile - Other Questions

EU Budgets

28. **Deputy Thomas P. Broughan** asked the Minister for Finance the position with regard to the proposed introduction of a budget for the 19 eurozone countries in the EU; and if he will make a statement on the matter. [25244/19]

Deputy Thomas P. Broughan: The eurozone budget is a major project of the French President, Mr. Macron, and other European federalists. The meeting in Luxembourg seems to have been very disagreeable. I believe the Dutch finance Minister threatened to walk out after 12 hours of negotiations. At the end of it all, the meeting resulted in a budgetary instrument for competitiveness and convergence. What exactly is happening regarding the eurozone budget?

Deputy Paschal Donohoe: Last December, leaders of the euro area member states requested finance Ministers to work on the general features of a possible budgetary instrument that would be focused on competitiveness and convergence. This instrument will be open to members of the euro area and to member states currently outside the euro area who are preparing to join the euro. Its aim is to support reform and investment projects that strengthen competitiveness and convergence in the euro area.

Leaders agreed last December that the size of the budgetary instrument would be agreed in the context of the wider negotiations for the post-2020 multi-annual financial framework, MFF, and agreement on the general features would be a step in putting this in place.

At a meeting of the Eurogroup in inclusive format on 13 June - in other words, non-eurozone finance Ministers were present - my colleagues and I agreed on a term sheet that outlines the general features, representing the culmination of six months of work on this proposal. We agreed on the general principles underpinning the budgetary instrument and on its key features. We also agreed that the size of the financial envelope for the instrument would not be determined until it is discussed within the context of discussions on the wider MFF. This is not due to take place until we have had further discussion on the MFF, most likely in the autumn.

On 21 June, this week, the Taoiseach and leaders of the other euro area member states will participate in the euro summit and will be updated on progress we have made.

I was present for the whole meeting on 13 June, which lasted until 4.30 a.m. on Friday. It

was a difficulty meeting at times but it was not disagreeable. There was appreciation of all that we need to find ways of strengthening how the eurozone is formed. It is a question of how.

Deputy Thomas P. Broughan: Having a eurozone budget was always a key ambition of European federalists, such as President Macron. The aim is to have many budgetary decisions transferred to Brussels eventually. The Minister said that if we had this kind of instrument, his policy would be to have it anchored in the general EU budget. Is that the position? I note from reports of the meeting that we are included with the Netherlands, Austria and Finland as countries that take a very critical view of the proposal. What size is envisaged? President Macron obviously wanted a percentage of all European GDP. This involves a massive fund. This does not seem likely to be the case. It seems that it will be between €15 billion and €18 billion. What role will this House have, even after the meeting this week? Will we have a chance to make a decision?

Deputy Paschal Donohoe: On the policy background, it would probably be unfair to say this is a consequence of economic federalism. First, President Macron wants a stronger and more integrated Europe but he is as aware as many former French Presidents of the importance of national sovereignty. Second, with regard to the scale of the funding instrument, it is difficult to put a figure on it because there are very contrasting views around the table on how big it should be. Third, this is why I am putting forward the case that it needs to be inside our overall European budget. I am eager to avoid being in circumstances in which there is a need both to fund an increased European budget, which will be the case and in which Ireland will play a role, and meet another demand, the exact magnitude of which is difficult to quantify. That is why I hold the view, along with some member state colleagues, that it is better to deal with the funding in the context of our discussions on the MFF, which allows us to put a figure on what is required. I am always available to answer questions on this, particularly at meetings of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach and the Committee on Budgetary Oversight.

Deputy Thomas P. Broughan: Are French newspapers correct in saying that finance Ministers have effectively approved the eurozone budget and that the European Council will now do so? In other words, have we embarked on this road? They seem very positive about the meeting, writing that President Macron has secured a victory and that we are going forward on this basis.

Regarding the size of the fund, I note that we are net contributors to the overall EU budget. That looks likely to be even more the case as the years go by. We may be significantly affected by Brexit. The Minister and his colleagues have spoken about infrastructural projects, stabilisation of economies and so on. Will this fund be of much value to Ireland? We will not be drawing down from it. In fact, it will principally go to some of the weaker and newer economies that may join the European Union, such as North Macedonia.

Deputy Paschal Donohoe: It is worth making clear that the eurozone's so-called budgetary instrument for convergence and competitiveness, BICC, will almost certainly only apply to countries in the eurozone. This has been at the heart of the debate on it. Regarding the claims of French newspapers, it is up to other countries' newspapers and governments to decide whether they have made progress on their national priorities. It has been agreed that there is value in putting an additional eurozone mechanism in place to help countries that get into difficulty. That is of value to us because we have learned that sharing a currency with other countries means we all depend on the strength of each other. That is why on balance there is value

in a budgetary instrument like this. There is a “but”. First, its funding has not been agreed; and second, its governance has not been agreed. They are matters in which we have a national interest and on which I will update the House as we move forward on this issue.

Irish Fiscal Advisory Council Reports

29. **Deputy John Curran** asked the Minister for Finance the actions he will take on foot of the recent publication of the report of Irish Fiscal Advisory Council; and if he will make a statement on the matter. [25242/19]

Deputy John Curran: The report recently published by the Irish Fiscal Advisory Council raises significant concerns about our corporation tax, particularly about what is considered to be in excess. The report specifically suggested that the Government needs to make a credible commitment to not using potentially short-lived corporation tax receipts for long-lasting spending increases. In light of that recommendation, can the Minister indicate what budgetary changes he will make and what budgetary approach he will take to avoid becoming reliant on the significant increases we have seen in corporation tax receipts?

Deputy Paschal Donohoe: It is worthwhile to begin the answer to that question by acknowledging what we have already done. That is why the change in the value added tax, VAT, rate for the hospitality sector was so important. That kind of base-broadening, which never happened in the past, is part of what we need to do to reduce our future reliance on the corporate tax stream. Moreover, for the first time our budgetary figures for this year are built on the assumption of collecting less corporation tax this year than we collected last year. The value of that will depend on our ability to keep expenditure in a better place than it was last year.

Regarding what we are going to do in the future, next week I will outline two things. The first of these is a process by which we aim to gain a better view of the sustainability of our corporation tax receipts. Second, if we stick to the current fiscal rules, the current health of our economy might lead to future expenditure decisions that might create the risk to which the Deputy refers. In my paper next week, I will outline different options for the management of that risk. I hope we can debate them in the House during the coming months, with a view to making a decision on them in budget 2020.

Deputy John Curran: I thank the Minister for his reply. The Irish Fiscal Advisory Council suggested that somewhere between €3 billion and €6 billion of corporation tax receipts could be considered in excess. What figure does the Minister regard as in excess?

The Minister mentioned broadening the tax base, but the reality is that everything accounted for by the increase in corporation tax revenue has already been spent on current expenditure or an increased capital budget. Therein lies the challenge. How do we roll back from that? It was a significant increase. If there is a shock to the economy the reduction in corporation tax revenue might be very quick. It might not be phased in over several years. It is important that we deal with it. I am specifically interested in the range of €3 billion to €6 billion. How much of that does the Minister regard as in excess?

Deputy Paschal Donohoe: Regarding the degree of risk, the estimate of €3 billion to €6 billion out of the total figure we are collecting in corporation tax is very high. In regard to its future accuracy, I note that this figure is difficult to quantify at this point. This is because a

global process is now under way that will change the background to corporate tax policy in all developed countries. What are we going to do about it? I am starting efforts to understand how much of the tax that we are collecting is likely to continue in future. The trade-off will concern the degree to which tax continues to be levied where value is located. The more we go in that direction the better it is for Ireland. As against that, certain decisions may be made at a global level regarding the relationship between where tax is collected and where consumption occurs.

Deputy John Curran: I thank the Minister. There are two sides to this coin. We obviously cannot continue to spend the full amount we claim in corporation tax, because the Minister clearly recognises it is not a sustainable source of tax. We cannot build an economy on that in the long term. That presents a short-term issue. What will the Minister's approach to the next budget be? Up to now we have been using our corporation tax revenue for current or capital expenditure. We have seen significant overruns. I really do not want to get into the detail of the national children's hospital, but we cannot have overruns like that if we are trying to cut back on capital spending. Finally, the Minister mentioned putting funding into the rainy day fund for Brexit, which is something I support. The following question must be asked. Should more of the surplus accounted for by corporation tax revenue that is considered to be in excess be put into that fund to address the inevitable cyclical change?

Deputy Paschal Donohoe: The first and most important thing we can do is run a surplus in our national finances. We will run a surplus this year, provided that we continue to deliver our expenditure plans as we did up to the end of May. If we deliver that surplus it will represent 0.2% of our national income, approximately €600 million of revenue, which we will not spend. The best and most effective thing we can do is increase that surplus so that if there is a change we are not spending all that we collect. Deputy Curran has not done this in his questions today, but I must make one point. On one hand I increasingly hear Members of the Dáil saying we need to ensure we are not reliant on corporation tax receipts in future. I accept that. That is why we need to run a larger surplus. On the other hand, Members say we need to spend more in other areas. We cannot do both. We are in the middle of trying to strike a balance that is sustainable for our economy and for the Dáil. The short answer to the Deputy's question of what we can do is that we can increase the surplus in the national accounts.

Insurance Costs

30. **Deputy Bobby Aylward** asked the Minister for Finance the measures taken to meet and engage with insurance companies regarding excessive premiums being charged to consumers particularly in counties Carlow and Kilkenny; if he has investigated the possibility of opening up the insurance market here to new providers in order to increase competitiveness in prices charged for motor insurance; and if he will make a statement on the matter. [25241/19]

Deputy Bobby Aylward: I would like to ask the Minister for Finance what measures have been taken to meet and engage with insurance companies regarding excessive premiums charged to consumers, particularly in counties Carlow and Kilkenny, and whether he has investigated the possibility of opening the insurance market here to new providers in order to increase competitiveness in motor insurance. I would like him to make a statement on the matter. I would also like to raise the issue of green cards after Brexit. What will be the situation for people who want to do business in the North? Many people are not aware that they must have green cards post Brexit. Who is responsible for issuing green cards? If someone wants to do business with

a company, will a card issue automatically? What is the position? There should be a campaign to make people aware of what will be required because I do not think they are aware at present.

Deputy Michael D'Arcy: As outlined to the Deputy in previous responses to parliamentary questions, the stakeholder consultation formed the foundation upon which the two primary reports of the cost of insurance working group were developed. The consultation process involved a wide range of stakeholders representing different voices within this sector, including representative bodies, the major individual motor insurance providers and interest groups. The impact of excessive premiums being charged to consumers from all counties was a feature of the engagement with industry.

Let us put this in context. I recently met representatives of Insurance Ireland. The question about the profits of companies has been raised. The profitability of the 17 insurance companies for 2017 was over €200 million. To date, only three companies have reported profits for 2018 of that level. The other 14 companies have not yet reported their profits. They have already reached or gone close to the full level of profits for the previous year. The sector will be highly profitable to the tune of hundreds of millions of euro. I have stated clearly and openly to Insurance Ireland representatives that they need to correspond and speak with their members. I have said that profitability needs to be passed on to premium holders at every level, including motor insurance and all other premium holders, excluding non-life.

Good faith has been shown in this Chamber by Deputies Michael McGrath and Pearse Doherty among others. We have received co-operation in passing legislation. We passed three Bills last year and one Bill this year. I hope we will get more through. The Minister for Justice and Equality is working on the Perjury and Related Offences Bill and there are Bills proposed by Deputies Michael McGrath and Pearse Doherty. Good faith must flow in both directions. The cost of premiums must be reduced in all of the different areas immediately rather than having to wait six or 12 months to see what happens with the report from the Judiciary and the Judicial Council Bill.

Deputy Bobby Aylward: The cost of motor insurance is simply unsustainable. Although the Minister of State provided some facts, I would go so far as to call it daylight robbery of our citizens. Sole traders and small and medium-sized business operators in the taxi and bus transport business are being pushed to the pins of their collars at a time when more people are out spending. They should be experiencing an increase in business.

A car is also important for young people, especially those living in rural areas. They need cars in order to get to college, to work and to social occasions. In addition to NCT costs, the cost of driving lessons and taxes on fuel, they are expected to pay a small fortune on motor insurance. The cost of insurance also affects working families and older people who, in many cases, have never made a claim previously but nevertheless experience increases.

I acknowledge that there has been some levelling out but we need to grasp the nettle and take more definitive action. We must examine the possibility of opening up the insurance market to new providers and increasing competitiveness. That is why I am asking about new providers. Ireland is a part of Europe. Why not open up to new providers and force companies to bring down their insurance costs?

Deputy Michael D'Arcy: It should be noted that the nature of the EU Single Market is such that insurance undertakings authorised in other member states are allowed conduct business in

the Irish market on either a freedom of service basis or a freedom of establishment basis. Consequently, there are no restrictions preventing companies entering the market here if they wish.

I will highlight some facts. Motor insurance is down 24.5% since the peak. Deputy Aylward asked about green cards. I have a concern about green cards. Insurance companies have informed customers who require green cards to enter Northern Ireland that if there is no deal, they should apply in writing and the cards will be sent out. A green card is effectively a certificate. I do not believe that is sufficient. Between now and 31 October, green cards should automatically sent with all policy renewals. I see no reason that cannot happen. For any policy not renewed within that period, the insurance companies should automatically send out green cards. That will deal with the matter once and for all. Subsequently, green cards should be sent with all renewed premiums. That is the way to deal with the matter in order to ensure that people will not end up getting pulled to the side of the road in Northern Ireland and being obliged to admit that they do not have the correct certification.

Deputy Bobby Aylward: I do not accept that the cost of insurance policies is coming down. We can see the position on a daily basis from reading the newspapers. Voluntary groups in particular are suffering because of insurance. They are being crippled and will ending up closing down. Last week, the *Irish Independent* reported that insurance companies enjoyed a profit surge of over 1,300% in 2017. The article stated that new figures for the industry show that the 17 general insurance undertakings in the market made a combined operating profit of €227 million in 2017. That is the latest overall data for the sector. I accept that these figures incorporate insurance cover for homes, drivers and businesses but it speaks to a more important point. These insurance companies are making incredible profits. We are not seeing any savings whatsoever being passed to the consumer. That is the most important point. Consumers continue to be charged premiums that amount to daylight robbery. From 2013 to 2016 the average motor insurance premiums increased 70%. More premiums have fallen recently - I accept that - but they are still 50% above 2008 levels. We can talk all we like but the real action is happening and people are being screwed badly. Whatever form it takes, we need to do something.

Deputy Joan Burton: The Government has been tinkering around with insurance costs for three years. To be honest, a snail would be faster in addressing the issues. Young motorists in particular are affected, especially those under 25 years of age who may have been driving abroad. Many have full licences with no claims and so on. People working in family firms here are affected. Many of them are being charged thousands for their annual insurance. There is an extraordinary risk to the social fabric of society. We could see businesses closing and voluntary organisations unable to continue. The Minister of State seems to be merely promising us report after report. If I get an insurance quote at the moment and contest it, pretty quickly on the telephone most of the companies will give a 5% to 10% discount, if not eliminate the entire increase. It is an indication of how much money they are making if a premium of a policyholder increases dramatically but then, after a conversation, it can be dropped.

Deputy Michael D'Arcy: I am surprised that someone of Deputy Burton's experience knows so little about insurance. She delves in and out but she is never here when we are passing the legislation.

Deputy Joan Burton: What is the Minister of State talking about?

An Ceann Comhairle: The Minister of State is answering the question.

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Deputy Joan Burton: He is talking through his hat.

Deputy Michael D'Arcy: The Deputy delves in and out. The speed at which this is moving is the fastest at which I can bring it along. People may not be happy with that, but we have to deal with the structures that are in place. The Judicial Council Bill is the way forward. If we get it through at the end of this session, it will be a major benefit.

Anyone who accepts the calculations of the data for the increase in motor costs must accept that the same people have calculated the figures on the way down, in other words, a decrease. Deputy Aylward should note that we are doing everything we can. I have thanks those who have provided support from all sides of the House and in the other Chamber. I am thankful to the people who come in and help, but those who come and who want to hinder, like Deputy Burton, I do not thank at all.

Deputy Joan Burton: The Minister of State is being an idiot once again.

An Ceann Comhairle: I do not think that remark was really necessary.

Budget Measures

31. **Deputy Pearse Doherty** asked the Minister for Finance when the review of betting tax changes made in budget 2019 will be completed; and if he will make a statement on the matter. [25529/19]

Deputy Pearse Doherty: I am asking about the review of the betting tax and the urgency of this matter. Can the Minister for Finance put the reply on the record?

Deputy Paschal Donohoe: The increase in the betting duty rate from 1% to 2% and the increase in the intermediary duty rate came into effect on 1 January 2019. The last time that the betting duty rate was increased was in 1975. Since then, the rate had gradually decreased to 1%. It now stands at an all-time low.

In the course of last year's Finance Bill process, I acknowledged that smaller independent bookmakers may have difficulty competing with larger bookmakers with retail and online operations. At the time, I agreed to review an alternative proposal put forward by the betting sector. I have held numerous meetings with representatives of the independent betting sector and have met directly with companies to hear their views.

12 o'clock

They have furnished me with a proposal and I am now engaging with the European Commission to ascertain whether that can be implemented. In the tax strategy group paper that will be published by the summer we will provide an update to the Oireachtas on the options on that issue.

Deputy Pearse Doherty: The quarter 1 receipts and returns will show a big disparity because the independent bookmakers in which approximately 1,800 jobs are at risk have made the returns but have not been able to pay the 2%. I have raised this on several occasions with the Minister. I know we need to engage with the European Commission but I appeal to the Minister not to leave this until the autumn. If there is a way to signal to the industry that a change

is coming, that will give them the confidence to go to their bank managers and hold on a little longer knowing they do not have to close down their shop. Many of these are in rural isolated communities. I would appreciate that.

Deputy Paschal Donohoe: I am aware of the impact of this change in the levy. We will track the tax collection as we move through the year. The purpose of the tax strategy group process is to indicate what options there are for budget day decisions.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: I get a sense that the Government does not fully appreciate the terrible impact that tomorrow's strike by healthcare assistants, laboratory and theatre operatives and chefs will have on our health services. These workers are the cogs and wheels of our health service. It cannot operate without them. Patients will be discommoded. Elective admissions will be cancelled. Necessary X-rays, scans and other procedures will not happen for many patients if the strike goes ahead. I raised this issue with the Taoiseach yesterday and he said the Government wanted to ensure that these workers are paid adequately and are fulfilled in their roles. The Taoiseach attacked me and my party and tried to lecture us for daring to even raise the issue yesterday and for saying something similar to what he said. He also criticised my party for raising the issue of low pay within the Defence Forces and for tabling a motion last week to highlight the terrible conditions that many in our Defence Forces have to endure. The Taoiseach has a tendency to be dismissive when it comes to low-paid workers and their situation.

When we on this side of the House raised the issue of the more than €1 billion of additional expenditure on the national children's hospital or the €2.5 billion additional expenditure on the national broadband plan the Taoiseach dismissed our concerns. He also dismissed the concerns of the Secretary General of the Department of Public Expenditure and Reform who warned him that this broadband project did not represent value for money. He had no problem then with the massive overspends and the runaway nature of the spending on both those projects. He dismissed anybody who raised any concerns about them, yet when it comes to low-paid workers in our health services and Defence Forces the Taoiseach gets on his high horse, adopts a dismissive tone and attacks the Opposition for daring to even raise the issues. The health service workers have abided by the public service stability agreement. Their unions have adhered to it. The process has been ongoing since 2015. The Government, however, has put preconditions on a referral to the Labour Court and that has remained the stumbling block to this issue. The HSE has agreed to pay but the Government stopped that. It wants to try to fix the outcome in advance of the hearing. The Department of Public Expenditure and Reform confirmed in the talks that it would consider paying the money owed to the workers in 2021. Is it not the case that the real agenda on the Government side is to kick this out to 2021 and not to deal with it now as per the public service stability agreement? That is at the core of this. The Government has not played with a straight bat on this issue.

The Taoiseach: I have no difficulty with the Deputy raising questions. This is a parliament, a democracy and the place where the Leader of the Opposition asks questions and it is where I answer them. I am very happy to answer his questions but I think he needs to be a bit less querulous, less sensitive and much less precious. It is entirely reasonable for me to point out the hypocrisy of the position of the Deputy's party. Just before this, during priority questions, the

Minister for Finance was criticised by Fianna Fáil for increasing spending during the year and using corporation profit tax receipts to do it. Then Deputy Martin comes in here and demands more spending just as he did yesterday and the week before. It is entirely reasonable for me to point out to the Irish people and to everyone the hypocrisy and two-facedness of the positions the Deputy takes.

Deputy Brendan Howlin: That sounds like an election.

Deputy Thomas Byrne: The Government made these promises.

The Taoiseach: When it comes to concern about low-paid workers I would like to once again point out the hypocrisy and two-faced nature of Fianna Fáil's position. It is the party that cut the minimum wage.

Deputy Michael Healy-Rae: That is a nice thing to say.

Deputy Thomas Byrne: We brought in the minimum wage.

Deputy Simon Harris: It cut the minimum wage.

The Taoiseach: We have increased it four times. Fianna Fáil is the party that brought in the financial emergency measures in the public interest, FEMPI, and slashed the pay of low-paid workers.

Deputy Michael Healy-Rae: Talk about biting the hand that feeds.

The Taoiseach: It is entirely reasonable for me to point out the hypocrisy and two-facedness of the kind of positions that the Deputy and his party take.

Getting back to the substantive issue of the threatened strike tomorrow, which it is important to talk about, as I said yesterday, the Government does not want this strike to happen. We are willing to work with the unions through the industrial relations mechanisms - the Workplace Relations Commission, WRC, and Labour Court - to come to a resolution so that the strike can be avoided. All strikes are sorted out sooner or later. This one will be sorted out sooner or later. I would rather that it is sorted out sooner, thus avoiding strike action tomorrow and I have suggested that the Labour Court could be the mechanism by which this dispute could be resolved. I hope that can be possible during the day.

Deputy Micheál Martin: I remind the Taoiseach that Fianna Fáil has facilitated the public service pay agreements under the confidence and supply agreement. It also facilitated the last three budgets and in the context of Brexit has fulfilled its parliamentary duties in a constructive and responsible manner.

Deputy Simon Harris: Fianna Fáil cut the minimum wage.

Deputy Micheál Martin: Those are the facts. When it comes to the health service workers, the Taoiseach talks about the other side but he is the other side because it was the Government which confirmed that it would try to pay this out in 2021. This has been going on since 2015. We are not responsible for how the Government deals with the wider issues and the mismanagement of big projects such as broadband and the children's hospital. When it comes to something already agreed as far back as 2015 the Government is saying "No" to the workers, for example, the chefs whose additional pay would cost approximately €2 million, and that

it wants them to go to the Labour Court but before they do that, it wants to fix the outcome by imposing preconditions on how the dispute gets referred to the Labour Court. That is exactly what is happening because the Department of Public Expenditure and Reform confirmed that the money would be considered for payment in 2021, possibly in a successor agreement. The review that took place in 2017 recommended that chefs be linked to craft workers' pay scales. The HSE asked for that to be done and agreed to it but the Government decided they should not get it. That was approximately €2.9 million for the 2019 estimate. Let us stop the pretence here. It is the Government that is saying it will not pay this, notwithstanding the agreement, and that it wants to kick it out to 2021. Is that not the official Government position?

The Taoiseach: The Deputy made a very serious allegation. Perhaps he did not realise that. He did not make it against me, the Government or the HSE but against the Labour Court. He suggested that somehow it was possible for the Government to fix an outcome of the Labour Court or in some way seek to fix an outcome of the Labour Court. The Deputy knows better than that. The Labour Court is an independent body, staffed by very professional people-----

Deputy Micheál Martin: It depends what it gets asked.

The Taoiseach: -----and they act independently and judiciously. To suggest that they would ever co-operate or somehow be involved in fixing an outcome is wrong and the Deputy should withdraw it.

Deputy Simon Harris: The Deputy can ask to correct the record.

Deputy Micheál Martin: The Taoiseach did not answer the question.

The Taoiseach: Deputy Martin should calm down.

Deputy Mary Lou McDonald: This dispute is scheduled to take place tomorrow, when 10,000 workers who are absolutely essential to the functioning of our health services will take to the picket line. These are low-paid workers such as chefs and healthcare assistants. This strike will happen because the Government has broken its word. The Taoiseach knows, as the workers know, that back in 2015 there was an agreement to reintroduce job evaluations. The reason was that there was a recognition that low-paid workers had taken on additional tasks and responsibilities and that due to austerity, the financial collapse and the policies of many assembled here, the workers were not receiving the correct levels of pay. The Taoiseach agreed to this job evaluation scheme in 2015 but of course he welshed on that and dragged his heels. Eventually, in 2017 a job evaluation scheme was initiated to avoid strike action at that time. When the exercise was carried out, it found in phases 1 and 2 that more than 6,000 workers were being underpaid. Low-paid workers are being substantially underpaid, by between €1,500 and €3,000 per year, which is a lot of money when one is on a low wage. The curious part of it is that the HSE accepted the validity and necessity of the evaluation process and its outcome. It then asked for this shortfall to be funded. As the Taoiseach knows, the cost would amount to some €16.2 million, which is a drop in the ocean and minuscule when compared with the waste and overspend his Administration has stood over.

The Taoiseach says he does not want the strike to happen. It strikes me that he does want it to happen because the basis of the strike action is his failure to honour and keep his word. There is no need for a Labour Court intervention and there is no need for the Workplace Relations Commission. What is required is a political decision and a political acknowledgement that these workers hold our health system together and a recognition that they are not being paid

what they are due. It requires the Taoiseach, as Head of Government, to ensure that the moneys required to give these workers what they are entitled to is released. Sin é; that is it. That is the beginning, the middle and the end of it. If the Taoiseach really does not want this strike to happen, he should make sure that the word of the Government is kept and the request by the HSE for these moneys is met.

The Taoiseach: It is somewhat curious that the Deputy's solution to overspending by the HSE or in the health budget is to spend a little more. It is not just today but nearly every day and every week that Deputy McDonald or the Sinn Féin Party has another suggestion as to how we can overspend or breach budgets by even more. Whatever about the shortcomings that this Government may have, is it not a good thing that we are the Government and the Opposition are not? I can only imagine what the overspending would be like if Sinn Féin was involved in government.

Deputy Timmy Dooley: Members of the public will make up their own mind on that too.

The Taoiseach: On resolving this dispute, and I believe it can be resolved, what is needed is engagement between the employer and the unions. That can happen and has happened already under the auspices of the Workplace Relations Commission. It can potentially happen now under the auspices of the Labour Court. The Government is very aware of the important role that support staff play in the health service. I know it as Taoiseach, as a former Minister for Health and as somebody who worked in public health in our hospitals for four years. Healthcare assistants, maternity care assistants, porters, laboratory aides, surgical instrument cleaners and other staff have an essential role to play in the health service and in keeping our hospitals running. We do not want to see this strike happen. I believe it can be averted and there is a mechanism to do that.

Deputy Mary Lou McDonald: We will always insist that the health service is fully and properly resourced but we will always call the Government out, not on its spending but on its waste of public moneys and its wilful disregard for the public purse. Everybody has seen that, in particular in the case of the children's hospital.

Deputy Simon Harris: The Deputy has not read the PwC report.

Deputy Mary Lou McDonald: What is required here is not an intervention by the Labour Court or any other third party but for the Taoiseach to keep his word. That is what he has failed to do. We heard this line before about nursing staff and midwives and now we hear it about chefs and healthcare assistants. The Taoiseach waxes lyrical about their contribution to the system but he is not prepared to pay them. As Head of Government, he is not prepared to ensure that, for example, a grade 2 chef whose entry level pay is €24,000, which is hardly a fortune, and similar workers are fairly paid. The Taoiseach accepted the need for job evaluation, signed on the dotted line for it and now he is not prepared to honour the outcome of that process. That is the reality of this dispute and that is why there will be strike action tomorrow. The only way to avert that is not to reach for a third party but for the Taoiseach to keep his word and respect these low-paid workers.

The Taoiseach: I am not sure if there was a question in there but it is worth pointing out in the first instance that all of the staff involved in this dispute are receiving pay increases this year. It is pay restoration in some cases and pay increases in most cases. This dispute is about additional pay increases on top of those pay increases they are receiving under the public service

stability agreement. The dispute centres on the timelines for implementation. As I said yesterday, the first two phases are complete. The third phase, which involves home help and home care workers, and the fourth phase, which involves other support staff, have yet to be completed and fully reported on. The dispute is around the implementation of these pay increases, which are in addition to the pay increases under the public service stability agreement that have been and will be paid. I believe this matter can be resolved.

Deputy Brendan Howlin: One of the clear indications of Catholic influence on the new Irish Free State was the establishment in 1926 of the Committee on Evil Literature. It led to the Censorship of Publications Act 1929. Over the course of the following decades, many works of literature were banned, as were manuals on reproductive and sexual health. Works by Frank O'Connor, Brendan Behan and Edna O'Brien were banned, among many others. Censorship was used as a tool of social engineering and control, including for the suppression of sexual freedom. Some might like to think that this was long ago in a different Ireland but the appalling treatment of Majella Moynihan has reminded us that social policing was still ongoing in this State up to the 1980s. In countries such as Hungary and Poland, we see attempts to roll back on people's freedoms in this area. Few people, certainly no one in my party, want to see a return to anything like that regime. It does not mean, however, that there is no such thing as evil literature. Following the conviction of two 14 year old boys for the horrific murder of Ana Kriégel and her sexual assault by Boy A, it has been revealed that Boy A had two mobile phones full of pornographic images. His Internet searches in previous years are reported to have included child pornography and animal pornography.

An Ceann Comhairle: I advise the Deputy that as we are dealing with a matter that remains before the courts, we need to be extremely cautious.

Deputy Brendan Howlin: I do not intend to go into the case any further than that, other than to refer to the conclusions we need to draw from it as a Parliament. It is up to professionals to assess the impact of such material on impressionable children but we can clearly and unambiguously say that this material should not be accessible to children.

The United Kingdom has introduced a new law, taking effect from mid-July, which means that people using the Internet will not be able to access adult images or videos without first proving that they are over 18 years of age. This is intended to stop a situation reported by the National Society for the Prevention of Cruelty to Children, NSPCC, where it is claimed that more than half of children and teenagers end up viewing pornography by accidentally coming across these sites. The Minister for Justice and Equality has already suggested that the Government might consider introducing a similar system of age verification here. Can the Government give us any clarity on its intentions in this regard? Will the Government commit to seeking a report from the United Kingdom by the end of this year on how well its system is working and if it is having the desired effect?

The Taoiseach: I am aware the case is still before the courts and sentences have yet to be handed down. We must all, therefore, be very careful about any commentary on a case that has not yet concluded except to say that all our hearts go out to the parents of the young woman who was killed and also to the parents of the two boys, but I do not want to say anything beyond that.

I am aware of the relatively new law in the United Kingdom, which is designed to prevent minors from accessing pornography online. It is a matter of concern to all of us that pornography is now so accessible to young people and that many young people learn about sex through

pornography, which is not an accurate representation of what is healthy in life. I agree we do not want to repeat the mistakes of the past by engaging in censorship, moralising or deciding for others what they should do and watch. The UK law is relatively new and we do not yet know whether it will be effective. The Deputy's suggestion is very good that at the end of the year or perhaps after a year or so of implementation, the Minister for Justice and Equality would make contact with his British counterpart to seek advice and a report on whether the law has been effective and whether there have been unintended consequences. We should learn from other jurisdictions and the Deputy's suggestion is appropriate in that regard.

Separately, the Minister for Communications, Climate Action and Environment is bringing forward an online safety Bill as part of our plan to ensure that children are protected online. It will put new requirements on online platforms, including an online safety code. It will also prohibit cyberbullying of minors and harmful material such as that which promotes suicide, self-harm, bulimia or anorexia. There will also be an online safety commissioner who will certify that the codes are fit for purpose and who may have the power to order take-down in certain circumstances. In developing that legislation, the Minister will draw on some of the work the Deputy and his party have done, as well as work done by Sinn Féin and Senator Freeman, by trying to take together their legislative proposals. A six-week consultation is under way. On its conclusion, the Minister will bring the heads of the Bill to the Government and after that will consult the Oireachtas Joint Committee on Communications, Climate Action and Environment.

Deputy Brendan Howlin: I welcome the Taoiseach's response. There are two separate items of legislation. I hope the online safety Bill announced by the Minister for Communications, Climate Action and Environment in March will I hope give rise to a digital safety commissioner. The Taoiseach might confirm that is the intention of the Government.

The second item of legislation is the Labour Party's Harassment, Harmful Communications and Related Offences Bill, which deals with the separate issue of online bullying. I raised this with the Minister for Justice and Equality yesterday. I had hoped the Bill would be capable of being enacted in this session. They are both important items of legislation and I would be interested in hearing from the Taoiseach the timeline he perceives for each.

The Taoiseach: On the question regarding an online safety commissioner, the answer is "Yes". The legislation being prepared by the Minister, Deputy Bruton, will have a number of elements, the first of which is the requirement of platforms to have online safety codes, while the third will prohibit the cyberbullying of minors and the promotion of harmful content, particularly suicide and deliberate self-harm including eating disorders. To ensure that the codes exist, are fit for purpose and are properly enforced, there will be an online safety commissioner as part of that. That is the shape of the legislation the Minister, Deputy Bruton, is developing and the consultation in that regard is under way.

On the Deputy's legislation, I will need to check with the Minister, Deputy Flanagan. We will support it in principle, although I know the Minister wishes to speak with the Deputy about some amendments and I am not sure whether that has yet happened.

Deputy Brendan Howlin: It has been done.

The Taoiseach: I will revert to the Deputy before the end of the day with a further update on the matter.

Deputy Michael Harty: I raise the issue of a perfect storm facing the health services, into

which the Government has sleepwalked over the past eight years. I refer to the recruitment and retention of consultants in the hospital system. This results from years of accumulated neglect in reforming models of care and developing the health services to maintain critical service delivery to patients. With a booming economy and almost full employment, we still have a dysfunctional health service, which affects many specialties. Fiscal prudence is as much about how we spend our money as how much money we spend and we need to get maximum value for the money we spend. Throwing money at a failed health system will not solve the problem. The Government's lack of curiosity in this regard is astounding. We are speaking not about additional funding but about spending money which has already been allocated.

I will highlight a number of issues. Vacant consultant posts are caused by pay disparity and intolerable working conditions. Employing locums and non-qualified consultants in a vain attempt to plug the gaps in consultant numbers is compromising the quality of care. There was an accepted maxim that there was a bottleneck when entering the system but that once one did so, one was guaranteed quality of care. That is no longer the case. Approximately 500 consultant posts are vacant: 54 in general medicine, 34 in anaesthesiology, 25 in emergency consultants, five in intensive care, 17 in obstetrics, 34 in paediatrics, 56 in pathology, 101 in psychiatry, 37 in radiology, 57 in general surgery, four in medical oncology and three in cardiology at least. This will not be news to the Taoiseach or the Minister for Health as it has been highlighted in many reports. The consequences are that more than 500,000 people are waiting for a first appointment to see a consultant, 150,000 of whom have waited for more than one year and 96,000 of whom have waited for more than 18 months. Some 10,000 children are waiting to see a consultant for the first time, before they ever go on an inpatient waiting list if they require ongoing treatment.

In addition, the Taoiseach showed a great lack of understanding of home help services last week, when he said that in spite of a 50% increase in the funding allocation to home help services, he saw no tangible benefit in the reduction of people attending hospital services. That is to misunderstand completely the purpose of home help. Provision of home help is the right thing to do. It is not about saving money or reducing attendances at hospitals.

When will the Taoiseach understand that the manner in which we spend money, rather than the amount we spend, is critical to the health service?

The Taoiseach: I agree with the Deputy on one point, namely, that providing home help is the right thing to do, which is why the Government has increased funding for home help by 50% in the past three or four years. On the occasion to which the Deputy referred, I was responding to an argument I often hear made, namely, that not funding home help is some sort of false economy because it then leads to higher costs up the line through longer hospital admissions and so on. Unfortunately, while that seems logical on the face of it, it never seems to stack up when looking at the finances. I agree home help is the right thing to do, but it does not save hospitals money. That is unproven at the least. The point I was making is that some people say it is a false economy but it is not.

On recruiting consultants, the Government absolutely acknowledges the enormous difficulties and challenges we face. Notwithstanding that, the number of consultants in the health service is at an all-time high, as is the number of doctors. This year, for example, 10,500 doctors and dentists work in the health service, whereas ten years ago, there were only 8,000 and three years ago, there were 9,300. Many new posts are being created all the time and there is difficulty filling them. The figures change and vary from area to area. There are many vacancies in

psychiatry, for example, but one will often meet registrars or young doctors waiting for a post in their specialty to be advertised because there is none. There is variation across the specialties and regions. Unfortunately, more peripheral hospitals are often not able to recruit consultants, whereas those attached to universities in the cities receive many applications, which we need to be realistic and honest with people about.

I am not sure where the figure of 500 posts comes from. When the Public Service Pay Commission examined the issue, it was not able to verify the claims of the Irish Hospital Consultants Association or the Irish Medical Organisation, or even the HSE's numbers in that regard. Many of the posts that are described as vacant are not. They are filled with locums or temps or, in some cases, they are in recruitment. We acknowledge that this is a difficult issue but it is one that we will have to manage. We will do so in consultation with the representative bodies and the HSE.

Deputy Michael Harty: The Taoiseach ignored the main point I was making, namely, that understaffing in the context of consultant posts is reducing not only the quantity of but also the quality of the care being provided. There are hospital departments where consultants are burning out because of the dysfunctional service they work in and where agency locums fill gaps. The cost of employing an agency locum is twice that of employing someone in a permanent post. While the remaining consultants are holding departments together against the odds and struggling to get access to diagnostics and facilities to carry out their work, the system is chewing them up and repelling those who might wish to work in the health service.

Hospital departments are losing their accreditation because the accrediting bodies are looking at the volume of consultants in departments and the fact junior hospital doctors are not being supervised. The level of training the latter are receiving is insufficient to allow for accreditation to be given. This means that a particular hospital department will not only experience difficulty in recruiting consultants, it will also have difficulty recruiting non-consultant hospital doctors. Not only has the Government a casual approach to increasing bed capacity, a matter to which we have referred on many occasions, but there is also a recruitment paralysis when it comes to filling vacant posts. Urgent action is required. We cannot reform our health service if it does not have a proper complement of consultant staff.

The Taoiseach: My basic point was different. Nobody doubts that we have real challenges when it comes to recruitment and retention across the health service. However, one would think from what is said in this Chamber and from the common narrative that this meant there are fewer doctors, nurses and therapists than was the case one year ago or three years ago. The reverse is true. Notwithstanding the difficulties involved, we have had a recruitment surge in our health service. There are 117,000 people now working in our health service. Three years ago, the figure stood at 107,000. This means that there 10,000 more staff than was the case three years ago. In the past three years, 1,132 more doctors and dentists have been employed and there are also 1,291 more nurses and midwives. That gives the Deputy an example of the success we are having in terms of recruitment. The impression created is that these real challenges, which I acknowledge, are resulting in an outflow of doctors, nurses, therapists and midwives, but that is not the case. We have more every year. We have been successful in increasing the number of front-line staff in the health service over the past three years. There is more to be done. We have made some good progress in recent months in the context of concluding new contracts with GPs, which the Deputy welcomed, and staff nurses. The next step is to engage with the representative organisations of consultants to see if we can agree something there as well. However, it has to be realistic and affordable.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: We are carrying forward the questions of 11 Deputies from yesterday and 16 further have indicated for today. There is one minute maximum for a question and one minute maximum for a reply. If people take more time than that, they are eroding the time available for other Members. I call Deputy Micheál Martin.

Deputy Micheál Martin: I echo what Deputy Howlin stated earlier. Today, reports online, on every radio station and in every newspaper are about how easy it is for children and teenagers to access pornography. Many parents are wondering how best to protect our children and while no one can protect them 100%, it is certainly time the legislators caught up and addressed this issue. The Joint Committee on Children and Youth Affairs and the Joint Committee on Communications, Climate Action and Environment have discussed this matter and made recommendations. The Law Reform Commission made a recommendation to the effect that an office of a digital safety commissioner, specifically to deal with many of these issues, should be established. The Government has dragged its feet and the Taoiseach was very reluctant initially about the proposal for a digital safety commissioner. In the context of what he said earlier and the commitments that have been made, has the Government given consideration to establishing an office of a digital safety commissioner in advance of the legislation in order to get going on this issue? That is critical. What is going on is appalling. No one ever envisaged this type of total access to content for children of such a young age.

The Taoiseach: I am not sure if it would work to establish an office with no statutory powers, but I will-----

Deputy Micheál Martin: We have done it plenty of times.

The Taoiseach: Yes, but I am not sure it works to establish an office with no statutory powers. It may work in other-----

Deputy Micheál Martin: There was the Land Development Agency.

The Taoiseach: That was established by means of a statutory instrument.

Deputy Micheál Martin: There was no legislation.

The Taoiseach: There was. The Deputy is wrong.

Deputy Mary Lou McDonald: We have all known for some time that access to vile and violent material, including that of a pornographic nature, on the Internet and through social media is deeply troubling and has real life consequences. When there is a high-profile case such as that which we have seen, it crystallises everybody's attention on the issue. The Taoiseach has made a commitment to establish an office of a digital safety commissioner. That is to be welcomed and it is essential that it happen. I remind him that Sinn Féin moved a Bill on this matter which passed Second Stage and which went to committee in early 2018. Therefore, there is a legislative basis to move on. I do not think the Government or anybody else should be precious about who initiates legislation to make the changes that we know need to happen. I ask the Taoiseach to consider the Bill to which I refer as an avenue to move forward and get

something on the Statute Book expeditiously.

The Taoiseach: I am informed that legislation is awaiting detailed scrutiny by the relevant committee. It is actually in the hands of the sponsor, rather than the Government, at this stage. I am sure there is some good work there and I imagine the Minister, Deputy Bruton, will want to draw on that in developing the Government's legislation, in respect of which, as stated earlier, there is now a timeline.

Deputy Brendan Howlin: Yesterday, in response to questions put to him, the Minister for Finance warned of a significant risk of health spending overruns. There are claims and reports that spending in this regard has escalated out of control. It is the third week of June and there has been a recruitment embargo in place for several weeks. The Exchequer returns in May showed that current health spending was €45 million behind profile last month. Are we honestly to believe that, in the past two weeks, such spending has suddenly gone out of control? If that is the case, can the Minister confirm it? Is it the view of the Government, in particular the Minister for Finance and for Public Expenditure and Reform and the Taoiseach, that the €16 million, which the HSE and the Department of Health agree is due to be paid following the job evaluation of 10,000 healthcare workers, would somehow break the budget?

Minister for Finance (Deputy Paschal Donohoe): That was an answer I supplied to the Oireachtas yesterday. To put the matter in context, the point that was made in my reply to the relevant parliamentary question was that, up to the end of May, health expenditure was in the region of 6% higher than a year ago, which is approximately what is budgeted for in budget 2019. In the following month, that moved up to just under 9% above the figure that obtained a year ago. As the Minister for Health, Deputy Harris, and I have acknowledged, that is a significant change in a single month.

Deputy Brendan Howlin: It is under profile, as I understand it.

Deputy Paschal Donohoe: Deputy Howlin will be aware, as much as I am, of the challenges of ensuring that health expenditure is on line for the entire year. While the performance in the early part of the year was very positive, we have to focus on what drove that change in a single month. That is what the Minister for Health and I are now doing.

In the context of the public pay issue to which the Deputy also referred, the Taoiseach has already outlined the work we are seeking to do in order to respond to this issue. However, I make the point that this is in the context of multiple claims the Government is facing from many different unions. This issue has to be considered in that context.

Deputy Mick Barry: Christopher Columbus would never have set sail for America without having galley slaves aboard. No army ever won a war without the PBI - the poor bloody infantry. The infantry of our health service are our porters, our cleaners and our canteen staff. When the bankers and developers crashed the economy, they were the men and women who took on extra responsibilities to keep our health service together. Having waited for years for the moneys they have earned to be paid, they are now 19 hours away from national strike action against the Government on this issue. Will the Minister stop trying to use the Labour Court as a delaying tactic and finally concede the payment these workers were promised, having earned them in the first instance?

Deputy Paschal Donohoe: We have heard a number of claims about the Labour Court in this session. I am happy to deal with this matter because the Minister for Health, Deputy Harris,

and I are working closely on it. The concept that the Labour Court is in any way being used as a delaying tactic on this issue gives no recognition to how important that institution is and the important role it played, most notably and recently in dealing with the great difficulty we had in regard to nurses' pay. As has been said, it is precisely because the Government recognises the needs of low income workers that they are prioritised in the current agreement. This Government has increased the minimum wage on several occasions and has ensured, through our current wage agreement, that low income workers who do difficult and vital work, particularly in our hospitals, are at the forefront in terms of wage restoration. This is what we have done. The Minister and I will do what we can today to deal with this issue.

Deputy Mattie McGrath: On the climate action strategy published with great fanfare this week, the Freight Transport Association of Ireland is calling for the Government to recognise the vital role the freight and logistics sector plays in achieving the targets set out in the climate action plan. Commercial trucks and vans accounted for 21% of all transport emissions and 9.2% of Ireland's total CO2 emissions in 2018. While the sector is committed to reducing its environmental impact, it needs the right supports to be put in place by the Government. There is no mention in the climate action plan of a carrot and stick type approach to help and encourage this sector. The Government needs to recognise how vital it is to the economy and the vital role it can play in reducing emissions.

The Taoiseach: The Government very much recognises the vital role that the haulage and freight transport sector plays in the economy. It is one of the reasons we brought in the fuel rebate a few years ago. We also recognise that the sector will have to make a contribution towards climate action as well because the emissions produced by large vehicles damage our environment. These vehicles also damage our roads due to their weight. Much of this work will have to be driven through technological change, moving to smaller vehicles, which can be electric, and to gas powered vehicles. These are the kind of solutions that we will need to work on.

An Ceann Comhairle: We now move to the 11 Deputies carried forward from yesterday.

Deputy Margaret Murphy O'Mahony: Ba mhaith liom ceist a chur ar an Aire Oideachais agus Scileanna, ach níl se i láthair. Mar sin, cuirfidh mé an cheist ar an Taoiseach. I am dealing with the case of a child with special needs who is expected to make a two-hour round trip to attend a special needs unit in a nearby town when there is a special needs unit in the town where she lives and where her friends go to school. Why can children not attend the special needs unit nearest to where they live rather than have to travel long distances to another unit? I have sent the details of this case to the Minister for Education and Skills, Deputy McHugh, and I can send them on to the Taoiseach. I do not name people in the House. It does not make sense that this child has to travel to a special needs unit in a nearby town when there is a unit in the town where she lives. This child's special needs are such that her parents often have to attend the school, which impacts on their working lives.

The Taoiseach: Níl an tAire anseo, mar a dúirt an Teachta. The Deputy has raised an individual case and I cannot comment on it. I do not have the details but it would seem to be common sense that the child should be able to attend the special needs unit nearest to her but there may be particular reasons I am not aware of. If the Deputy passes on the details of the case, I will make sure it is followed up.

Deputy Martin Kenny: In an earlier reply to Deputy Harty, the Taoiseach said there are many vacant posts in the HSE that are not really vacant because there are people already work-

ing in them. I know of one post that is definitely vacant, namely, that of specialist diabetic nurse in the north west diabetes services. People who have type 1 diabetes and have been prescribed an insulin pump are unable to avail of diabetic services training because there is no specialist diabetic nurse to provide them with that training. I have raised this matter on numerous occasions, including with the CEO of the HSE north west, the manager of the hospital and by way of parliamentary question. I sent a copy of the reply to that parliamentary question to the Minister for Health a couple of months ago. It states that an application for funding for the specialist nurse had been made. There are dozens of people in the north west who have been prescribed diabetic services and insulin pumps but they are unable to avail of them because there is no training available to them. This is a scandalous situation and it needs to be resolved urgently. As I said, I have raised this issue before on numerous occasions, including by way of parliamentary question, but I have not received an adequate response. I ask the Minister for Health to ensure this situation is resolved.

Minister for Health (Deputy Simon Harris): I thought Deputy Martin Kenny was going to rise today to welcome the decision to grant planning permission for 50 new beds at Sligo hospital. On the important issue he has raised of a diabetic specialist nurse, I acknowledge that the Deputy has raised the matter with me previously. I have asked my officials to come back to me on it and I will revert to the Deputy by the end of the day on the matter.

Deputy David Cullinane: First, I apologise to the Ceann Comhairle for comments I made yesterday in this Chamber. It is appropriate when somebody makes a mistake that he or she apologise directly to you in the Chamber and I do so.

An Ceann Comhairle: Thank you.

Deputy David Cullinane: I raise the issue of the national planning framework and Project Ireland 2040. The Government will be aware that there is massive interest in Waterford in regard to the planned north quays development. There have been calls from some quarters in this Chamber for Project 2040 to be scrapped. While it should always be reviewed and we have to prioritise what is important, this development is massively important for Waterford. A tranche of funding was made available late last year and a second tranche of funding due in February was postponed until May. We are now well into June. When will an announcement issue on the next tranche of funding and will Waterford receive significant investment for this much needed development?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank Sinn Féin for its support for Project Ireland 2040 and the national planning framework. It is very welcome because it is an ambitious and important plan for our country.

On the project mentioned, funding was granted as part of the first phrase of funding under the urban regeneration fund, which was announced last year. That funding was category A funding, which meant it would be on the first call list for the second tranche of funding. We were to have announced that by now but we are still processing applications under the initial round of funding from some of the local authorities. This work will complete shortly. Following its completion, we will open up a second round of funding and for a longer period this time to allow some of the category B projects to apply for category A funding. It will open soon and will run for approximately three months to allow local authorities time to submit their applications. Given the status of the project in Waterford, it is well ahead of the rest in terms of being able to secure additional funding.

Deputy Mary Butler: My question is directed to the Minister for Health. I raise the health support workers strike planned for tomorrow from a different angle. What contingencies have been put in place in the event that the strike goes ahead? We hear about the fantastic work these health workers do on a daily basis. They are the cogs that turn the wheels in the HSE day in and day out. Understandably, elective surgeries will be cancelled tomorrow. In regard to inpatients, in particular older and vulnerable patients who depend on these services for basic tasks such as feeding themselves, will families be contacted and asked to step into the breach in the short term? I ask the Taoiseach to outline what contingencies have been put in place in the event that the strike goes ahead tomorrow.

Deputy Peter Fitzpatrick: On the same issue, it is important that the Government honours its commitment. Ten thousand health support workers are planning to strike tomorrow across 38 hospitals, including Louth County Hospital in Dundalk and Our Lady of Lourdes Hospital in Drogheda. The Government has made a commitment. This matter comes under the framework of the public sector. These people do not want to go on strike but the promises made to them in 2016, 2017 and 2018 have been broken. All of the references on the airwaves in regard to this issue are that this is a matter for the Labour Court. There are sick people in our hospitals who have been on waiting lists for services for months or years. This matter can be resolved with the stroke of a pen. I call on the Taoiseach and the Minister of Health to work together to resolve it today because the last thing we need is strike action that will affect vulnerable people.

Deputy Simon Harris: I thank Deputies Mary Butler and Peter Fitzpatrick for their questions on this matter. My colleague, the Minister for Finance, Deputy Donohoe, has already dealt with the issue from an industrial relations point of view. I hope progress can be made on that today. From a contingency planning point of view, which I think is at the core of the Deputies' questions, the HSE and SIPTU at a local level are putting contingency plans in place. This varies from hospital to hospital and site to site, depending on the local arrangements and staffing arrangements of those hospitals. The HSE has indicated that if the industrial action goes ahead, which I hope it does not since I believe it can be averted, it will result in some elective procedures being cancelled, mainly in the area of scopes. The priority today while contingency planning is going on at a local level is that everybody is working very hard to see if these matters can be averted.

Deputy Imelda Munster: The Rebuilding Ireland home loan scheme falls under the programme for Government. A response I received from Louth County Council about a loan states:

The loan has been approved at credit committee but Louth County Council are awaiting funding and [the applicant] will be contacted when funding is released by central government. We are not in a position to release funds at the moment as we have not received our allocation.

There are at least 17 other applicants left in that same limbo in County Louth alone. One of those applicants has been served with a notice to quit from their landlord and is facing into homelessness next month. If the Government continues to withhold the funding for these home loan schemes, it will force some people into homelessness. If the interest rate changes, those home loan contracts will have to be redrawn, causing further delay. The Taoiseach and Minister should forget the announcements, spin and PR stunts.

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

19 June 2019

Deputy Imelda Munster: When will the Government release the funding for these home loan schemes so that people who want to purchase their home and have been turned down by the banks have the opportunity to purchase their home under the Rebuilding Ireland home loan scheme?

Deputy Eoghan Murphy: I thank the Deputy for the question. The local authorities are not waiting for an announcement because we told them to continue to honour every loan that they approved.

Deputy Imelda Munster: They are waiting for funding.

Deputy Eoghan Murphy: Only €140 million-----

Deputy Imelda Munster: It is there in black and white.

An Ceann Comhairle: Please let the Minister answer.

Deputy Imelda Munster: Let him answer the question on when he will release the funding.

(Interruptions).

Deputy Eoghan Murphy: Will the Ceann Comhairle let me answer the question please? Only €140 million has been drawn down from the initial tranche of €200 million of funding that was provided under the Rebuilding Ireland home loan. We have contacted every local authority and said that every approval that has been given will be honoured. We have told them not to wait for an announcement from central Government because there is still funding in the initial tranche, but a second tranche is needed because this scheme has proven to be so successful. Every local authority is meant to be issuing and approving all loans until the point of draw-down. I cannot tell the Deputy why Louth County Council has decided to make this decision about these applications but it is not because it is waiting for any information from us. We have told it that we will honour every loan that is approved.

Deputy Imelda Munster: Sorry, a Cheann Comhairle, I have a question because that is utter rubbish.

An Ceann Comhairle: No, we cannot-----

Deputy Imelda Munster: The loans have been approved-----

An Ceann Comhairle: Deputy Munster is taking her colleagues' time.

Deputy Imelda Munster: -----by the credit committee and the council. They are waiting for the funding-----

An Ceann Comhairle: It is quite clear how the system works. Will Deputy Munster resume her seat please?

Deputy Imelda Munster: -----but the funding is not there. Is the Minister saying that officials in local authorities are telling lies?

An Ceann Comhairle: The Deputy is out of order. Will she resume her seat?

Deputy Imelda Munster: The only thing stopping him from giving these people home loans is the fact that the funding has not been released.

An Ceann Comhairle: The Deputy is out of order.

Deputy Imelda Munster: As I said, forget the spin and stunts. Just release the funding.

An Ceann Comhairle: Will the Deputy please respect the request? I call Deputy Darragh O'Brien.

Deputy Darragh O'Brien: In defence of Deputy Munster, we have been asking these questions about the Rebuilding Ireland home loan regularly in the Joint Committee on Housing, Planning and Local Government and in here. The local authorities are not releasing the funding because they do not believe that they will get the funding. That is for Deputy Munster to table questions about.

I will turn specifically to an announcement that the Minister, Deputy Eoghan Murphy, made in September 2018 about the establishment of the Land Development Agency, LDA, which was the big idea to deliver 150,000 homes over the next 20 years. Yesterday at the Joint Committee on Housing, Planning and Local Government, I asked the head of the Housing Agency if any land had been transferred to the LDA. None has because we are still waiting for legislation. No primary legislation has been published. When will the legislation to underpin the Land Development Agency be published? Why do I have to read an article by Michael Cogley in the *Sunday Independent* stating that the Land Development Agency itself, with John Moran as the interim chairperson, has stated that it will not be covered under the Regulation of Lobbying Act? We need more transparency, not less.

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

Deputy Darragh O'Brien: An agency which was set up in a skeletal form should not be saying what it will or will not be covered by. When the legislation is published, I expect that the Land Development Agency will be covered under the Regulation of Lobbying Act. I ask for a timeframe for the publication of the legislation.

Deputy Eoghan Murphy: I thank the Deputy for his question and his support of the Land Development Agency, which is an important measure in Project Ireland 2040 and Rebuilding Ireland.

Deputy Darragh O'Brien: I have not actually seen the legislation.

Deputy Eoghan Murphy: The Land Development Agency has been established on an interim basis under the Local Government Services (Corporate Bodies) Act. It has an interim board and a CEO.

Deputy Darragh O'Brien: I know that. When will the legislation be published?

Deputy Eoghan Murphy: It is hiring people. It also has €20 million of funding. Nothing is preventing it from progressing the initial eight sites that it has, which it is working on.

Deputy Darragh O'Brien: The Minister is so wrong.

Deputy Eoghan Murphy: It has another seven sites in the pipeline. We will establish it on a statutory basis and capitalise it with €1.25 billion worth of funding.

Deputy Darragh O'Brien: When is the legislation coming?

Deputy Eoghan Murphy: I am in discussions with the Attorney General about finalising the heads of the Bill which we hope to publish in the coming weeks. Nothing is preventing the Land Development Agency from doing the work that it is doing.

Deputy Darragh O'Brien: The Minister is so out of touch about that.

Deputy Eoghan Murphy: The Deputy is shaking his head. I will give an example of one site that it will work on-----

Deputy Darragh O'Brien: Shanganagh?

Deputy Eoghan Murphy: -----which is the hospital in Dundrum. That is being decanted by the Department of Health. Before it is fully decanted, we are already looking at the site, plans, designs and drawings, so that once it is vacated, we do not have to do that work.

Deputy Darragh O'Brien: What about the Regulation of Lobbying Act?

Deputy Eoghan Murphy: We can do that immediately and commence construction because we have already done that work in advance and that is the work it is doing at present.

Deputy Darragh O'Brien: Will it be covered under the Regulation of Lobbying Act or will the Minister keep it secret?

Deputy Ruth Coppinger: It would be remiss if this Dáil did not mention events in Hong Kong. Is the Government monitoring the 2007 extradition agreement between Hong Kong and Ireland following the events of last week, where it is estimated that 2 million young people and workers protested on the streets of Hong Kong against extradition to China? They faced brutal repression as a result. I have been in touch with socialist action activists there and we should send our solidarity to those people. Hong Kong is not a democracy. The demands of the campaign are for the complete cancellation of the extradition law, the resignation of Carrie Lam and public investigation into the police violence of 12 June. This is the most serious crisis for the Chinese dictatorship in many years because it fears that this will spread over the border and inspire workers, farmers, young people and national minorities in their own country. Will the Irish Government object to the Hong Kong Embassy in Dublin about the brutal repression and the extradition law, and send solidarity to the young people?

The Taoiseach: To the best of my knowledge, there is not any legislation promised on this and there is no specific programme for Government commitment but it is an important issue. I will make the Minister for Foreign Affairs and Trade aware that the Deputy has raised it and ask him to send the Deputy a briefing on the position we are taking.

Deputy John Brady: There is a crisis impacting on small businesses across the State. It is the escalating and spiralling insurance premiums that we see increase annually. The adventure tourism sector is worth more than €1.2 billion to this State and has seen the Wild Atlantic Way and Ireland's Ancient East be successful initiatives. Businesses are being forced to close down in that sector. Five businesses that I am aware of have closed down recently because of spiralling insurance premiums. Another business that I am working with, Bray Adventures, had a premium of €600 last year. The quote that it got this year was for €10,000, a massive increase. It eventually secured insurance for €900, which is still a significant increase, but it has had to scale back the types of activities that it can offer to individuals.

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

Deputy John Brady: It has never had any claims. Its staff are trained and have the highest qualifications. There are no issues there. When will the Taoiseach and Minister personally intervene to ensure that insurance premiums are forced down-----

An Ceann Comhairle: Will the Deputy please conclude?

Deputy John Brady: -----and that insurers are told that these hikes need to stop? This is what reform is. Reform means that these premiums need to be forced to come down.

An Ceann Comhairle: I would like to reform the time system and ask Deputies to comply with the orders of the House.

Deputy Paschal Donohoe: The Government is well aware of the pressure that is being placed on small companies in particular due to the increase in insurance premiums. I hope the Deputy is well aware that no Government can force a company which is providing a financial service to change its premiums. We had a debate about this issue earlier today during questions to me and a number of Deputies called for more insurance companies to come into Ireland to provide more competition. The Government can look at changes that we can make. We do our part and we have to ensure that the insurance companies do their part too. That is what we are doing. The key issue about which there have been calls to address for so long is the level of awards being issued in our courts. The Minister of State, Deputy D'Arcy, has made great progress with the co-operation of the Minister, Deputy Flanagan, on the Judicial Council Bill to create an environment in which guidelines can be issued about awards.

1 o'clock

With the co-operation of the Oireachtas, we hope that legislation can be passed before the summer recess.

Deputy Eamon Scanlon: Cardiology services in Sligo University Hospital are being provided by two consulting cardiologists, one occupying a permanent position and the other in a part-time role. I thank the full-time cardiologist, who wishes to retire, for his services and the many hundreds of lives he has saved in his time at the hospital. Sligo University Hospital has made an application to the Department for permission to advertise the position. Could the Minister for Health expedite the process in that regard? We know the importance of the work and I am sure the Taoiseach, as a medical doctor, is aware of the benefit of cardiology services. It is important that this matter be dealt with as quickly as possible.

Deputy Simon Harris: I thank Deputy Scanlon for raising the issue. He and Deputy McLoughlin have been raising it with me for some time. I am eager that the vacancy be advertised as quickly as possible in order that we can ensure the post is filled. I will speak to the HSE director general about it when I meet him later this week. I am sure the people of the north west will be interested to hear that a national review of cardiology services, which is ongoing and which is due to conclude this year, will guide us in terms of future investment in such services.

Deputy Eoin Ó Broin: There is a commitment on page 19 of the programme for Government in respect of ending the homeless crisis. On page 87 of Rebuilding Ireland, there is a promise to ensure access to free public transport for homeless families. Unfortunately, as the Minister, Deputy Eoghan Murphy, knows, families are not just homeless during the school

term. It is difficult to understand the reason the Minister for Children and Youth Affairs, Deputy Zappone, and the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, are only willing to fund Leap cards for homeless families during the school term. Recent reports have confirmed the negative impact on children's mental and physical development of extended stays in emergency accommodation. Denying those families free travel for almost a quarter of the year is not only financially punitive, it also has a direct impact on the development of the children involved. I seek a commitment from the Minister to meet his counterpart and resolve this issue as a matter of urgency.

Deputy Denise Mitchell: I wish to speak on the same subject. The Ombudsman for Children's report on homeless hubs illustrates how children and teenagers living in them feel isolated. They can be far away from their friends, they are not allowed to have friends come over and they need to be supervised at all times. Some of them stated that they felt like they were living in a prison. All we ask is that Leap cards would be made available outside the school term so that young people can meet their friends and participate in activities and clubs. That would make a big difference to the teenagers and young people.

Deputy Eoghan Murphy: I thank the Deputies for their questions. It is very important that we give every support possible to families that are experiencing the trauma of being in emergency accommodation. The Leap card is one way of ensuring that children get to school every day and it is an important part of the wraparound services we have for families in hotels and in family hubs. I am informed by the Minister for Finance that the National Treasury Management Agency made an announcement yesterday that children would be able to travel for free on their Leap cards during the summer months. The inter-agency group on homelessness, which includes representatives from the various Departments responsible – including my Department and the Department of Children and Youth Affairs – discussed what other supports need to be put in place. We now have some breathing space to take a proper look at the issue and to see if we can expand the use of Leap cards outside of the school term.

An Ceann Comhairle: That concludes questions on promised legislation. Eight Deputies were not reached and will be given priority tomorrow.

Ceisteanna (Atógáil) - Questions (Resumed)

Taoiseach's Meetings and Engagements

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the leader of the UK Labour Party, Mr. Jeremy Corbyn. [24098/19]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent meeting with the leader of the UK Labour Party, Mr. Jeremy Corbyn. [25073/19]

3. **Deputy Joan Burton** asked the Taoiseach if he will report on his recent meeting with the leader of the UK Labour Party, Mr. Jeremy Corbyn. [25168/19]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his meeting with the UK Labour Party leader, Mr. Jeremy Corbyn. [25211/19]

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

I met with the leader of the British Labour Party, Mr. Jeremy Corbyn, MP, at Government Buildings on Thursday, 30 May 2019. Mr Corbyn was accompanied by Tony Lloyd, MP, shadow Secretary of State for Northern Ireland and advisers.

We discussed Northern Ireland, Brexit, and the current political situation in Westminster. Discussions on Northern Ireland focused principally on the need to restore a power-sharing Executive and the importance of ongoing engagement with all political parties in the North.

Mr. Corbyn and I also considered Brexit, with both of us sharing serious concerns about a no-deal scenario and its inherent dangers, including the possibility that the UK may end up with no deal by default unless alternatives are pursued. We also discussed the importance of avoiding any return of a hard border on the island of Ireland.

We agreed to stay in touch with regard to both Northern Ireland and Brexit.

Deputy Brendan Howlin: After their meeting, the Taoiseach and Jeremy Corbyn expressed serious concern about the possibility of a no-deal scenario and the danger that it may happen by default. Those concerns are not shared by members and prospective leaders of the Conservative Party. Boris Johnson described anxiety expressed by citizens, businesses and farmers as “pure millennium bug stuff”. A poll of Tory members released yesterday suggests that 59% would prioritise leaving the European Union even if it meant Northern Ireland breaking away from the rest of the UK. In contrast, Jeremy Corbyn and the Labour Party have repeatedly stressed the need for an open border on the island of Ireland and for a second referendum as the second best option. Their first option is for a general election in Britain. During their meeting, did the Taoiseach discuss with Jeremy Corbyn his attitude to a second referendum?

Both the Taoiseach and Jeremy Corbyn pledged to stay in touch with regard to Brexit and Northern Ireland. Has there been any further contact and are there structured contacts between his office and the office of the leader of the British Labour Party in the context of a potential general election happening in Britain? Could the Taoiseach update us on whether there have been any other contacts between Ministers and Front Bench members of the British Labour Party so that if there was to be a change of Government that the real concerns of Ireland would be fully briefed to all of them? We are having our own party-to-party discussions but I think that would be a good thing.

Deputy Mary Lou McDonald: I very much welcome the fact that the Taoiseach had this exchange with Jeremy Corbyn, the leader of the British Labour Party. It is important that such contact would continue because we need to have ongoing open communication with all of our allies, with every person across political persuasions who understand the real impact Brexit will have on Ireland and the potentially disastrous impact on the island, the economy and the peace agreements of a disorderly or crash Brexit. The meeting was a positive step. Does the Taoiseach intend to continue the contact or was it simply a one-off meeting?

In the course of the Tory leadership contest under way across the water, we have heard different perspectives on Brexit, the backstop and the position of Ireland and no small measure of ignorance as well. It seems that Boris Johnson remains the front runner. As the Taoiseach is aware, he has openly dismissed concerns held by all of us here on this island. Has the Taoiseach had any contact with Mr. Johnson or any of the other leadership contenders? How are the plans at Government level for the prospect of a no-deal scenario progressing?

Deputy Richard Boyd Barrett: I also welcome the fact that the Taoiseach met Jeremy Corbyn. Whatever else one might say about the mess in Britain, we would be in a far better position if Jeremy Corbyn was the Prime Minister. He is far more sympathetic to the situation in Ireland, far more knowledgeable about what the reinstatement of a border might mean and he is not somebody who wants to be in a conflictual relationship either with Ireland or wider European society. That marks him out as being a long way from pretty much anybody in the Tory Party. One of the reasons Mr. Corbyn gained popularity is that he tries to channel in a progressive direction the anger and alienation in British society, the justified and legitimate feeling in large parts of British society, which played a big part in the Brexit referendum, of being left behind because of inequality, poverty, unemployment, alienation and so forth. That is relevant not just to the Brexit debate but also to the wider European situation. Europe has an incredible 112 million people who are at risk of poverty. One in five people in Europe is suffering from mental health issues and there is a massive overlap with poverty, exclusion and so forth. Does the Taoiseach not think that European leaders must take that seriously and address it? Even in the exit poll from the recent European and local elections, and this has been little remarked on, more than 80% of the people who voted in those elections in Ireland said they wanted something done about the gap between the haves and the have nots. This is a problem across Europe and if we do not address it in the way Mr. Corbyn is trying to, the far right will exploit the vacuum.

Deputy Micheál Martin: Most Members will have much sympathy for the British Labour Party in trying to block or reverse Brexit. Notwithstanding what has been said here, however, the reality is that the British Labour Party's principal tactic so far has been to block the withdrawal agreement. It is a remarkable fact that each of the Tories campaigning to project their Brexit purity last night has voted for the withdrawal agreement in the House of Commons. Even Boris Johnson, who now says it is dead, voted for it, yet nobody in the leadership of the British Labour Party has done so at any point. Given the arithmetic in the House of Commons and the fact that the next Prime Minister will be less accommodating than Mrs. Theresa May, it may well be that the only possible route to ratification of the withdrawal agreement is the confirmatory public vote that most members of the British Labour Party support, but which the Tories are blocking.

Did the Taoiseach advocate to Mr. Corbyn that in the choice between the withdrawal agreement and a no-deal Brexit, ratifying the agreement is by far the best outcome for these islands? Did he ask if the British Labour Party would join with us in opposing the imposition of direct rule in Northern Ireland, which appears to be the intended route to be taken by the Tories if there is no deal? In this context, did the Taoiseach seek Mr. Corbyn's support in pushing the parties blocking the restoration of the Northern institutions to show more urgency and to recognise the damage the continued suspension is causing?

The Taoiseach: To discuss the meeting with Mr. Corbyn first, I considered it a very good meeting. It was an opportunity for us to speak and get to know each other a little and for our respective teams to engage and get to know each other. It was a *tête-à-tête* at first and then there was a meeting of our teams. We had the time to discuss some of the different scenarios that might arise over the next couple of months and for me to get an insight into how the British Labour Party might respond from a position of opposition. We talked about the possibilities of the deal being ratified, of a second referendum and of an election. We also talked about the British Labour Party's proposal for a permanent customs union with dynamic alignment on regulations and about how and if parliament could block no deal. We have not spoken since then but our

advisers are in touch. I will be in London next month so there might be an opportunity for a follow-up meeting then.

Ministers mainly engage with other Ministers in the EU member states, but occasionally will meet with opposition spokespeople. The Tánaiste has met Sir Keir Starmer, the Brexit spokesperson for the British Labour Party, on a number of occasions.

Direct rule was discussed. I stated our opposition to the restoration of direct rule in Northern Ireland under any circumstances. In fairness to Mr. Corbyn and his team, they had a good understanding of the Good Friday Agreement, how it ought to work and why it is not working now.

I have not had any contact with the candidates for the leadership of the Conservative Party. Needless to say, the Government will stay out of it as it is an internal party matter for the British Conservative Party, but we are observing events, watching the debates and noting what is being said. I look forward to meeting the new leader, who presumably will be the new Prime Minister, in the weeks ahead. I hope it will be an early meeting, if possible. In the meantime, Mrs. Theresa May is still the Prime Minister and I will meet with her in Brussels tomorrow. There will possibly be a telephone call today but certainly there will be a meeting in Brussels tomorrow. That will give us a chance to talk about Northern Ireland, the European Union and bilateral relations.

Work and talks are still ongoing in Northern Ireland. I had an opportunity to meet with the Sinn Féin leader there, Ms Michelle O'Neill MLA, yesterday and I will be in touch with others in the coming days and weeks. Talks are ongoing and it is probably best not to say too much about them at present other than to state that the Irish Government will do everything it can to support the parties to come together and come to an agreement to get the institutions back up and running, if possible.

On Deputy Boyd Barrett's question about poverty and inequality in the European Union, these are largely domestic issues for national governments but the best way the European Union can respond is twofold: first, by ensuring there is a strong economy that generates wealth and jobs and, second, by pursuing a social Europe agenda. The European Union has been very successful in recent years in ensuring there is a strong economy. There have never been more people at work in Europe than there are now. It varies from state to state but, overall, there has been a significant increase in employment and incomes in the last couple of years. There has been much job creation and Single Market policies, trade policies and the like help to generate employment.

In addition, there are the broad macro economic policies pursued by the European Central Bank, ECB. We meet the Governor of the ECB at every European Council meeting; it is a regular engagement. The policies pursued by the ECB to keep both inflation and interest rates low have been very beneficial in terms of alleviating poverty and inequality. High interest rates tend to benefit the better off because they are the people who have the savings. Lower interest rates benefit those who may need to borrow to buy a home or who have debts. Those economic policies are going in the right direction in that regard. There is also the implementation of the Gothenburg declaration, which I was privileged to sign on behalf of the State. That declaration essentially sets out the next steps towards a social Europe in the social agenda being pursued by the European Union. It ranges from employment law, such as the parental leave regulation that is now going through the European institutions, across many other labour rights and laws to

other measures being introduced across the European Union to raise minimum social standards. I was involved in drafting that declaration and strongly support it. We must do both.

On our preparations for Brexit, the Government's contingency action plan was published last December. It will be updated and a revised version will be published in July. It sets out comprehensive cross-Government preparations that have been in place since before the referendum. The work continues at both national and EU levels and all Departments have sector specific plans in place. The Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019 was signed into law by the President on St. Patrick's Day. We have taken further steps to prepare our economy, including the future jobs programme, our trade and investment strategy, Project Ireland 2040 and investing in infrastructure. Engagement with stakeholders is also an important pillar of the Government's domestic response. Within the framework of the all-Ireland civic dialogue, five plenary dialogues and 20 sectoral dialogues have taken place across the country. The Brexit stakeholder forum has met 18 times since its establishment in September 2017, most recently on 29 May. The stakeholder forum brings together the voices of business, unions, State agencies, political parties and leading experts and makes an important contribution to helping to shape the Government's response to Brexit.

In terms of business preparation, dedicated actions to get Ireland Brexit ready were in announced in the budgets of 2017, 2018 and 2019. The budget 2019 arrangements included the introduction of a new longer-term loan scheme of up to €300 million, the future growth loan scheme to assist strategic capital investment for a post-Brexit environment by business at competitive rates for terms of eight to ten years.

Departmental Strategy Statements

5. **Deputy Micheál Martin** asked the Taoiseach if he will report on the annual strategy update report in his Department. [24320/19]

6. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the annual strategy update report for his Department. [24992/19]

7. **Deputy Mary Lou McDonald** asked the Taoiseach when the annual report for 2018 of his Department will be published. [25301/19]

8. **Deputy Joan Burton** asked the Taoiseach if he will report on the annual strategy update report in his Department. [25592/19]

The Taoiseach: I propose to take Questions Nos. 5 to 8, inclusive, together.

My Department's statement of strategy 2017-20 sets out six strategic priorities, the first of which is providing excellent support services for the Taoiseach and Government. The second priority is ensuring that Ireland has a strong economy, making work pay and backing business. The third is helping to ensure that Government policies and services support a socially inclusive and fair society, ensuring that nobody feels left behind and that the family is at the centre of society. The fourth is ensuring that Ireland maintains strong relationships in Europe and around the world, while the fifth is ensuring the best possible outcomes for Ireland on Brexit across all four priorities identified by the Government. The final strategic priority identified is planning for the future in the context of the many uncertainties arising in the international environment.

The Department published its second annual report under the current strategy a few days ago on 14 June. The report reflects the work done throughout the year to progress these strategic priorities. In 2018, the Department provided a wide range of support services to me as Taoiseach, to the Ministers of State assigned to my Department, the Government and the general public.

My Department works closely with the Department of Foreign Affairs and Trade, which has overall responsibility for Brexit. Brexit provided one of the most challenging and demanding aspects of the Department's work during 2018. The Department did extensive work on a range of Brexit related issues, including throughout the negotiations, and also established a new unit focusing on Brexit preparedness and contingency planning in the event of a no-deal Brexit. The Department also assisted me in a broad programme of international engagements, both within and beyond the EU, including many Brexit related engagements. The Department also engaged with the formulation and implementation of a broad range of Government policies such as Project Ireland 2040, pension reform, housing and homelessness, climate change, health and justice reform programmes, childcare developments, gender equality and disability as well as the north-east inner city initiative.

Additional responsibilities undertaken in 2018 included working on Future Jobs Ireland, the action plan for online safety, the national digital strategy, the innovation district advisory group for the Grand Canal area, policing reform, the interdepartmental group on the security of Ireland's electoral process and disinformation and the implementation group on Seanad reform. Departmental staff also provided the essential corporate services underpinning the work of all divisions and ministerial offices in the Department. Press and protocol services assisted with a large programme of events, including visits by Heads of State and senior EU officials, the visit of Pope Francis in August and the inauguration of the President in November.

Deputy Micheál Martin: Central to the Department of the Taoiseach's statement of strategy is the support of an active system of Cabinet committees. In spite of this, the Taoiseach has said that he prefers to bring most issues directly to Cabinet for discussion. The net impact of this is that less time is spent on the issues involved, detailed preparatory papers are not circulated and responsible officials are not present to ask questions. Which of the Cabinet committees, if any, does the Taoiseach believe needs to meet regularly and to be the main place for detailed discussions?

Separately, departmental staff play a crucial role in providing economic analyses which are independent and are intended to take a wider perspective. They are responsible for briefing the Taoiseach of the day on economic matters and providing the secretariat to the Cabinet committee on the economy. Given the scale of the Irish Fiscal Advisory Council's criticism of the Government's control of budgets, how it is responding to revenue buoyancy and the threat of Brexit, is the Taoiseach satisfied that he was aware of these issues before the council issued its criticisms? Were those criticisms a surprise to him, given his regularly stated position that the Government is fully in control and implementing exactly the right policies? The Taoiseach will remember that when his €3 billion tax cut was announced last year, he toured studios raising it as a hugely significant promise. Last week, however, he said it was not significant and was just what others had been proposing all along. Has the Taoiseach's Department provided him with any analysis of the cost and impact of his headline policy?

Deputy Brendan Howlin: As the Taoiseach has outlined in his response, a broad range of issues is captured by his Department's strategy statement and the report published recently

but I wish to focus on two specific issues. In the Taoiseach's message in the preamble to the Department's 2018 annual report, one of the commitments he makes is to establish a policing reform office in his Department to drive the implementation of A Policing Service of the Future report. The actual report indicates that this has happened and that such an office exists. What has that office done in the past six months? Does it publish reports on implementation and can we follow exactly what this departmental unit is doing so that this House can have oversight of the unfolding reform of policing in this State?

My second question relates to a matter discussed here previously, namely, the security of our electoral process and dealing with disinformation. Has there been any post-election evaluation, or is such under way, of the recent European and local elections in terms of disinformation, external manipulation or input into our electoral process? Can we be assured by the Taoiseach that there is a capacity within his Department to give assurances on one of the most basic bedrocks of our democracy, namely, that our electoral processes are secure?

Deputy Mary Lou McDonald: The Taoiseach set out as one of the pillars of his strategy the idea of a socially inclusive Ireland in which, as he put it, no one is left behind. His Department's annual report mentions the Government's work on housing in numerous sections but the portrayal of this Government's record in that area is wildly at variance with the reality and the facts on the ground. I was perplexed to read this morning that the Department of Housing, Planning and Local Government has attempted to refute the findings of the UN Special Rapporteur on Housing, Ms Leilani Farha, published earlier this year. Ms Farha was damning in her assessment of the performance of the Government. She said that the Government is facilitating the "financialisation of housing" by providing preferential tax breaks to corporate landlords and standing over weak tenant protections. She was absolutely spot on and I completely agree with her. I now understand that the Government has responded by saying it is important to recognise the positive effects that institutional investment can have on the supply of housing. The Government has actually defended the cost of housing in this State and has gone so far as to say that affordability is not an issue here. My good God, that is beyond bizarre, if I may say so. We are now coming into budget preparations and I am very worried that even with all of the paraphernalia of government, including committees, sub-committees and advisers, the Government is not conversant with the basic reality on the ground which is that housing is wildly unaffordable, the rental sector is wildly insecure and we have record numbers of citizens in homelessness. The Taoiseach, with his strategy to create an inclusive society in which no one is left behind, seems to be wilfully oblivious of the aforementioned facts. What part does reality, realism and experience on the ground play or does it not feed in to the formulation of his Department's strategy and work programmes?

Deputy Joan Burton: Was the Taoiseach personally disappointed by the recent report of the Irish Fiscal Advisory Council which states that, notwithstanding the recovery in employment which has been so good for so many people, there are serious problems with the economy, many of which can be laid at the door of Government mismanagement? I imagine that he must have been bitterly disappointed, particularly when he read the news from his former Department of Health that there is no sign of it being able to return to financial and budgetary stability. There does not seem to be any sight of our health services being able to return to financial and budgetary stability. Instead, because we have a growing population of older people and children, we have increased demands on our health services. The Government has also parked many proposals. There has been much talk in this Dáil but relatively little has been achieved. For instance, the pension reforms I proposed when I was the Minister for Social Protection have

basically been parked until 2022. For workers in their 30s, 40s and early 50s, having a pension is becoming increasingly important given that many of them will never be able to purchase a house. They will need a pension which has been built up during their active working years.

The Taoiseach will be aware, having been on many doorsteps in Dublin West in the run-up to the recent elections, that people are very anxious to get an affordable home. However, the Government has still not clarified what is happening with the Rebuilding Ireland home loan scheme. The Minister responsible has promised that the scheme is continuing but on the ground there is a great deal of confusion as to how people will be able to access this important loan opportunity.

Community policing is meant to be at the heart of policing our communities. In the constituency the Taoiseach and I share, there are 13 community gardaí for a population that is bigger than the population of Limerick or Waterford. It is simply impossible for the Garda to meet the demographic demands of the area and local people do not feel safe. People should be able to feel safe in their community.

Deputy Richard Boyd Barrett: The Taoiseach said that one of the key priorities for his Department was to make work pay. I put it to him that he is failing dramatically in that regard. For large numbers of people, getting a pay increase means they lose their medical card and are pushed off the council housing waiting list and into an income bracket where they have no chance of being able to afford to put a roof over their heads. People on council housing waiting lists do not have much chance of getting a council house but they may get one after 15 years. When people who are working, as the Taoiseach wants them to do, receive a pay increase that brings their income over the threshold to qualify for council housing, they lose any chance of ever putting a roof over their head.

I attended a meeting of the Joint Committee on Housing, Planning and Local Government yesterday at which representatives of the National Development Finance Agency and the Housing Agency effectively acknowledged there is no national affordable housing scheme. There is a series of sites on which they are desperately trying to provide affordable housing because the market is completely incapable of delivering affordable homes, particularly in Dublin. Even on sites where these agencies have been charged with coming up with affordable rental or affordable purchase schemes, they cannot do so, essentially because Government subsidies are not large enough. That is what emerged at yesterday's meeting. There was no consistency in terms of the affordable scheme. In one incredible example, the National Development finance Agency and the Housing Agency said one of the reasons they could not deliver affordable housing on a site in Ticknock was the prevalence of Japanese knotweed, which was driving up the costs of developing the site. This means site specific issues are derailing the capacity of the State to deliver a national affordable housing scheme that will ensure that work pays. In fact, work is doing the opposite. It is pushing people into an income bracket where they have no chance of ever being able to own or rent a house. Does the Taoiseach accept there is problem that he has not dealt with? What does he intend to do about it?

An Ceann Comhairle: Question No. 9, the next question, is to be dealt with on its own. I propose that we allow the Taoiseach to use five minutes of the time provided for that question to respond to the Deputies' questions. Is that agreed? Agreed.

The Taoiseach: I am not sure I will be able to deal with all the Deputies' questions in the five minutes provided but I will do my best.

On the balance of meetings as between Cabinet committees, sub-committees and also ministerial meetings, the Cabinet meets regularly, probably more regularly than would have been the case in the past. For example, this week we had two Cabinet meetings, each lasting for almost three hours. This allowed for detailed discussions on climate change on Monday-----

Deputy Brendan Howlin: That was a public event.

The Taoiseach: -----and on a wider range of agenda items on Tuesday. Cabinet sub-committees meet as needed and that is often when we want to have other people involved, whether it be officials, advisers or people from outside Departments. Last week or the week before, the Cabinet sub-committee on justice met, which allowed us to have the Secretary General of the Department in attendance to talk about the reforms being made in the Department of Justice and Equality. The Garda Commissioner was also present. This is done where there is a particular purpose and on that occasion it was done to review progress on Garda reform and on the internal reforms taking place in the Department of Justice and Equality. We will adopt a similar approach with climate change. The sub-committees meet as needed and they are effective. Separately, I will often meet Ministers one to one or accompanied by their Secretary General or advisers.

With regard to the Irish Fiscal Advisory Council, while I do not get the reports in advance, I read them of course. It is advice to which I and the Government will listen. I remember 12 years ago when the European Commission warned that spending was increasing too quickly and that we were overreliant on stamp duty, those in government at the time dismissed those warnings and reacted angrily. The Taoiseach at the time suggested that people should take their own lives. I will not make that kind of mistake and I will listen to the advice we are getting from the Irish Fiscal Advisory Council but I also have to listen to other advice.

Deputy Micheál Martin: Was the advisory council's report a surprise? That is what I asked.

The Taoiseach: While the Irish Fiscal Advisory Council is saying to us that we are increasing spending too rapidly and are overreliant on corporation profit tax receipts, others are saying to us that there are enormous demands for additional spending and we need to invest in our public services and infrastructure. Other people are saying to me that they want to be able to keep more of their hard-earned money. We cannot just follow the advice of any one advisory body. We have to take into account advice from many different sectors, particularly those charged with providing it, including, for example, the European Commission and the ESRI.

There are many reasons to believe the economy and public finances are being managed well. If we consider employment levels, more people are at work than ever before and unemployment is at its lowest level in 14 years. That is a major achievement which is very much down to the hard work of the Irish people and also the right policies being pursued by the Government.

We have a budget surplus. We had one last year and we will have another this year. It is a long time - more than ten years - since we had a budget surplus for two years in a row. Debt as a proportion of GDP is being reduced. Debt quadrupled under the last Fianna Fáil-led Government as opposed to the most recent Fine Gael-Labour Party Government. It is being reduced significantly as a percentage of GDP and probably in cash terms this year also but that is to be confirmed. We have also set up a rainy day fund which now stands at €1.5 billion. The European Commission, the guardian of the fiscal rules, has said this year's budget was within the pa-

rameters of the fiscal rules. The rating agencies are restoring our triple A ratings and the Central Statistics Office has indicated that incomes will rise by between 3% and 3.5 % this year, which is significant. It has also stated that deprivation and poverty rates are falling and that child poverty is fallen by 30% in the past three or four years. These are significant developments, which should be given as much of an airing as the report of the Irish Fiscal Advisory Council receives, or at least some airing.

In terms of income tax policy, I was asked about my ambition for the next five years. My party's policy as opposed to Government policy is to have a five-year programme to reduce income tax.

Deputy Micheál Martin: Was that analysis carried out by the Department of the Taoiseach?

The Taoiseach: I am starting to answer the Deputy's question. He will have to let me answer it. The analysis was not done by my Department but we got a costing from the Department of Finance. The ambition over a five-year period is to make sure that people who earn the average income do not pay the highest tax rate. Ireland is unusual in that people earning the average income pay the highest tax rate.

Deputy Joan Burton: They cannot afford to buy a house.

The Taoiseach: The average person in Ireland working full-time earns €47,000 a year now and they pay the highest tax rate on some of their income but I want that to change. It cannot be done in one budget or in one year. It can be done over a five-year period.

An Ceann Comhairle: Will the House agree that to allow the Taoiseach to answer all the questions raised-----

Deputy Brendan Howlin: What is the point of doing that? We have had five minutes of the Taoiseach broadcasting-----

Deputy Micheál Martin: Government policy.

Deputy Brendan Howlin: -----fiscal policy without answering any of the questions raised.

The Taoiseach: I do not mind-----

An Ceann Comhairle: Should we move on to the next question or does the Taoiseach wish to continue answering the questions?

Deputy Joan Burton: He has had five minutes to answer them.

An Ceann Comhairle: Let us establish if the Taoiseach wants to-----

The Taoiseach: I would be happy to continue to answer the questions but I can also move on to the next question if Deputies wish.

An Ceann Comhairle: They want to move on to Question No. 9.

Taoiseach's Communications

9. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his telephone call with the Australian Prime Minister, Mr. Scott Morrison. [24993/19]

The Taoiseach: I spoke with the Prime Minister of Austria, Mr. Scott Morrison, on 10 June by telephone to congratulate him on his recent re-election as Prime Minister. We discussed bilateral relations and the deepening ties between our two countries, particularly our people-to-people connections and our trading relationship.

We also discussed global economic trends. I updated the Prime Minister on the latest developments on Brexit, which is a cause for concern for the Australian Government and Australian firms in the United Kingdom.

We briefly discussed the proposed EU-Australia free trade agreement, which is at an early stage of negotiation. Both the Prime Minister and I are keen to see the negotiations continue to progress.

The Prime Minister commented positively about Ireland's endorsement of the UN Development Programme, and the work of the joint referendum commission on Bougainville's independence from Papua New Guinea, which is chaired by the former Taoiseach, Mr. Bertie Ahern.

Finally, I invited the Prime Minister, who is of Irish ancestry, to visit Ireland, and he extended a reciprocal invitation for me to visit Australia.

Deputy Brendan Howlin: I read the Taoiseach's tweet after his conversation with the Australian Prime Minister in which he stated that he congratulated the Prime Minister that morning on his election and had a good call discussing Brexit, bilateral relations, Bougainville and the EU-Australia free trade agreement. I would like to get details on exactly what was discussed.

The Taoiseach stated that there was a reciprocal invitation. As a matter of interest, does the Taoiseach plan to visit Australia this year? In relation to the EU-Australia free trade agreement, the Taoiseach stated they both were well disposed to it. Did the Australian Prime Minister indicate the timeline he envisaged for its ratification there or any difficulties that might arise from the Australian side? Did they discuss the treatment of Irish emigrants in Australia, the changing pattern of emigration and the greater restriction now on migrants, particularly Irish migrants? Did the Taoiseach have a view on that and what view did he express?

Finally, just so that I can understand it, does the Irish Government have a view on the upcoming vote on the potential independence of Bougainville Island, which is currently part of Papua New Guinea? Did the Taoiseach express a view to the Australian Prime Minister?

Deputy Micheál Martin: The result of the recent Australian elections appear to have surprised everyone, including the winners.

Ireland and Australia have always had a very positive relationship and, hopefully, this will continue. Of course, we disagree on many substantive policy issues, with climate change now being the most significant. In the list Deputy Howlin read out earlier, I did not hear that mentioned. The dependence of the Australian economy on mining and the estimated cost of climate mitigation have unfortunately caused the National Party to use climate change as a wedge issue and it seems that the cost of the Australian Labour Party's proposals were one of the many

reasons it lost. Did the Taoiseach take the opportunity to ask the new Prime Minister if he will use his new term in office to re-engage more actively with action on climate change? Australia, of all countries, should understand the importance of co-ordinated international action on the environment, given how important the actions on CFCs have been in limiting the damage to the ozone layer over Australia.

Deputy Mary Lou McDonald: The Taoiseach mentioned the Australian Prime Minister's Irish ancestry. Of course, there are many Irish people living down under - some voluntarily. They are on the adventure of their lives. Some may come home; some may not. Others, of course, were forced down under in the course of the recession, when the economy went bust and when many people literally lost their shirt. There are many families across the country, my own included, who have family down under as a direct consequence of the gross mismanagement and crashing of the bus by previous Governments headed up, most notably, by Fianna Fáil.

Be that as it may, I want to take this opportunity to welcome the recent announcement by Government that there will be a Bill to pave the way for a referendum to extend presidential voting rights to Irish citizens living in the North of Ireland and the diaspora. This should not be a controversial issue. It is an opportunity to redefine how many people think about the Irish nation. It offers a chance to treat all citizens equally, regardless of where they reside. Critically, it affords to those people to whom I referred, in Australia and in other places, who were forced off this island and out of their own country some democratic engagement and ongoing claim to the democratic political system at home. I would welcome a commitment on the prospective date. What date has the Taoiseach in mind for the referendum? It is important we have clarity on that.

Deputy Richard Boyd Barrett: To follow on from the previous point, we are now reaching crisis point in terms of the lack of trades people in this country to help us resolve the housing crisis and to develop the ambitious retrofit programme we need to meet climate change targets. We have a desperate shortage of trained craftspeople, a very significant portion of whom are in Australia. Did the Taoiseach ask the Australian Prime Minister why all these young well-trained people are in Australia? Did the Taoiseach ask about what they are doing there that they are leaving our country and going to Australia? As Deputy McDonald stated, part of the reason is because people want a bit of an adventure. That is fine. I have no problem with that. Young people want a bit of an adventure, to travel the world, etc. However, many of them are economic refugees. In the case of many of them who might be considering coming back here, I suspect a considerable part of the answer as to why they are not coming back is that they cannot afford to live here. What are we doing wrong?

Young people coming out of apprenticeships or coming out of college are flocking to Australia when we need them here. Is there anything we can learn? Does the Taoiseach recognise it is a problem and that we need to do something immediately to get some of those young educated and skilled people back before it becomes a major problem in this country?

Deputy Joan Burton: I am sure the Taoiseach was particularly thrilled at the election of a fellow conservative in Australia. Like Ireland, one of the big challenges that faces Australia is climate change. We are all aware from Irish people, including relatives, living in Australia of severe forest fires in the vicinity of many of the big cities. Much of the election, in the case of the National Party, centred on the issue of mining and climate change proposals to reduce reliance on fossil fuels. The Australian election was probably won on quite Trumpian grounds.

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The Taoiseach spoke earlier, in his long ramble, of the fact that he had published a climate change policy. When he was talking to the Australian Prime Minister, did he discuss climate change because the issue we have most in common in terms of threats to our way of life is the danger we face from climate change? I appreciate that the document the other day was full of laudable aims but there was not a great deal of delivery. The Taoiseach wheeled out one adapted bus for the Cabinet to take to Grangegorman. How desperate does the Taoiseach have to get for publicity?

An Ceann Comhairle: Time is up. Maybe we could give two minutes to the Taoiseach.

The Taoiseach: In fairness, we really only needed one bus. There only were six or seven Ministers present. We hardly needed six or seven buses for six or seven Ministers.

Deputy Joan Burton: They all would have fitted in an electric taxi.

The Taoiseach: There was plenty of space.

Deputy Joan Burton: They could have got a minibus.

Deputy Micheál Martin: Why could they not have done it from Government Buildings?

Deputy Brendan Howlin: They did not have to go anywhere.

Deputy Joan Burton: They could have walked. That would have been the most carbon neutral measure.

The Taoiseach: We could have taken the Luas, which I, as the then Minister for Transport, Tourism and Sport, was privileged to be part of connecting, and of opening a year or two ago. The last time I went to Technological University Dublin, Grangegorman, I was happy to travel on the Luas that I was involved in connecting to the technological university that I had been involved in creating so it was-----

Deputy Micheál Martin: The Taoiseach started the development of the Luas - that is a new one.

The Taoiseach: -----very appropriate. Again, I wish to inform the House that at some point there had to be a first hybrid bus. There are three. Six will arrive in the next couple of weeks and they will be on the Lucan route. There are 600 on order so this is climate action happening.

On my telephone call with Prime Minister Morrison, it was a very short call of fewer than ten minutes. This question and answer session about this call is actually longer than the call itself. Only a limited number of topics could, therefore, be discussed in quite a short call. This is the second time we have spoken. We made arrangements to meet in New York in September at the UN. I do not have any plans to visit Australia this year. We did not discuss the treatment of Irish migrants in Australia. It is a matter that I have discussed with the Australian Ambassador.

On the issue of a referendum on voting rights, it is intended that that will take place in October or November. It requires a timeline. Everyone knows how referendums proceed, in that legislation has to be brought through the two Houses, a referendum commission has to be set up, and there are many points along the way where timelines have to be met. To meet timeline of October-November, Second Stage of the Bill will need to be taken in the House before the summer recess, which we intend to do. I hope there will be cross-party support for this.

Deputy Boyd Barrett mentioned the skills shortage in construction, which he is right about. The shortage of labour and of people who have skills in construction is one of the things constraining us when it comes to building homes and new public infrastructure and retrofitting, for example. That, in itself, is driving up the cost of construction, which is also a problem.

We have many people in apprenticeships. I will need to double check but I think there are now more people in apprenticeships than ever before, which is a big turnaround in the last year or two. We are also issuing work permits and work visas so that people from outside the European Union who have those skills can come to Ireland.

On migration, the Deputy might be interested to know that we passed the tipping point a year or two ago. There are now more Irish citizens coming back to Ireland than there are Irish citizens leaving. It is always the case that people will go in both directions and it is a good thing people have the chance to live and study abroad. However, I think we passed that point last year, where for the first time in a decade there are more Irish citizens coming back to Ireland than leaving. That, in itself, says something because every country has its problems. One of the problems Australia has, for example, is the very high cost of housing, particularly in Sydney. The fact that there are more people coming back to Ireland than leaving says something good about our country in the round.

I was asked about our position on Bougainville. The Irish Government's position is to allow the people to have a vote in their referendum and to decide for themselves as to whether they want to be independent or to remain part of Papua New Guinea, PNG. The UN Development Programme, UNDP, is actively assisting the peace process there, including the work of the joint referendum commission. Prime Minister Morrison mentioned in our telephone call that former Taoiseach, Mr. Ahern, is the chairman of that commission. We are very pleased that he has taken up that role and, in my view, he is very qualified to do that. The commission has brokered agreement on the text to be put to the people of Bougainville and that vote will take place at the end of 2020. The Governments of Papua New Guinea and Bougainville appointed the former Taoiseach in late 2018 as independent chair of the joint referendum commission overseeing the peace process, given his experience in negotiating the Good Friday Agreement, the Northern Ireland peace process, and electoral issues. We did not have a role in this appointment but we endorse the work being done by the referendum commission and the EU is a key player in this regard. We also assist the work of the United Nations Development Programme, which endorses the referendum process, as do we. We are considering whether we should provide some funding to the UNDP in Papua New Guinea. I imagine we will come to a favourable decision on that very soon.

I was asked about the EU-Australia free trade agreement, FTA. Ireland is fully supportive of an ambitious and balanced EU-Australia FTA. Negotiations are being led by the European Commission but are at a relatively early stage. Some progress has been made. We would also like to see the EU and Australia reach a comprehensive and balanced FTA at the earliest opportunity while realising that there will be discussions on sensitive issues ahead, particularly on agriculture and agrifood, although that is less of an issue than it was in the past, given the enormous demand in China for agrifood products from Australia. I am hopeful that both sides will engage constructively to arrive at an outcome that is mutually beneficial to all our citizens. A successful outcome will allow Irish and Australian exporters to take advantage of new business opportunities that an agreement will provide. In addition, an EU-Australia FTA will send out a positive message in the context of current threats to global free trade and will provide an important boost for Irish and Australian business.

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 Fiona O'Loughlin - to discuss securing a site for a new Curragh post-primary school; (2) Deputy Peadar Tóibín - to discuss ways to address the commuter crises throughout Ireland; (3) Deputy Thomas Pringle - to discuss the closure of the post office in Kilcar, County Donegal; (4) Deputy Sean Fleming - to address the future of the An Post mail centre in Portlaoise; (5) Deputy James Lawless - to discuss the ongoing delays in the construction of the new school building for Naas community college, Naas, County Kildare; (6) Deputies John Brady and Anne Rabbitte - to discuss the impact of the national childcare scheme on low income families; (7) Deputy Gerry Adams - to discuss the construction of Dundalk primary care centre; (8) Deputy Sean Sherlock - to address the needs of workers in a company in Cork following the sale of same; (9) Deputy Charlie McConalogue - to discuss the need for capital funding to community hospitals in County Donegal; (10) Deputy Éamon Ó Cuív - to address the need for new school buildings in Renmore, County Galway; (11) Deputy Louise O'Reilly - to discuss the shortage of consultant doctors in the health service; (12) Deputy Mattie McGrath - to discuss the occupancy level of a mental health care centre in Clonmel, County Tipperary; (13) Deputies Jack Chambers and Ruth Coppinger - to discuss the decision to close a 27-bed unit in St. Mary's Hospital, Phoenix Park; (14) Deputy Martin Ferris - to discuss the under-resourcing of special education teaching hours in our national schools; (15) Deputy Pat Buckley - to discuss progress of the new three school campus of Carrigtwohill community school, Cork; (16) Deputy Richard Boyd Barrett - to discuss the planned strike of ancillary staff in the HSE; and (17) Deputy Martin Heydon - to discuss the need to progress the Barrow Blueway through County Kildare.

The matters raised by Deputies Jack Chambers and Ruth Coppinger, Gerry Adams, Fiona O'Loughlin and Martin Heydon have been selected for discussion.

Pre-European Council: Statements

The Taoiseach: I will attend a series of meetings of the European Council in Brussels this Thursday and Friday, 20 and 21 June. On Thursday afternoon and evening, we will meet in regular format, with all 28 EU Heads of State and Government. The broad-ranging agenda includes significant items such as the EU strategic agenda for 2019-2024, climate action, the European Semester, disinformation, the multi-annual financial framework, MFF, as well as the top jobs in the EU institutions. External relations and enlargement are also likely to be discussed. On Friday, there will be a euro summit and I expect there to be an exchange on Brexit as well.

Today, I will focus my remarks on the strategic agenda, top jobs, climate action, disinformation, the MFF, external relations, as well as the euro summit and Brexit. The Minister of State, Deputy McEntee, will speak about enlargement in her wrap-up remarks.

Following our initial discussions at the informal summit in Sibiu or Hermannstadt on 9 May, we will have a further exchange of views about the next strategic agenda for the Union to cover the period from 2019 to 2024. In preparation for this, the Minister of State, Deputy

McEntee, led a citizens' dialogue across the country. This included public events, where members of the public and other stakeholders had an opportunity to raise concerns and outline their views about the future of Europe. These views helped shape our national statement, which was published on 17 April and was discussed in the House the next day.

Our national statement outlines Government's European policy, which includes: the completion of the Single Market in all its aspects with a free trade policy that champions opportunity and a level playing field; developing economic and financial policies that are socially responsible; digital transformation; ensuring that the EU plays a lead role in climate action and sustainability; and maintaining peace and security, including by developing stronger security and development partnerships with Africa and other neighbours.

As always, working to achieve a constructive future relationship between the EU and the UK continues to be a priority. These are reflected in the draft EU strategic agenda which we will discuss on Thursday. The paper divides our work into four broad categories: protecting citizens and freedoms; developing our economic base; carbon neutrality and the just transition; and promoting Europe's interests and values in the world. These provide a framework for the EU to answer these challenges and deliver for our citizens in the years ahead.

Linked to the strategic agenda is the question of the next institutional cycle. Four high-level positions in the EU institutions will be filled in the coming months - the Presidents of the European Council, the European Commission, the European Parliament as well as the High Representative for Foreign Affairs and Security Policy. At our meeting in Brussels on 28 May, we discussed the results of the European Parliament elections and how to proceed with these high level appointments, taking into account what the people said in those elections. We agreed that gender, as well as political balance, must be taken into account and that the appointments should also reflect geography and demography, so that both larger and smaller countries from different parts of the Union are represented in the highest positions in the EU. We also recognised that this would be hard to achieve given the small number of posts available. We agreed that the main posts would have to be negotiated as a package and that the President of the ECB should be handled separately. We mandated President Tusk to consult with EU members and the European Parliament before we return to the matter at our meeting later this week and I will speak to him by telephone today.

An important part of our discussions will be on climate action.

2 o'clock

We will discuss this with a view to the United Nations Secretary General's climate action summit on 23 September. Climate change is a global problem and the EU must reaffirm its role as a global leader. The UN climate summit in September represents an important moment for the international community to reaffirm the objectives of the Paris Agreement. The EU should set itself the objective of reaching climate neutrality by 2050. Our climate action plan, published on Monday, sets out a road map as to how we can achieve this.

Another item for discussion on Thursday will be the 2021-2027 multi-annual financial framework, MFF. Some good progress was made on this during the Romanian Presidency and will continue during the incoming Finnish Presidency. Finland will be represented at this meeting by its new Prime Minister. Our focus at the European Council will be on mapping the path towards agreement on the MFF, which is crucial for the functioning of the EU. From Ireland's

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perspective, we believe that the Common Agricultural Policy, CAP, and other well-functioning programmes like Erasmus+, Horizon and INTERREG must be protected and that cohesion funding is also crucial in empowering less developed member states to unlock their economic potential. With this in mind, we are willing to agree to a modest increase in our contributions to the EU budget provided these well-functioning programmes are protected.

As part of the annual cycle of economic and fiscal policy co-ordination within the EU, known as the European Semester, the Council is expected to confirm its backing for a horizontal note looking at the current economic situation in Europe and the proposed country-specific recommendations made by the Commission to each EU member state. Our discussions on external relations will focus on Russia and developments in eastern Ukraine. This will include the EU economic sanctions on Russia, which may need to be extended further. Cyprus has also indicated that it will raise concerns about oil and gas exploration by Turkey in the eastern Mediterranean. We endorse the EU approach as agreed in March 2018. We also agree with the recent statement by the High Representative, which calls on Turkey to cease its actions and respect the sovereign rights of Cyprus to explore and exploit its natural resources in accordance with EU and international law.

On Thursday, we will also discuss the challenge of disinformation. A report has been prepared by the Presidency, the European External Action Service, EEAS, and the Commission on the lessons learned from the recent European Parliament elections. It is essential that efforts are sustained to strengthen the resilience of EU democracies to disinformation and cyber-security threats. From Ireland's perspective, we stand in solidarity with EU partners in seeking to counter the disinformation activities and cyber-activities that threaten our shared democracy, and endorse the EU joint action plan on disinformation. At the Euro Summit, we will reflect on developments in economic and monetary union since we last met in this format in December. It is expected that we will examine in particular reform of the European Stability Mechanism, ESM, and the euro area specific programme focused on convergence and competitiveness, which is proposed for the next EU budget. Discussions on both these issues have been taking place in recent months among Finance Ministers.

Finally, turning to Brexit, the European Council has been absolutely consistent that the withdrawal agreement is not up for renegotiation and that any unilateral commitments the UK Government may give must be compatible with the letter and the spirit of the withdrawal agreement. As I have said before, it would be a serious political miscalculation and a misunderstanding of how the European Union works to think that a change of UK Prime Minister alone would fundamentally change this. We are of course prepared to amend the political declaration on the future relationship, if the UK position evolves. We will, of course, listen to any proposals or ideas the new Prime Minister has. The decision of the European Council in April to extend the Article 50 deadline until 31 October was done to facilitate cross-party talks in the UK, and for a further round of binding indicative votes. Regrettably this failed so a no-deal Brexit cannot be ruled out. I welcome the Commission communication published last week which updates and reinforces the necessary no-deal preparedness steps at EU level. At home, the Government is continuing its intensive preparations for the possibility of a no-deal Brexit. I echo the Commission's message that businesses should make use of the time between now and 31 October to take all necessary steps to prepare. In particular, businesses that trade with the UK including Northern Ireland need to take action now to register with the Revenue Commissioners for an economic operators registration and identification, EORI, number as an essential step.

I look forward to engaging with my EU colleagues at the European Council, collectively

and bilaterally. After the meeting, I will visit Luxembourg for a bilateral meeting with Prime Minister Bettel and will also visit the European Investment Bank and the European Court of Justice. I will report back to the House on 26 June on the outcome of these meetings.

Deputy Micheál Martin: This week's summit has a deeply important agenda, but it is not clear that it will actually achieve its objectives. At its core, this is a summit about setting out intentions for the next five years. The leadership of the Union is due to be decided and there will be discussions on a number of fundamental economic, environmental and democratic issues. Brexit is not on the agenda but in reality it is central to every decision that will be taken. Fianna Fáil is extremely concerned about the manner in which limited information has been available since March on efforts either to mitigate the impact of a no-deal Brexit in October, or to move quickly to address the new challenges faced by Ireland should the withdrawal agreement be resurrected in Westminster. We have requested a full debate on Brexit to be held before the Dáil rises and it is our expectation that the Taoiseach himself will participate in the debate rather than just delegate it.

Fianna Fáil has over the past year regularly pointed to the importance of this round of institutional appointments both for Ireland and for the Union as a whole. If member states are serious about addressing clear failings in the institutions, confronting the enormous challenges facing the Union and protecting economic growth, then these appointments are their biggest test. It is beyond absurd that the first consideration for many parties' countries appears to be about getting positions for their group. The first and only consideration for each of these jobs should be to find people of energy who can provide real leadership. We cannot afford to have any passengers, or to continue with a position where the Commission, for example, has no credible strategy for engaging with the Union's citizens. Equally it would be an unacceptable risk for Europe to appoint a President of the European Central Bank who would move away from the correct and proportional interventions introduced by Mario Draghi.

The *Spitzenkandidat* system has no credible legitimacy on many levels. First of all, even if we assume that people were voting for the EU-level parties, no party received more than a quarter of the votes of EU citizens. There is no system where a party on a quarter of the vote or less automatically claims as its right the leadership of the government. It is nonsense and it undermines rather than promotes the cause of democracy. More importantly, the issue must not be whom the President of the Commission is nominated by, but what he or she will do. The crisis of legitimacy and effectiveness of the Union demands a person who has demonstrated the ability both to lead on important issues and to communicate with ordinary citizens. They must have the ability to appeal directly to the people in the face of leaders determined to attack and undermine the Union. The Government's support for the *Spitzenkandidat* system is wrong and threatens us all with signing up to a flawed outcome and weak leadership just at the moment when we need to put aside party labels and put the interests of protecting and promoting the Union first.

Fianna Fáil believes that Donald Tusk has been an excellent President of the Council. He has maintained an independence of leaders, ensured that everyone has had a voice and has provided moral clarity at critical moments. There have been times when he has been well ahead of everyone in demanding the Union stand by democratic values and human rights. He has done this in spite of the appalling harassment and libels of his own government. Donald Tusk deserves our thanks and he must be replaced by a similarly strong character. It must be a person who knows when to demand action and to stop the efforts of some to equivocate in the defence of Europe and its member states.

The choice of a High Representative is more complicated as it is not yet clear what the best approach is to the job. This said, in spite of fears at the time of her nomination, Federica Mogherini has been a good holder of that office. In particular she helped bed-down the EU's new diplomatic network and has kept doggedly working on vital but less prominent issues in the area of bilateral disputes and non-proliferation. Of all of the appointments, the next President of the European Central Bank may actually be the most important. While it has nominally been separated from the others for the time being, in reality all reports suggest that it is part of the haggling between countries. The single most important decision in Ireland's dramatically improved fiscal position was the appointment by the Council of Mario Draghi. He ended policies which had driven countries like Ireland into bailouts, agreed to vital debt interest relief, stretched the boundaries of the ECB's mandate and fought deflation as hard as his predecessor had fought the phantom of inflation in previous years. It would be disastrous for Ireland and Europe if, at a moment when the European economy is on the edge, there was any shift away from the Draghi strategy. There can be no compromise on this. We cannot support a person who opposed the Draghi interventions or any person who tries to secure the office by giving a nod and a wink to Bundesbank fundamentalists. They have hobbled discussions about expanding the Union's fiscal capacity. They have rejected any interventions to address the impact of imbalances within the eurozone economy. They have blocked a genuine banking union. They cannot be allowed to return the ECB to the failed policies of the past or the orthodoxies which saw a few go to extreme legal lengths to try and hobble Mario Draghi's work just as it was saving the eurozone.

There are as yet no signs that this summit will reach a final agreement on the positions. In the past there has frequently been the need to call additional summits. What we need from this meeting is first and foremost an end to the idea of parties dividing up jobs and a commitment to finding the best people for these critical jobs. The summit is due to have a discussion of budgetary and economic matters in general. Leaders cannot ignore the looming threat of another recession and deflationary pressures.

In consideration of the country-specific and cross-country recommendations it should be put on the record that the continued failure to address structural imbalances in parts of the eurozone makes it very difficult to address the current threats.

Next week the Government will, no doubt after many more days filled with media briefings and no genuine consultation, publish a statement which will, apparently, contain two scenarios for the budget. This reinforces the need for the Union to agree Brexit mitigation measures now rather than wait for the damage to occur before acting.

Climate change is due to be discussed briefly. Rather than more discussions about aspirations it is time for all countries to be required to be up-front and honest. Climate action proposals should be subject to the same level of rigorous review as fiscal proposals. Only then can we avoid the repeated launch of plans where the aspirations are not matched to specific costings and timetabled impacts.

The summit will also hear a report on the continued spread of disinformation by forces outside of the European Union with the intention of undermining elections. As the report shows, yet again the Russian Federation has worked to bolster extreme parties and to promote false stories. These were particularly designed to promote anti-migrant sentiment and conspiracy theories about the European Union. Fanatical anti-European Union parties of the far right continue to be supported and this includes the coverage of Moscow-owned media. There can and

should be no move to normalising relations until this activity stops.

Finally the summit should discuss the situation in the Persian Gulf. We are not in a position to say what is going on or who is responsible for the bombing of the tankers. What we can and should do is express our concern at the announcement by the President of Iran that his country intends soon to exceed the limits on enriched uranium, as agreed in the nuclear agreement. There is no credible innocent explanation for this enrichment. There is nothing in Iran's disputes with other countries that justifies the development of nuclear weapons. It has an incredibly strong army, which is strong enough to be used to fight in Syria and possibly elsewhere. It does not need these weapons and pursuing them will do great damage to its standing in the world at a time when most countries remain committed to finding a constructive way forward.

Deputy Mary Lou McDonald: I will be sharing time with Deputy Cullinane.

An Leas-Cheann Comhairle: Agreed.

Deputy Mary Lou McDonald: Táim buíoch as an deis labhairt ar an ábhar tábhachtach seo um thráthnóna.

I understand why the focus might fall on the personalities and the contest as to who might get what top job for the next session of the European Parliament and Commission, but what matters more than that is the nature of the reflection and whether or not there is a real understanding of the need for fundamental root and branch change at a European level. Watching the runners and riders for each of the respective positions, I believe quite frankly that the citizens of the European Union can expect more of the same.

Despite the Taoiseach's assertion to the contrary in his paper where he talks about the ambition and the prospect of reaching climate neutrality by 2050, I believe the Taoiseach is over egging things there. It is not a realistic prospect and, in any event, I do not believe the Taoiseach or his Government are on the right track from a policy perspective to achieve climate justice by 2050, or on any other timeframe.

With regard to the European Union impulse on international policy and defence and the impulse around the ongoing trumping of the social economy and social Europe by brute market forces, I do not see any indication that any of this has changed fundamentally at a European Union level or in Ireland. Let us remember that the shape, nature and dynamic of the European project will largely be shaped by the dynamic of domestic politics. Despite the Taoiseach's assertion to the contrary I have no sense that there has been a strategic review of Ireland within the European project, despite Brexit, despite an avowed concern about the rise of the right and reactionary forces right across the Continent, and despite the fact that the lessons of disenfranchisement and the lessons of being left behind are writ large in the Brexit experience across the water. This is a dynamic that threatens in the most profound way the well-being economically, socially and politically of all of us who live on this island. Despite all of that the Government carries on and wilfully disregards all of the lessons that really ought to be learned. Brexit is a disaster. There is no good Brexit. I say this as someone who remains deeply critical of the direction of the European project. I believe it needs to change but Brexit was never the answer. Brexit is not the answer but it serves to provide lessons for us. I have no sense across the political establishment in the State that any of those lessons have been learned. I do not believe there is any appetite to learn those lessons. This is incredibly dangerous.

We now have a host of Tory leadership contenders who beat their chests and try to out-

Brexiters each other. At this stage each of them seems to have disregarded the withdrawal agreement and the backstop. All of them need to understand very clearly that the withdrawal agreement is the bottom line, that the Irish protocol is the bottom line and that they are even more delusional than we had first imagined if they think there will be a shift from that position. It is very important that our partners in the European Union also understand that very blunt and simple reality. I hope the Taoiseach will, as he has committed to doing, carry that very clear message to the European Union. The Government must now stand firm and the European Union must remain true to its word that without an agreed and legally enforceable Backstop there will be no agreement. This is the simple, blunt message in the here and now which the Taoiseach must bring with him to Brussels.

Deputy David Cullinane: It appears once again that we could be heading for a cliff edge with Brexit. All of this is depressingly familiar when we all look at the leadership contest within the Tory Party in Britain with, as Deputy McDonald referred to, all of the runners and riders setting out their stalls. There are huge contradictions in what all the contenders are saying, including the front runner, Mr. Boris Johnson. We have all been here before. Two years ago we heard similar messages from Teresa May, trying to please those on all sides in her party, trying to be all things to all people and maybe taking the view that Europe or the Irish Government would blink when it came to the Border and the interests of the Irish people. That did not happen and we remained steadfast. While there has been a critical engagement between Opposition and Government on many aspects of Brexit, we have all pretty much remained on the same page regarding the need to protect the Border and the backstop and to ensure that Irish interests are fully protected. We cannot afford two more years of what has preceded this, namely, bickering within the Tory Party, politicians in Westminster not being able to sort out what they need to sort out, and all types of fantastical solutions that will not work for Ireland made by people who have no interest in or understanding of Ireland or the Border from an economic or political point of view. The Border was a deeply political issue previously but it was depoliticised to an extent as a consequence of the Good Friday Agreement and the other peace agreements.

There is real concern as we watch what is happening at Westminster. There is always the potential for a new Prime Minister to make a different request. The Taoiseach stated that he is prepared to listen to whatever requests are made. That is legitimate. We should always listen to any reasonable proposals. Equally, we have to make very clear to politicians in Westminster and to the new Prime Minister, whoever that is, that there can be no resiling from the fundamentals of the withdrawal agreement. Those details were worked out very carefully and very intelligently over a long period. There was a series of compromises on all sides to reach an agreement. For Ireland it was the bare minimum. We would have wanted the withdrawal agreement and the protocol to have gone much further in the areas of rights and a range of other areas too. It was the bare minimum that was necessary to secure the future of our people and the economies, North and South, by avoiding any Border checks and physical infrastructure or inspections. We cannot resile from that. There can be no going back on it. Tory leadership contenders talk about buying out, as if they can somehow purchase a solution in respect of the Irish Border. It beggars belief that after two years of painful negotiations there are still people in the Tory Party operating on the basis of that mindset. I hope that at the European Council meeting it will be made very clear that, as Mr. Barnier stated earlier today, there can be no renegotiation of the withdrawal agreement. Clarifications, more and further clarifications have been given to the British Government but finally the British Labour Party, the Tory Party and those who hold a majority in Westminster and do not want a hard crash have to come with a solution. Boris Johnson or whoever is the leader of the Tory Party, will meet all the same challenges that

Teresa May met in the past two years. We have to remain steadfast, protect our interests and ensure that there is no resiling from the positions that have been agreed. I hope the Taoiseach will bring that message to this important meeting of the European Council meeting and that it will be the view of the other members of the Council.

Deputy Brendan Howlin: The European Council meeting on Thursday will bring together the Heads of Government from across Europe to agree a shared vision for what is a crucial period in the history of post-war Europe. It is no exaggeration to say that national leaders are facing major threats to our economic prosperity and our way of life. In 2014, the Council agreed five priorities for the period 2014-2019, and a lot was achieved. The EU has experienced five years of uninterrupted economic growth, with wages increasing and youth unemployment falling by a third. Greenhouse gas emissions have fallen by 22% compared with 1990. The European Commission has already published its contribution to the discussion of the next five years, as well as a list of unfinished business. Labour welcomes the focus on the European pillar of social rights, including a fair and modern tax policy, on sustainability and climate change, as well as on maintaining a rules-based global order and developing stronger relations with our closest neighbours. Under the heading of the European pillar of social rights, the Commission names “access to quality, energy-efficient affordable housing for all in Europe”. This was the focus of Frans Timmermans, the second most senior Commissioner after Jean-Claude Juncker in the outgoing Commission. He is still a contender to become the next Commission President. Timmermans will doubtless play an influential role in the next Commission. I hope that his initiatives to open up European funding for public housing projects will be embraced by the Commission and by national governments.

From Labour’s perspective, the European Commission’s proposals represent a skewed and incomplete agenda. Their focus on the Single Market does not include sufficient emphasis on protecting workers in precarious jobs and does not address the problem of income and wealth inequality in Europe. The next five years must include decisive action to improve workers’ rights and the security of jobs.

Europe needs a more positive agenda on inter-culturalism and integration rather than just managing migration. Insufficient attention is paid by the Commission to the still-existing deficiencies in the eurozone institutions and our lack of instruments to help us deal with the next economic crisis is already manifest. There will inevitably be another economic crisis. There is also insufficient mention of the core periphery structure of the Single Market. This will be crucial for Ireland if the UK does leave the Single Market because our peripheral location will be even more pronounced, with greater costs likely to affect the import and export of goods. Ireland and other countries need a set of rules that are designed to counterbalance the economic advantages enjoyed by countries at the centre of the Single Market. With the increased push towards tax harmonisation - of value-added tax, VAT, as well as corporation tax - Ireland will need a new strategy to ensure its future economic prosperity.

In addition to its strategic agenda for the next five years, the meeting of the European Council will also involve the Heads of Government considering the union’s multi-annual financial framework for 2021-2027. This will undoubtedly be planned on the basis of the UK having left the union, which means all remaining countries, including Ireland, will be paying that bit more to keep European programmes operating. One myth that is frequently circulated here is that of the net contributor. This concept is misleading. Technically, the UK is a net contributor to the European Union. In cash terms, the UK pays more to the EU than it receives in direct payments such as CAP, LEADER funds and so on. As part of the Brexit narrative, it was claimed

that this is British money being lost into a Brussels black hole. That narrow, transactional view of the EU is not only deeply tainted by Euroscepticism and hostility towards supporting poorer countries, it is also a serious misrepresentation of how modern economies work. Access to the Single Market and customs union removes tonnes of red tape, because countries agree to share common standards and rules, not only for goods like foodstuffs, but also for services. Easy access to a market of 500 million people provides each European country with massive economic benefits. The whole is literally greater than the sum of the parts. What we are paying for is easy access to a large market, which is also governed by decent social and environment protections. We are paying for a well functioning Single Market and customs union for the very simple reason that we benefit enormously from membership of the Union in terms of cheaper imports and greatly expanded markets for our goods. In this way, every member state is a net beneficiary. We need to learn lessons from the Brexit debacle and to avoid reinforcing misunderstandings, such as the idea that what we pay into Europe is somehow less than the total economic benefit we derive from EU membership.

The other major issue to be formally discussed by the Heads of Government at this week's European Council meeting is climate change. I know the Taoiseach will be keen to show off the Government's new climate action plan to his European colleagues to reassure them that Ireland intends to rise from its current inadequate position at the bottom of the European league table on climate action and to do better. I caution against too much praise, however. There are good measures in the plan but there is also a lack of ambition at the heart of it. The Government appears to have abandoned the fundamental core ambition to get our annual carbon emissions down to 33 million tonnes by 2030. We cannot rely on our European or international partners to do this for us and I hope the Government will reflect on how its plan, which was published this week and will be debated in this House, can be reinforced to achieve that target.

Brexit will inevitably loom large in the informal discussions around the European Council meeting. Theresa May is now formally a caretaker Prime Minister until her successor is picked. We are closing in on the next deadline, by which time the United Kingdom is expected to leave the European Union, and Theresa May's successor may only have a matter of weeks to have any impact on the current situation. We have held off holding a general election in this State precisely because the risk of instability in our Government at this crucial moment when the UK leaves the European Union needs to be avoided. However, the changing of the guard at EU level creates its own instability at a particularly difficult moment for us. On 1 November, the new Presidents of the European Commission and the European Central Bank will take office, along with the new High Representative of the Union for Foreign Affairs and Security Policy. One month later, the new President of the European Council will take office to replace Donald Tusk. This is important because if the UK crashes out of the European Union on 31 October, the new President of the European Commission could begin his or her first day in the job facing a disorderly British exit from the Union and a crisis in Ireland with respect to the Border and the all-island economy. The Government must use all of its influence to ensure that the next senior officeholders of the Union are not only well briefed on Ireland's concerns but have a track record of supporting and understanding Ireland throughout the Brexit negotiations.

I am sure we will receive solidarity and support from our European partners in the worst case scenario. We have received that solidarity to date. It would, however, be preferable to avoid any further cliff edge negotiations, never mind an actual fall into the abyss. For this reason, I hope the Government will convey Ireland's support for unconditionally giving the new UK Prime Minister a further extension to the UK's exit date from the EU beyond 31 October, if

the UK requires it. We can and should prolong the UK's departure, not least because it is likely that a majority of British people now favour remaining within the European Union. However, the UK needs to go through a democratic process in order to resolve some of the tensions and divisions that have arisen and fundamentally caused rifts within British society. It would be in the interests of this country and the European Union for the UK to remain a member and we should afford that possibility every opportunity to become the end result in this torturous process.

Deputy Richard Boyd Barrett: I am sharing time with Deputy Paul Murphy. Following on from the points I made earlier, if we are to prevent the alarming rise of the far right across Europe and a return to the dark days of the 1930s and 1940s, we have to look at the underlying problems, and not only in Europe, of poverty, deprivation, inequality and gross disparities between the very wealthy and the majority in society. With the exception of Finland, homelessness is on the rise in every country in Europe and it has risen dramatically. As I indicated earlier, 112 million people or 22% of the European population are at risk of poverty. Even after social transfers, 75 million people in Europe are at risk of poverty. Inequality in the distribution of wealth and income has worsened substantially in Europe over the past 20 years. The richest 10% of the European population earn seven times more than the bottom 50% and obviously the disparity is even greater when we consider those at the very bottom. The position in this regard has worsened.

In response to some of these points, the Taoiseach referred to economic growth and improved levels of employment. That is true, although it is worth saying that there is economic growth pretty much across the western world at the moment and that picture is replicated just about everywhere. However, we also know that at some point we will hit the wall and there will be a downturn. By failing to eliminate those levels of poverty, inequality and deprivation, even at the height of an economic boom, we are storing up big problems for ourselves unless we address inequality. Even the World Economic Forum, which the Taoiseach attended, pointed out that economic growth is not being accompanied by measures to deal with inequalities in wealth, which are growing. Inequalities in income and wealth are growing. The major beneficiaries, by a long margin, of the economic growth we have seen in recent years have been the richest 10%. The lion's share of the economic growth has accrued to them and that is true in Europe, including Ireland where the richest 10% have 54% of all the wealth. All the indicators show that the gap between the haves and have-nots is growing. It is seen most acutely in the housing crisis across Europe where even those who are working, as I pointed out to the Taoiseach, cannot afford to put a roof over their heads. That is a political and a social accident waiting to happen unless we address it, yet it is never talked about. Even in the United States, people are starting to have this discussion about inequalities in wealth. It is rather surprising that figures such as Warren Buffett have talked about the need for wealth taxes but we never have that discussion. The Government runs a mile whenever we mention taxing wealth, redistributing wealth or maybe beginning to tax the corporations a bit more and redistributing that wealth to areas such as subsidised low-cost housing, public transport and so on.

I grit my teeth when I hear the Taoiseach talking about climate change and all the pious aspirations we have. He described climate change as a global problem and he is absolutely right. However, when the global climate change movement and scientists say we need to leave 80% of the fossil fuels in the ground, the Taoiseach says the position is different in Ireland. His Government will block a People Before Profit Bill that seeks to leave 80% of the fossil fuels in the ground because, he says, it will not make any difference. At a global level, it makes a

big difference. If everybody in Europe and the world took the same attitude to fossil fuels as the Taoiseach, everyone would continue to explore for fossil fuels. The point about banning further fossil fuel extraction here is that it would send a signal, which we hope would be repeated across the world, as is the case, that this industry has to end. However, if we keep making exceptions for ourselves and sabotaging efforts to keep fossil fuels in the ground, as the Government is doing, it will give the green light to others across the world to keep rolling with the fossil fuel industry, which will continue to look for fossil fuels and pump them into the environment. That is climate hypocrisy.

Deputy Paul Murphy: I raise developments in Hong Kong, which I presume will be included on the agenda of foreign affairs at the European Council meeting. If anyone still believes that protest does not work, he or she should look at what has happened in Hong Kong. Last Sunday, there was probably one of the largest protests in history, with 2 million people on the streets shaking the entire region and showing the power of a mass movement. It was against an unelected Hong Kong Government, backed up by and interconnected with one of the most brutal dictatorial regimes in the world, namely, that of the Chinese Government. The protest of 2 million people came after the suspension of the proposed extradition law, which is what caused the movement. It shows that the unelected government in Hong Kong and the Beijing regime are in retreat but that the movement is on its front foot. The extradition law was part of Beijing's attempt to tighten its control over Hong Kong in restricting democratic rights. It was an initiative of the Chief Executive, Ms Carrie Lam, but it is clear there was at least the tacit agreement of the Beijing regime. The oppression faced by the movement was and is incredible. More tear gas was used in one day - 12 June - than in the entire 79 days of the so-called umbrella revolution five years ago. Rubber bullets were used against peaceful protesters, while tens of young people were arrested on spurious charges of riot and so on. The retreat of the regime and the unelected Government in Hong Kong has caused a serious crisis for the Chinese dictatorship, with the mass movement posing a powerful challenge to its attempts to tighten its control over the territory. *The New York Times* correctly stated it was the largest single retreat by China since Xi Jinping came to power six years ago. The dictatorship fears that the example of mass resistance in Hong Kong can spread over the border and inspire workers, farmers, young people and national minorities in China to resist.

The movement continues to go forward. It is clear it will not accept the concession of a suspension of the extradition law. Instead, the demands on which the movement are rallying are clear, namely, the full cancellation of the extradition law; the resignation of the so-called gang of four, including Ms Lam, the Chief Executive, her justice and security ministers and the chief secretary; and an independent public investigation of the police violence on 12 June and of the classification of the protest as a riot, which allows young people to be arrested, of whom there have been 24 thus far, and face up to ten years in jail if found guilty.

I pay tribute to the actions of socialists in Hong Kong and other socialist activists involved in the movement. They were to the fore in raising the demand for a political general strike against the oppression, a strike which is now very popular and is instrumental in trying to achieve the demands I outlined. The movement has been to the fore in the struggle for democratic rights, which is intimately connected to a challenge to capitalist rule in Hong Kong. Capitalists and big business within Hong Kong, as is the case in mainland China, are intimately connected with the regime, benefit from the so-called stability that results from the oppression and are fully integrated. The struggle for socialist change is intertwined with the struggle for democratic change and poses the need for a revolutionary democratic constituent assembly,

as well as struggling for a workers' government which can spread throughout the country and interconnect with the emerging workers' movement in mainland China, despite the oppression.

On the response of the EU and the Government, the former issued a statement that was classic in its approach of turning a blind eye and blaming all sides. It stated restraint should be exercised by all sides. Millions of protesters are faced with brutal oppression through tear gas, rubber bullets and arrests. There is no equivalence between the two sides. The position of the Government has been deafening in its silence and lack of official statements, which I suspect is because of the wish to have business connections with Hong Kong and mainland China rather than disrupt them. If any members of the unelected Hong Kong Government visit Ireland or Europe, they should and will be met by substantial protests and solidarity with the ongoing movements in Hong Kong.

Visit of Moroccan Delegation

An Leas-Cheann Comhairle: Before proceeding, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to the Speaker of the House of Representatives of the Kingdom of Morocco, H.E. Mr. Habib El Malki, with his delegation, which includes the Moroccan ambassador to Ireland, H.E. Mr. Lachen Mahraoui, who is well known to us. They are most welcome to Leinster House and I hope their visit will be to our mutual benefit.

Pre-European Council Meeting: Statements (Resumed)

Deputy Maureen O'Sullivan: As part of the strategic agenda, there is a statement about protecting citizens and freedoms. We should examine how Europe protects migrants and their freedoms. The Tánaiste was emphatic yesterday that it is not EU policy to return migrants to Libya and its detention centres, yet that is where some migrants end up. As well as being sent to the detention centres in Libya with their appalling human rights abuses, they are being sent to a war zone.

On the multi-annual financial framework, we have heard the term "tax harmonisation". A better principle to consider, however, is tax justice. I question the motives of the large European powers which spent their histories, in the age of colonialism and imperialism, plundering African countries of all their natural resources, a practice that continues today with multinationals. There must be a commitment to tax justice. We could do with more transparency in respect of our 12.5% corporation taxation rate and must bear in mind the danger of relying on it solely to fund services.

Brexit is unbelievable. Reading the views of the contenders for the position of British Prime Minister, what comes across is their ignorance and utter lack of interest in Irish history, the Good Friday Agreement, what it meant and how it was achieved.

I have previously raised the issue of the increasing securitisation agenda in Europe and the so-called European peace facility, EPF. I say "so-called" because it is obvious it is anything but a peace facility. It was proposed by the former Vice President of the European Commission, Ms Federica Mogherini, to support our partners in dealing with our shared security challenge but

it means the EU will be allowed to provide, train, equip and support the armed forces of third countries affected by conflict. What types of equipment will be financed through the EPF? I refer to lethal and non-lethal weapons, and equipment that could be used for torture and human rights violations. It marks a shift in EU policy, which had excluded the direct provision of lethal equipment to foreign government partners. The question is how the facility contributes to peace, justice and development outcomes. It seems to suggest there will be an over-reliance on the use of force. We have heard many examples of wars that were supposed to be short when they started but that continue, such as those in Libya and Syria.

The Government's position on the matter is not clear, even though I received a reply from the Minister of State, Deputy Kehoe, to a parliamentary question I tabled in which he stated it had been discussed at ministerial level but that there was limited support for aspects of the proposal. We need much stronger attitudes and statements on the matter from the Government.

That brings me to another topic I have discussed previously, namely, the arms industry, because it is in the same context as the EPF. In 2017, the world spent an estimated \$1.74 trillion on weapons and military, while the EU states spent €260 billion on arms. That is appalling and frightening, yet we are speaking about the EU and its peace facility. It is totally at odds with what we are saying and very much so with Ireland's neutrality. As I have stated, EU Ministers and so on speak about peace, development and human rights issues, but the same EU countries make millions or billions of euro from the arms industry. If we continue with that European peace facility and do not voice concerns about it and if we are not a stronger voice against this arms spending, it will completely undermine our new development policy, A Better World.

Deputy Thomas Pringle: We cannot make statements without discussing Brexit and the implications it could have for us. I am not going to add much on that because it has already been referred to by others. However, it is vital to ensure that the European Union sticks by the backstop, regardless of whoever is Prime Minister of the UK after the current process. Unlike Deputy Maureen O'Sullivan, I am not surprised that the English do not have a clue about what this means for the North because that has always been the crux of the problem. We should not expect anything more from them. We should ensure that we protect and look after our own interests in terms of the backstop and the future arrangements that will be put in place.

I want discuss migration. It would be remiss of me not to take note of the fact that the Heads of State will meet in Brussels to decide about EU leadership and the strategic direction of the Union on World Refugee Day. This serves as a welcome reminder of the failure of Europe to deal with the crisis. Three years after peak numbers of refugees crossed into Europe, EU leaders have failed to put in place an effective response to deal with the most vulnerable people, which is now leading to a vacuum which populist and far right parties are filling with anti-migrant rhetoric.

According to UNHCR figures, 2018 will be another year of record displacement. Some 1.4 million people are in need of resettlement, with increasing numbers spending years in limbo without any hope in sight. The new European Parliament and Commission, as well as the upcoming framework under the Global Compact on Refugees, will provide a vital opportunity to change the EU's direction and commit it to its own share of responsibility. Resettlement and integration need to be cornerstones of EU policy as we enter a new term. This will be important if the EU intends to be a key player in the area of peace and stability, particularly when it comes to north Africa, which I will touch on later and which is very much related to the migrant crisis that continues today. These should also remain central to the new Commission President

and the EU parliamentary coalition's agenda. More urgently, however, the Commission's call on member states to provide 50,000 resettlement places will expire in October and because the resettlement framework will not be adopted in time, member states and the Commission should urgently convene to discuss an interim scheme to bridge the gap. We are well short of meeting our targets in this regard.

The EU's role in north African countries is becoming increasingly controversial and is directly linked with the migrant crisis in Europe. Europe has continually been lacking in its commitment to stabilising and enhancing peace initiatives in north Africa. It has instead taken on an increasingly militant policy while, at the same time, supporting despots and authoritarian regimes. All of this brings its foreign policy into question. Yesterday, I spoke of the dire situation in Sudan. Not only are people at incredible risk of further attacks, many suggest that a massacre is imminent, with comparisons to Darfur, Myanmar and even Rwanda. The international community, as well as Europe, has been very slow to respond and the silence has been deafening. I understand the EU Foreign Affairs Council supports the call of the African Union for the establishment of a civilian-led authority and supports the leadership role of the African Union and mediation efforts carried out in co-operation with Ethiopia. However, engagement must be promoted not only with protesters, but also with civil society, NGOs and the diaspora, who have worked hard to foster the right to democracy for the Sudanese. Engagement with Sudan should also be seen in terms of how best to prevent widespread violence against its ethnic, religious, political and other populations that are vulnerable to human rights abuses at this time.

The situation in Mali is the exact opposite in that there is now an excessive military presence from member states of the UN Security Council. Ireland has become complicit by agreeing to send a dozen troops to Mali to join a counterterrorism operation widely regarded as the most dangerous United Nations mission in the world. The Government needs to be honest about its motive, which is simple: France. Either it is a way to gain favour with France over key Brexit negotiations or it is as part of Ireland's intensified campaign for a seat on the UN Security Council in 2021-2022. It could also be simply to bed us further into the military regime within Europe.

France's motives are taking over Europe's motives, as I have always said would happen and which has happened with regard to PESCO and other operations in the past. This is even more obvious given Europe's role in the crisis in Libya, where Europe, mainly France, is in fact complicit with authoritarian regimes. Haftar's assault on Tripoli, which has already displaced and killed many, could usher in the worst fighting in Libya since 2011. Approximately 3,300 refugees and migrants are under threat as they are held in detention centres in close proximity to military sites. Many of them have been intercepted on the Mediterranean Sea as part of a much-criticised EU deal with Libya to keep migrants away from the European mainland. Let us not forget that France has been supporting and even strengthening Haftar's militia for years, with the deployment of advisers, undercover operatives and special forces. In particular, the overthrow of Gaddafi was initiated by France and England in pursuit of their oil interests. Haftar has himself admitted his acquisition of arms from French, Egyptian and UAE forces despite the UN embargo. It has been noted that the EU is moving back to its belief in the "stable authoritarianism" which is sweeping across Sudan, Libya and other countries in north Africa while, all the while, the regimes of Saudi Arabia and across the Middle East go unquestioned.

The Treaty on European Union dictates that European action "shall be guided by the principles which have inspired [the EU's] own creation", listing human rights and the respect for human dignity as core to these principles, yet, today, it is a Europe that is so far removed from

these principles that it may, in fact, be a threat to them.

Deputy Mattie McGrath: I am happy to speak on this issue. There is no doubt that, for us at least, the major concern in the European context continues to be Brexit and the planned exit date for the UK of 31 October. Who the Prime Minister will be at this point is unknown, but it looks likely that Boris Johnson will be the victor of the ongoing Tory Party leadership contest, although we have no hand, act or part in that. Who knows? He may prove to be as bad as anticipated. However, there is broad agreement that he made a great success of his two terms as Mayor of London, one of the most diverse and important financial capitals in the EU and beyond.

From the agenda, I see that the European Council will take the relevant decisions on appointments for the next institutional cycle and adopt the 2019-2024 strategic agenda for the Union. This is very ambitious, given the ongoing degree of uncertainty that continues to exist around the nature and scale of the challenges Europe will continue to face up to 2024 and beyond. What is more important, at least in the immediate term, is the Council's plan to return to the issue of climate change ahead of the United Nations Secretary General's climate action summit on 23 September next.

We have seen the outline of the Government climate strategy, which was announced earlier this week in a blaze of glory but which is an absolute joke. There is no sense that those who proposed or drafted it have been anywhere near a rural town in the past ten years. There are many such towns in the constituency of the Minister of State, Deputy McEntee. They are struggling and are on their knees, with businesses closing due to planning laws and the rates system, as well as the proliferation of big supermarkets on their outskirts, something which has had a detrimental effect. These are policies we inherited from the United States and England. We are suffering. I can name the towns - Carrick-on-Suir and Clonmel, which used to be the biggest inland town in the country, right up to Tipperary town and on to Thurles and Nenagh, and there are many more. The heart has been taken out of them due to bad planning decisions, combined with the onset of the recession, excessive rates and parking charges.

We hear the Taoiseach talking about nudging people out of their cars. We would not have to be nudged out of our cars if broadband was delivered but we have seen the fiasco in that regard. There are to be major and dramatic transport shifts, including limiting access to town centres, and, in the Taoiseach's words, nudging people out of their cars on the fairy tale chance that this Government will be able to roll out anything like an effective electric car network.

3 o'clock

Nobody believes that. I salute the people who have moved to electric vehicles. I admired one such vehicle recently. I met the owners in Ballyporeen and they allowed me to have a look at it. It was a 191 registered car and they were excited about it but they said it was not possible to travel long distances in it. Apparently, if one uses the cigarette lighter or the fan, it eats into the battery power, thus the mileage one can travel is reduced and one might not be able to find a charging point. The Government needs to get real. It cannot even roll out broadband so how in God's name does it propose to roll out electric vehicles? As I said, the Government needs to get real. It needs to come into the real world and to talk sense instead of trying to hijack the Green Party's agenda because of its result in the local and European elections. That is all it is doing as far as I can see. This is a distraction from the real issues that are facing people every day of the week.

The national broadband plan, from a climate perspective in the sense that greater connectivity allows for reduced car use and increased remote working and working from home, has been an unmitigated failure. It is estimated it will cost five or six times the original cost. Since I was first elected to this House 12 years ago, there have been promises of roll-out after roll-out. The churn rolling competition held in Tipperary town is not going ahead this year, which is a pity. There was more rolling done there than will ever be done in terms of broadband roll-out. It is impossible. The Government is playing games with the people. People in rural Ireland are sick and tired of the promises.

Dublin city is congested beyond belief. We heard stories last night during Private Members' time of low-paid workers in restaurants and so on not being given their tips. The people are being ripped off left, right and centre. The Government is complicit in that through its lack of engagement in rural Ireland and its lack of delivery of services. Twelve years on, we still are no closer to having nationwide roll-out of broadband. It is a matter of running cables along our electricity lines. We passed legislation to allow and enable the ESB to do that. The ESB has connectivity to every house. This is not rocket science in this day and age. I visit Bosnia and Herzegovina once a year. It is one of the poorest countries in the world but it has top class broadband and top quality water, which we do not have in this country.

I want to comment briefly on the climate strategy plans around carbon tax increases. This will be raised at Council level too. People know about this already. When reviewing some parliamentary questions I came across information from Revenue showing that since 2010, the State has taken in at least €2.8 billion in carbon taxes. This is not a new fandango or new issue that we have to deal with. The Government is not coddling anybody. The people are aware of it because they feel it in their pockets. For impoverished people and those on low incomes, carbon tax increases will be crippling and cruel. Earlier today, I raised with the Taoiseach the issues arising for the freight and logistics sector, which is of huge importance to us in terms of connectivity with our European colleagues and all over the world. The industry has not been consulted on this new plan, invited to any discussions or offered any incentives to encourage reductions in its carbon generation activity. The Taoiseach's reply was that these companies can use smaller lorries. Who is he coddling? On what planet is he living? This will result in more lorries on the roads. As I said earlier, batteries do not have sufficient power to operate trucks, tractors or combine harvesters. The Taoiseach needs to get real. Somebody needs to give him a pinch, although I am not suggesting the Minister of State, Deputy McEntee, should do it. He needs to wake up and come into the real world. He needs to understand what happens outside of the Pale, which is choked up, overpopulated and bursting at the seams. The Government needs to develop policies to support rural Ireland.

On my way into the Chamber I met the Minister of State, Deputy Canney. I support his proposals for the reactivation of the western corridor. We have to think outside of Dublin. The problem with this Government is that the top five Ministers, including the Taoiseach, the Minister for Finance and Public Expenditure and Reform, Deputy Donohoe, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy-----

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): The Tánaiste and Minister for Foreign Affairs and Trade, Deputy Simon Coveney, is from Cork.

Deputy Mattie McGrath: Yes, thankfully. I am speaking about the top five who we are told are whizz-kids and continually appear on television to tell us how good we are doing. They

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continue to spend on projects they should have given up two years ago. The people know that what they are saying is not true. The spin doctors who are all from Dublin do not appear to know anything about what goes on past the Red Cow roundabout or about rural Ireland. That is a sad fact. The Government got its result in the local elections.

Deputy Seán Haughey: Go easy on Dublin.

Deputy Mattie McGrath: I am always easy on Dublin. If Dublin left rural Ireland alone, we would leave it alone. We are happy to visit, work and be educated in Dublin but not at a cost to rural Ireland. Every person in Ireland who puts petrol-----

An Leas-Cheann Comhairle: The Deputy may continue provided the content of his remarks falls within the confines of the pre-European Council statements.

Deputy Mattie McGrath: This is all about the pre-European Council statements. The Government will not fool people in Europe in the same way as it is trying to fool people here. People in Europe are a bit smarter. They have been around for a while and they have copped on to us a long time ago.

Every person in Ireland who puts petrol in their car or lights their cooker is in some measure already paying through the nose to offset the damage done by carbon to the tune of €400 million per annum. Let us be fair, have a level playing field and be understanding. The impression I get is that the Government wants us to forget about this and to start seeing the climate carbon tax as something new when in reality we have been paying for carbon use for almost a decade.

I welcome to the Visitors Gallery Mr. Nicholas Ryan-Purcell, the producer of the documentary, "This is Nicholas - Living with Autism". He lives in the small town of Cloughjordan which has done huge work with its eco village and is showing the way as a community group. Many people are doing similar work but they are not being supported.

In regard to the ESB, I have been contacted by many farmers who cannot get meaningful engagement with the ESB regarding connectivity to the grid.

We are not at the races. We should not be going out to Europe saying go ndúirt bean liom go ndúirt bean léi go raibh fear i dTiobraid Árann a bhfuil póca ina léine aige. We tell the truth. We man up and say we still have to deal with this issue. We are not going to fool our friends in Europe, but we need them to support us.

Deputy Helen McEntee: I thank Deputies for their comments. In response to Deputy Mattie McGrath's contribution, we are investing millions in the Project Ireland 2040 plan which, in the main, is focused outside Dublin. We are investing billions of euro in the roll-out of broadband to rural Ireland.

Deputy Mattie McGrath: Where is it?

Deputy Helen McEntee: The most recent Action Plan for Jobs is a regional action plan which is producing and creating jobs outside Dublin, Cork, Galway and other major towns and cities. We are investing substantially in rural Ireland. I will refrain from commenting further and confine my remarks to statements on the pre-European Council meetings which I have just attended and the meeting which the Taoiseach will attend tomorrow.

As the Taoiseach indicated in his opening statement, the agenda for the European Council

later this week is long and broad-ranging. From Ireland's perspective, it includes a number of important items such as the next EU strategic agenda, climate change, the multi-annual financial framework, cybersecurity and economic and monetary union. Brexit, which was mentioned by many Deputies, remains a top priority for the Government and the 27 EU leaders are expected to discuss it on Friday.

As Minister of State with responsibility for European Affairs, I attended the General Affairs Council and the Foreign Affairs Committee this week. Having engaged with our colleagues across the European Union, support for the withdrawal agreement, the Irish backstop and citizens' rights and monetary settlement within it are still very much their priority and objective on the route towards an orderly Brexit.

As the Taoiseach outlined many of the main issues in his statement, I will focus my remarks on enlargement and the other items under external relations. As I said, as Minister of State with responsibility for European Affairs, I attended the General Affairs Council in Luxembourg yesterday where we had a lengthy discussion on the enlargement and stabilisation association process concerning Serbia, Montenegro, Turkey, Bosnia and Herzegovina, Albania, North Macedonia and Kosovo. The focus of our discussions was on whether to open accession negotiations with North Macedonia and Albania. The European Commission published its annual enlargement package on 29 May. The report noted that North Macedonia has made significant progress on key reform areas. Elections in April and May 2019 were conducted in a transparent manner, and the historic Prespes agreement with Greece put an end to a longstanding dispute. Together with the friendship treaty with Bulgaria, the agreements are examples of reconciliation for the region. In light of the significant progress achieved and the fulfilment of the conditions set by the Council in June 2018, the Commission recommended that the Council open accession negotiations with North Macedonia.

The report also noted that Albania has continued to make good progress, particularly in the implementation of significant reforms to the justice sector. It recommended that accession negotiations should also be opened with Albania. From Ireland's perspective, we welcome the Commission reports and agree with their conclusions and recommendations. The progress of reform in North Macedonia and that country's ratification of the Prespes agreement with Greece, wherein both countries set an example in the area of conflict resolution, deserve to be recognised. While the situation is more complex in Albania, opening negotiations will firmly anchor the country in the reform process and is the right thing to do. A number of reforms were successfully advanced over the past year despite the current political polarisation. We welcome Albania's 100% alignment with the EU's Common Foreign and Security Policy, CFSP, and the Commission's confirmation that progress was made across all chapters. The EU identified measures last year that North Macedonia and Albania should take. We agreed this at a Council meeting in June and, having done that and with both sides having fulfilled their commitments, we should follow through on our commitments because if not it would be damaging for our own reputation, to the commitments that we made, to the stability in the region and many other issues that were raised yesterday. We should reward the candidate countries for the reforms they have put into place and set out a clear path for them to join in order to maintain our credibility in the region. Unfortunately, at the General Affairs Council yesterday, while I strongly supported the opening of negotiations, there will be a delay for procedural reasons. I urged yesterday that any delay be kept as short as possible. I think that October is the most likely deadline now. There should be a clear timetable and decision-making process for both countries.

As part of the discussion on external relations, EU leaders are expected to underline the

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importance of the EU's strategic partnership with Africa. We are committed to working closely with Africa to address global challenges and opportunities and we welcome this strong signal on the part of the Union. EU leaders are also likely to emphasise the importance of the eastern partnership which is marking its tenth anniversary and to ask the Commission and the High Representative to bring forward further long-term policy objectives. Last week I hosted an event to mark the tenth anniversary of the eastern partnership in Government Buildings. At that, I reiterated Ireland's support for this programme, which has matured in a challenging geopolitical environment, which will help to promote security and prosperity in the region. There have been notable achievements in trade, the economy, youth, mobility, people-to-people contacts and education. However, more work needs to be done around the rule of law, judicial reform and anti-corruption, with a sustained push from all sides required to ensure lasting reform in these key areas.

It is expected that EU leaders will note the fifth anniversary of the downing of flight MH17, which many members of the Council raised yesterday. Along with our EU partners, we fully support the ongoing efforts to establish truth and accountability for the victims and their loved ones and family members in line with UN Security Council Resolution 2166. I thank Deputies for their attention and look forward to discussing these issues further next week and answering questions following the Council.

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed, notwithstanding anything in Standing Orders, by the resolution of the Dáil yesterday, 18 June, that the Dáil shall sit at 10.30 a.m. on Thursday, 20 June.

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

Sitting suspended at 3.15 p.m. and resumed at 4.10 p.m.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Justice and Equality has completed its consideration of the Land and Conveyancing Law Reform (Amendment) Bill 2019 and the Courts (Establishment and Constitution) (Amendment) Bill 2019 and has made no amendments thereto.

Saincheisteanna Tráthúla - Topical Issue Debate

Hospital Beds Closures

Deputy Jack Chambers: The Minister of State, Deputy Catherine Byrne, is aware of St. Mary's Hospital in the Phoenix Park and the important role it plays in community healthcare across the Dublin region.

Minister of State at the Department of Health (Deputy Catherine Byrne): I know it well.

Deputy Jack Chambers: It provides an important discharge facility for patients of the Mater hospital, Connolly Hospital, Beaumont Hospital and other hospitals across the city. It acts as a bridge between the acute hospital system and people returning home after a stroke, people with dementia or an acute intervention in the hospital system. It helps people who are well but who need that bridge to facilitate their discharge into the community.

A combination of serious issues have arisen in recent weeks due to the cuts to home help being matched with the reduction in the number of beds. A total of 27 beds in St. Mary's Hospital have been cut. They include eight community respite beds that provide positive support for people in the community who might have dementia or a disability and 19 other beds that provide a spill-over for many of the hospitals across the Dublin region. The beds are a significant loss. The perception among staff at the hospital is that this is a cost-containment measure and another example of mismanagement on the part of the HSE of the overall budget whereby the acute hospitals absorb the majority of funding. The safety valve that exists for so many elderly people is now being removed. They will be left on trolleys in the hospital system for longer despite being medically well. What has the HSE done in terms of forward planning so that such beds are kept open? The very essence of Sláintecare and Government policy is to keep community beds open and to enhance the capacity for healthcare in the community not to undermine it. The cut is aggressive. It is a blunt instrument in terms of the approach to Sláintecare and it deserves a proper explanation. It requires a reversal of the cut or a replacement of beds because it will adversely impact on communities across Dublin.

Deputy Ruth Coppinger: I wish to ask the Minister of State, Deputy Catherine Byrne, if this is what the Fine Gael recovery is about, that 27 medical step-down and respite beds in St. Mary's Hospital in the Phoenix Park will be closed by July. Staff have been told that will happen. Essentially, the reason is cost containment, in other words, cutbacks.

As Deputy Jack Chambers outlined, the patients who are catered for in the facility are from many hospitals, which will also be affected by the closure, for example, Connolly Hospital, the Mater hospital, and patients in need of emergency admission for social or other reasons. A significant number of patients are admitted for blood transfusions, treatment for infections, dementia, wounds, malnutrition and rehabilitation. In the absence of those beds, patients will have to remain in accident and emergency departments, adding to the acute crisis in them, and waiting on trolleys.

One member of staff who contacted me about the proposed closure of the unit, because they were so concerned, said they had no doubt some patients would die waiting for care. The effect on patients is obvious, but there will also be an effect on staff. We have just witnessed a major strike by nurses and midwives who were told that their conditions were of concern to the Government and the situation at St. Mary's Hospital will add to their demoralisation. When one combines this with the cuts to the home care package, people see it as a stark contrast to the overspends we hear about every week at the national children's hospital. In the past the Minister argued that bed closures were necessary, even though that was never the case. The top 300 in this country have €87 billion in wealth between them. It has increased 10% on last year. Meanwhile, ordinary, elderly patients are suffering this kind of humiliation in hospitals.

Deputy Catherine Byrne: Unfortunately, the Minister of State, Deputy Jim Daly, who has

responsibility for mental health and older people, cannot be here so I am taking this matter on behalf of him. I thank Deputies Jack Chambers and Coppinger for raising the issue.

Social care services, including home care, daycare and short-stay residential care are all important components in enabling people to remain living at home and participating in their own communities. They also provide valuable supports to carers. The Government is committed to supporting people to live in dignity and independence in their own homes and communities for as long as possible.

Where that is not feasible, the health service supports access to long-term residential care, where appropriate, and we will continue to develop and improve health services in all regions of the country to ensure quality and patient safety. There is an obvious need to provide high quality and flexible services that not only best meets the needs of individual clients, but also reduces pressures elsewhere on the wider health system such as acute hospitals or on long-term residential care.

Public nursing units provide 5,000 long-stay residential care beds nationally. There are also approximately 2,000 short-stay community public beds providing a combination of step-up and step-down care, intermediate care, rehabilitation and respite care. Short-term beds contribute to the provision of an integrated model of care for older people, enabling them to return home following a period of hospital care or postponing admission to long-stay residential care.

The Health Service Executive has operational responsibility for the delivery of health and social services, including those at facilities such as St. Mary's Hospital in the Phoenix Park. The hospital provides 150 long-term residential beds, located across two modern, purpose-built units, and registered with the Health Information and Quality Authority, HIQA. That is the maximum number allowable under HIQA registration conditions.

The hospital also has 75 sub-acute beds or short-stay beds, located separately in the main hospital building, dating from the 18th century. They include ten specialist stroke rehabilitation beds, 22 rehabilitation beds to support step-down from acute hospital, 20 transitional care, eight respite and 15 community response beds.

Following a recent health and safety assessment, issues have arisen regarding flooring and electrical works in one of the wards. To comply with legislative requirements, and in the best interests of patients and safety, the HSE needs to close the ward on a phased basis with effect from 1 July 2019. There will be some reduction in access to transitional care beds from acute settings, however, all patients will remain in the hospital until their current care is completed. The Department has also been assured that all commitments for booked respite care will be honoured and plans are being put in place to that effect. Staff were advised of this decision through their line management structure and they will be reassigned within the hospital.

The HSE has advised the Department that significant capital is required to address the health and safety issues and the HSE is developing a capital project plan to address the risks identified in this old building. The HSE has a clear responsibility to deliver services ensuring that the highest standard of care continues to be provided to all patients in a safe and secure environment. The primary focus must be on the patient. Engagement with patients, their families, staff, union representatives and other relevant stakeholders is ongoing to ensure there is minimal impact on all concerned during the closure of the ward.

Deputy Jack Chambers: The Minister of State's words are the opposite of the reality. She

stated that she will enable people to live at home and that she is committed to supporting people living in dignity and independence. These cuts are the opposite of that. The Government continues to do that, despite a €17 billion budget. The perception among the staff is that the health and safety report suited the cutting agenda when it came to community care beds. There is a reduction in the number of transitional care beds and that is a shocking development in community healthcare across the Dublin region at a time when we are aware of the level of demand and the necessity to facilitate discharges.

It was not last week, when the announcement was made, that the HSE first discovered that this is an 18th century building. Where was the forward planning unit? It knew that any 18th century building would give rise to health and safety concerns, but the HSE has allowed the building to fall into its current state and is using that as a means to facilitate the cutting agenda because it cannot manage its budget. Again, that is poor planning and evidence of a rudderless health policy. Sláintecare is further away than ever, particularly as St. Mary's is what Sláintecare means to the local community in west Dublin.

Deputy Ruth Coppinger: With a sleight of hand, the Minister of State has tried to give the impression that the patients will be released on a phased basis. However, that will be the end of the ward. The Department is not even going to try to refurbish it if safety is really its concern. The staff member who alerted us to this is very experienced and has worked at St. Mary's for several years. As long as she has been there, the staff have heard about this safety issue, but they were told there was no money to refurbish. Now there is plenty of money. It was pointed out that there is no need for any patient to lose a bed or for patients not to be catered for because there are empty wards throughout the hospital. With very little work people could be put into them. However, the Minister for Health has decided that these 27 beds will be phased out or closed down. There has been no mention of refurbishment or updating them. Some 300 people are catered for in this unit. That 300 will have an impact on other hospitals. One of the fears is that they will no longer be able to have the transfusions carried out in the Mater Hospital and that the hospital will lose the link with the Mater Hospital, which will impact on the small hospital overall.

The Minister of State, Deputy Jim Daly, was mentioned. It is a pity he is not present. He is probably off getting his picture taken at one of these facilities, as I have seen him do in Clonakilty and other places. However, the current residents in the Phoenix Park will not be able to stay there.

Deputy Catherine Byrne: There have been no cutbacks to home help services. I work daily in my community seeking home help services and I and the people I represent have never been turned down so I do not know where that is coming from.

Deputy Ruth Coppinger: It is from September.

Deputy Catherine Byrne: I am very familiar with St. Mary's Hospital because members of my family stayed there in the past for long-term respite care. We can all agree that the quality of care for patients comes first. All patients should receive the same high standard of quality assured care. The decision to close the ward was based solely on health and safety concerns. I cannot emphasise that enough. It was not taken lightly and was not taken as a cost saving measure. The measures were taken to promote and protect service users' safety. That is very important.

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The ward is in an old part of the hospital and significant capital development is required to address the risks identified. The HSE has confirmed that a capital development project plan will be drawn up as part of the normal capital planning process in order to address the issues and recommence services at this location. The HSE has assured the Department that engagement with patients, their families, staff, union representatives and other relevant stakeholders is ongoing in order to ensure that minimal impact on all concerned is achieved during the closure of the ward. The HSE confirms that staff will be reassigned within the hospital and all commitments made in respect of further respite care will be honoured. I do not know how more clearly the two Deputies wish me to put it.

Deputy Ruth Coppinger: The ward is being closed.

Deputy Catherine Byrne: This is a health and safety issue and the ward is being closed for that reason. It is not a cost cutting matter.

Deputy Ruth Coppinger: It will not be reopened.

Deputy Catherine Byrne: It is clear that the Deputies need to reflect on some of the words that have been said. I am not responsible for the reply I have given, but I stand over it wholeheartedly. I know people who are being cared for in St. Mary's Hospital and the quality of care is exceptional.

Deputy Ruth Coppinger: Why not reopen the ward?

Primary Care Centres Provision

Deputy Gerry Adams: Níl aon rud pearsanta ann ach tá mé míshásta nach bhfuil an tAire féin anseo. An uair dheireanach a bhí Saincheist Tráthúla agam, ní raibh an tAire ann ach an oiread agus bhí mé ag caint ar an ábhar seo ansin fosta.

The Minister of State might not be aware of it but there are no child and adolescent mental health services, CAMHS, in north Louth. Sin é. Children who need CAMHS must travel to Drogheda for them. Despite the best efforts of the staff at Ladywell Daycare Centre in Dundalk it is impossible to deliver proper and effective community mental health services from a facility that is old, decrepit and unfit for purpose. I have been raising my concerns about this issue for years.

A new primary care centre for Dundalk was first announced in 2008 when the HSE advertised for expressions of interest to develop a centre. Over ten years later, not a brick has been laid. Information from the HSE, the Department of Health and the Minister has been confused and conflicting. In November 2016 I was advised, in response to a parliamentary question, that it was hoped the operational lease process for the primary care centre would be completed in the first quarter of 2017. In August 2018, I was told that the planning application would be submitted by the end of 2018, work would commence in 2019 and the centre would be open early in 2020. In April, in response to another Topical Issue matter I raised, the Minister of State at the Department of Housing, Planning and Local Government, Deputy Phelan, indicated:

Louth-Meath mental health services are currently looking at a new town centre location in Dundalk with a view to providing improved CAMHS to north Louth. The HSE is hopeful that this will come on-stream toward the end of the year.

This was news to everyone. It is was the last anyone heard of it.

When I queried this information, I was told, in a letter Mr. David Walsh, the national director of community operations, last week, that disability services are now seeking space in the primary care centre. There was no mention of the town centre location. While I would welcome disability services being in the primary care centre, why was this not part of the original plan? I was also told that this new development has resulted in a requirement to review the project, that this has resulted in a delay and that the new updated proposal will require additional approval from the HSE property resource group, that is, the additional space that is now considered required. Last Friday, two days later, I received a letter from the Minister which states that a preferred provider was identified and a letter of intent issued last August. The Minister repeats that the Dundalk primary care centre is at design stage, but he makes no mention of the disability services now being part of the proposed centre. He does not mention the need to review the project or that the project will be delayed. It would appear that the Minister does not know what is happening with Dundalk primary care centre.

Incompetence has been a mark of this Government. Such incompetence leaves the most vulnerable in our society behind. The lack of child and adolescent mental health services for the young people of north Louth is unacceptable, as is the way the Government has failed to address the need for a primary care centre for north Louth and Dundalk. Can the Minister of State clarify the current timeline for the design stage of Dundalk primary care centre? How long will the review take? What are the cost implications? Will a new letter of intent be required and does this mean there is to be a new process and so forth? When will construction commence and what is the expected opening date now for Dundalk primary care centre?

Deputy Catherine Byrne: On behalf of the Minister, I thank Deputy Adams for raising this issue and for affording me the opportunity to provide further clarification. I understand that the issue here is that Deputy Adams believes that the information provided in a direct reply from the HSE to Parliamentary Question No. 170 of 23 January 2019 from his colleague, Deputy O'Reilly, conflicts with a response provided to him by the HSE in reply to Parliamentary Question No. 1817 of 24 July 2018 concerning the development of a primary care centre in Dundalk. I am informed that the HSE has replied to Deputy Adams directly on this matter in a letter dated 12 June in response to a parliamentary question that he tabled on 16 April. I also understand that, following his submission of a representation, the Minister sought clarification on this matter and responded directly to Deputy Adams on 14 June last. As the Deputy may be aware, the HSE has responsibility for the provision, maintenance and operation of primary care centres and other primary care facilities. The executive's response to the Deputy's original question in July 2018 outlined that under the operational lease mechanism, the HSE had identified a preferred provider for the provision of the centre in Dundalk, that HSE estates had issued a letter of intent to the successful applicant and that initial meetings had taken place to progress the design layout. It was intended that works would commence in 2019, subject to planning permission, with an expected opening date early in 2020. Confusion has arisen following the question submitted by Deputy O'Reilly in January of this year which sought information on the number of operational and planned primary care centres across the country. In the response provided by the HSE, Dundalk primary care centre was not included in the "Under Construction" or "Advanced Planning" appendices. The reason for this apparent discrepancy is that circumstances have changed regarding the development of Dundalk primary care centre. The HSE has advised that subsequent to the reply issued to Deputy Adams in July 2018, the disability services division advocated strongly for space in the primary care centre. This meant that the

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project had to be reviewed and, as such, it is now categorised as being in the design phase and does not meet the requirements to be included in the advanced planning category. Hence, the centre was not included in the list issued to Deputy O'Reilly in response to the parliamentary question tabled in January 2019 as that list included only centres which are under construction or in advanced planning.

Clearly, the circumstances pertaining to the development of the centre in Dundalk have changed and this has resulted in a delay. I have no doubt that Deputy Adams and the local community in Dundalk are disappointed by this but the HSE has offered assurances that it is the correct strategic move for long-term plans for care delivery in Dundalk. The HSE is following the required internal protocols to take account of the additional space requirements and hopes to have the additional approval submitted, as appropriate, in the coming months. At that stage, the time lines of the project would be laid out more precisely and I understand that the HSE has already indicated that it is happy to update the Deputy as appropriate.

It is unfortunate that the change in status of this project has caused some confusion and that the project will not be delivered as originally scheduled because of an expansion in scope. Nonetheless, I assure the Deputy that it is still very much the intention to develop a primary care centre in Dundalk and that work is ongoing to deliver this project so that we can fulfil our vision of delivering better care, closer to people's homes, in their local communities.

Deputy Gerry Adams: Having studied the reply and listened intently to the Minister of State's reply, it would have been better had she just said, "I do not know". She should have said that she does not know when there is going to be a primary day care centre for Dundalk or when the young people of north Louth are going to have CAMHS closer to their homes and in their local community. Given that the Minister of State is here just to read out the reply, it is obvious that neither the Minister, the HSE nor the Department of Health knows either. Nobody knows and that has been the mark of the frustrating process of letters, parliamentary questions, topical issue debates and all of the other methods we use to try to get information. I will be updated "as appropriate" in the period ahead. In the meantime, citizens of the Republic, particularly vulnerable young people, are denied the care they need close to where they live and the health professionals who work day and night are denied the buildings, facilities and resources they need to do their job properly. It is no accident that disadvantage in communities gives rise to additional mental health problems, particularly among young people. A short reply to the effect that "I do not know" would have saved ink and paper.

Deputy Catherine Byrne: I thank Deputy Adams, who took the words out of my mouth. I was going to say that I do not know the answer to the questions he posed. That is why I have taken note of them and will bring them to the attention of the Minister and ask him to reply to the Deputy directly.

In terms of the written response from the Department, it is apparent that confusion around the status of the project has arisen because the intended timeline for delivery was amended to enable disability services to be provided from the centre in addition to the services originally identified. It should be stressed that when the centre opens it will include primary care, mental health and disability services and will be a real asset to all of the people of Dundalk, young and old. I am sorry that I do not have a reply to the list of questions Deputy Adam's posed. However, I will tell the Minister that the Deputy would like a more comprehensive reply.

Schools Building Projects Status

Deputy Fiona O'Loughlin: Following a very long and intensive lobbying campaign by South Kildare Educate Together, parents in the community and public representatives, including myself, last November the very welcome news was announced that a new 1,000 pupil school would be established in the Curragh, Kildare, Newbridge area. The proposed school would take in the existing ETB school at the Curragh and discussions would commence with Educate Together on joint patronage of a newly built school. This is what campaigners had sought because there are two Educate Together primary schools in the area, in Newbridge and Kildare. The proposed amalgamation was really good news. It was hoped that the new school would accommodate increasing numbers of people living in the area, both now and into the future. However, I am absolutely frustrated by the responses I have received from the Department of Education and Skills to questions regarding the progress that has been made to date on securing a site for the new school building. I am also frustrated by responses to my queries regarding the timelines for site acquisition, construction and opening the new school. We are already six months into 2019 and it seems as if nothing has been done since the announcement in late 2018. At this point in time, parents are incredibly frustrated. In Newbridge, I am inundated with parents coming to me who have no school place for their children this year, the following year or the year after that. St. Conleth's community school, the Patrician boys primary schools and the convent secondary school are full for September of this year and for the following year, and they have waiting lists. We are facing a crisis at this point in time.

I cannot understand why we are not getting any information. I have also asked for details of correspondence between the Department of Education and Skills and the Department of Defence because it was intimated there was the possibility of the Department of Defence providing a site within the Curragh area for this proposed school. At this stage it is a real concern for parents and the school community in the existing school. What assurances can the Minister give me today for the concerned parents and school community? We are not getting any updates on the progress being made in securing a new site. I have put forward suggestions. I have gone out and looked at potential sites and forwarded that information to the Department but I have not received a response. We cannot afford to let so much time go by. The Minister will be aware of the delays to St. Paul's school project in Monasterevin, which has not helped matters. Children from Kildare are looking for school places in Laois and in nearby counties. What assurances can the Minister give to the parents who find themselves in this situation?

Minister for Education and Skills (Deputy Joe McHugh): I thank the Deputy for raising this matter. As she may be aware, my Department recently completed a review of provision at post-primary level across the school planning areas in the south Kildare area. My Department is satisfied that the needs in the area can be met through the replacement and expansion of the existing Curragh post-primary school with a new 1,000 pupil school building. It is intended that the expansion of the existing Curragh post-primary school, a multi-denominational community college under the patronage of Kildare and Wicklow Education and Training Board, will also cater for demand arising in the adjoining Newbridge and Kildare school planning areas. Pending delivery of the new school, there is capacity in the existing Curragh post-primary school building.

A new site will be required for the new school and my Department has commenced the site identification process. In line with protocols for the use of State property assets, my Department has written to the Department of Defence inquiring if the Department is in a position to

provide a site that could be suitable. Due to commercial sensitivities surrounding site acquisitions in general, I cannot comment further at this point in the process, although I can assure the Deputy that my Department is making every effort to progress the matter.

Deputy Fiona O'Loughlin: The Minister's reply is very similar to what we heard when the initial announcement was made, which I accept was very welcome. The only new or additional information in his reply is that the Department of Education and Skills has written to the Department of Defence. It would be appropriate to inquire if a reply has been received. The other two Deputies representing Kildare South and myself had a meeting with the Minister for Defence two years ago to see if there was an opportunity to secure a site, but there was no progress on foot of that meeting. This is a major problem. Statistics show that Kildare South is the fastest growing area in the country. Between 2011 and 2016, the population of the area grew at 143% of the State's growth rate. In that period, the population of children of school going age grew at an even higher rate. The South Kildare Educate Together, SKET, report, which was sent to the Minister and to his predecessor, noted that by 2025 there would be at least 415 students without a school place in south Kildare.

This issue has reached crisis point. Some of the feeder schools that are included, such as the Cross and Passion College in Kilcullen, cater for a large area, including children from areas such as Dunlavin in Wicklow. It is not only for people from Kildare. Kildare Town Educate Together national school will see its first cohort of sixth class pupils finish in the next few weeks. Newbridge Educate Together school's sixth class students still do not have an option to continue their education in that ethos. What does the Minister expect parents to do in September of this year when their children are supposed to start secondary school in the area but simply cannot find a place?

Deputy Joe McHugh: To reiterate, the Department and the Government are committed to the new post-primary school in the Curragh. I appreciate that when diggers are not on site it can lead to frustration but the commitment is very clear. We will build a new post-primary school. The way politics works, Teachtaí Dála, who are messengers of the people, do their work and raise the issue. I thank the Deputy for raising it today. When I meet Deputies from that constituency, whether it is the Ceann Comhairle or Deputy Heydon, this issue and those concerns are raised with me. That is important, and it is important to keep this issue alive. However, Department officials are in touch with the Department of Defence. It is not a question of simply producing a map. There are military installations on the Curragh, so there has to be proper consultation. It is even wider than that, however. There is consultation and communication with Kildare County Council as well. If there is information the Deputy believes is important or potential solutions, Department officials and myself are open to hearing those but I reiterate and re-emphasise that we will build a new post-primary school on the Curragh. It is needed, and it was announced towards the end of last year. That commitment is steadfast.

I appreciate the frustration of parents who wonder where students will go in the time ahead. However, it is important to point out that every effort is being made at Department level. I will ensure that the officials keep on this case and continue the communication. Unfortunately, because of commercial sensitivity, we cannot have a public forum when it comes to land and site acquisition but I assure the Deputy, the parents and the staff concerned publicly here today that we will ensure this will be a priority in the time ahead.

Inland Waterways Development

Deputy Martin Heydon: I thank the Minister for taking this important issue regarding the need for us to progress the Barrow Blueway. She will be aware of my keen interest in the progression of the blueway through County Kildare. I have raised it with her and her officials on a number of occasions in the past.

The Barrow Blueway project is being dealt with by Waterways Ireland which originally made applications to Kildare, Laois and Carlow County Councils in 2017 for the development of the Barrow towpath to enable it to become a blueway. The planned upgrade was to provide a multi-use shared leisure route connecting Lowtown beside Robertstown in County Kildare, with which the Ceann Comhairle will be very familiar, to St. Mullins in County Carlow, a distance of 115 km of off-road, flat, accessible public space. The original proposed trail was to pass through the village of Robertstown and the towns of Rathangan, Monasterevin and Athy in County Kildare linking on to Carlow and it was anticipated to become a blueway.

There is major interest in and support for this project in County Kildare. I want to put on the record that despite pockets of objections further south in other counties, the people of Kildare are absolutely supportive of this project. They believe it is the right thing to do and can appreciate its great potential when we consider other greenways and blueways and the economic prosperity they have brought to other rural areas and towns and villages.

There has been a long planning history to this project since then, which I will not go into. An Bord Pleanála ruled on the project in February 2019 refusing permission for the proposed development along the Barrow in all three counties of Carlow, Kildare and Laois. However, in respect of Kildare and Laois the decision pertains only to the riverbank. Waterways Ireland has been given the green light for a new track on a section of the canal stretching for approximately 50 km from Lowtown and Robertstown to Athy.

My main purpose today is to find out what the intentions of Waterways Ireland are with regard to progressing the blueway in County Kildare, which is much anticipated by recreational users and businesses alike. Waterways Ireland stated clearly in its application to An Bord Pleanála that it would only proceed on the basis that the project was approved in its entirety. The 50 km stretch of the proposed blueway in Kildare is ample reason to proceed and can stand on its own two feet. I have no doubt that some of the people in County Carlow who objected without full information on what is being sought would demand that the blueway be extended to St. Mullins if they saw it being successfully developed in County Kildare. That is their business, however, and a matter for another day. We want to focus on the area for which planning permission has been given. While certain elements of the route along the River Barrow were not approved, the element in Kildare is sufficient to make its development feasible for development. This will give the towns of Kildare, Rathangan, Monasterevin and Athy an opportunity to develop the economic activity that can be spun off from these projects, as has occurred in other areas.

I am familiar with the greenway from Waterford to Dungarvan, which attracted 250,000 visitors between March and December 2017. An analysis has shown that each visitor spent on average almost €30 in the locality, with those who stayed overnight spending almost €110. This type of economic activity could transform Monasterevin, Rathangan, Athy and all of the areas in between that we want to see developed. I ask the Minister, through her good offices, to implore Waterways Ireland to drive on with the Kildare element of the project and allow us

to develop it to show the benefits it can deliver to our area and show off to visitors the beautiful landscape and countryside of south Kildare. One other major benefit of a greenway from Robertstown would be that it would create a direct link between south Kildare and Dublin. We know how many tourists stay in Dublin and that many of them drive through County Kildare. The challenge we have is to get them to spend the night in Kildare. A greenway and bluweway from south Kildare to Dublin would create major opportunities in the south of the county.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I thank Deputy Heydon for raising this issue. I acknowledge his keen interest in the Barrow bluweway.

Work on developing the Royal Canal greenway from Maynooth to Richmond Harbour, Clondara, County Longford, as a walking and cycling destination is nearing completion. At 119 km in length, this will be one of the largest of the greenways and bluweways in Europe. The Royal Canal bluweway at Mullingar offers 23 km of paddling. The Grand Canal towpath is also being upgraded. Waterways Ireland is working with local authorities, LEADER groups, the National Transport Authority and the National Trails Office to ensure planning and funding are progressed.

Waterways Ireland views bluweways and greenways as a vital means of encouraging the development of recreational opportunities in rural areas. Experience has shown that the branding of trails, such as greenways or bluweways, attracts visitors resulting in rural regeneration. The development of trails encourages private entrepreneurs to establish or extend recreational activity businesses such as bicycle hire, canoe hire and paddle boarding.

Blueways are not just the provision of infrastructure but, more importantly, they provide a model for partnership collaboration between the private sector, community and voluntary sector and local and national bodies in the provision of sustainable services which provide access to recreational activities for local people and visitors alike. The bluweway model has worked successfully on the north Shannon with all of these bodies working in partnership to provide rural regeneration in areas where tourism was not previously high on the agenda. Waterways Ireland is continuing to support and expand the existing network of bluweway trails across its waterways, including the Shannon bluweway, the Shannon-erne bluweway, the Lough Derg bluweway and the Mullingar bluweway on the Royal Canal.

In relation to the Barrow bluweway, Waterways Ireland received the decision on the appeal for the development of the Barrow bluweway from An Bord Pleanála on 10 April 2019, as the Deputy will probably be aware. The decision effectively upheld the decisions of Kildare, Laois and Carlow planning authorities granting permission for the proposed development from Lowtown to Athy, that is, the canal section, but refusing permission from Athy to St. Mullins, which is the river section. The primary refusal reason in each case related to the board's opinion that the potential impacts of the proposed development on the special area of conservation could not be ruled out arising from the use of the unbound material in areas that could flood. They highlighted an associated perceived potential impact of the proposed development on ecology.

Waterways Ireland considered the detailed inspector's report and had a number of options available to it. The first was to seek a judicial review of the decision of An Bord Pleanála. This option has not been pursued. The second option was to develop the element already granted permission and seek funding to develop the towpath from Lowtown to Athy, as planning has been granted for this section. Funding could be sought under the next round of greenway strategy funding. While funders have shown significant interest in the potential of a full Barrow

trail, the potential success of an application for part of the route would have to be discussed. Kildare County Council has indicated that it is keen to have this progressed. The third option was to submit a new planning application for the areas which have not been given consent. This would require a redesign informed by further review and landscape assessments. In order to do this it would be necessary to undertake a detailed hydrological model for the Barrow catchment. A detailed flood risk assessment would be a very large project in itself and would also be subject to challenge in terms of the certainty that is required to make conclusions on potential impacts. This is not an option which Waterways Ireland believes would have a successful outcome at this time.

The fourth option is to pause development and work with all of the local authorities, sports partnerships, communities and groups along the route of the River Barrow to activate the area as much as possible in terms of recreation and tourism. Waterways Ireland is currently organising an entire Barrow walk during the European Week of Sport in September. By undertaking such programmes, it is hoped to positively impact on mindsets in the area.

Deputy Martin Heydon: I thank the Minister for her detail response in which she listed the various options available. It is clear what option people in County Kildare would take. I agree with Kildare County Council that we should proceed with the second option of having the Kildare element of the project, for which planning permission has been given and which is ready to go, considered in the next round of the greenway strategy funding.

The cost of completing the entire Barrow blueway running for 115 km has been estimated at €11 million. Completing 50 km would cost significantly less but the economic return for the area would be significant. We already have a canoe loop in Vicarstown near Athy and people are able to cycle, walk, trek and canoe in the area. Athy is unique in that the town is located on the banks of the Grand Canal and the River Barrow. With its famous triathlon event, TriAthy, dragon boat racing, canoe club and ambitious plans for a new water sports hub, the town has embraced water sports and tourism potential. This investment would be a considerable shot in the arm for Athy. Monasterevin is known as the Venice of Ireland. It and Rathangan are towns in rural Kildare which do not have enough economic activity. Tourism is a key option that would link us directly with the Dublin tourist market. We have an exciting opportunity for businesses and individuals to consider setting up cafés and the various spin-off industries that come from blueways and greenways. A couple of years ago, while cycling from Achill along the greenway on a family holiday, I was struck by the number of new businesses that had sprung up along the route. The same applies in Waterford where a greenway of only 46 km attracts 250,000 visitors each year. We are aiming to attract 50,000 visitors.

I implore the Minister to use her good offices. The second option she listed would be our preferred one. At some point, we could consider submitting new planning applications to try to deliver the full Barrow blueway. For now, let us prove that Kildare can be a success and let us take every opportunity to have the economic development that is so crucial for the south of the county.

Deputy Josepha Madigan: As part of the evaluation of the various options, Waterways Ireland is exploring the availability of third party funding for the Lowtown to Athy section in County Kildare. It is anticipated that the evaluation of options will be completed in the coming months.

Given the success of blueway projects to date and recognising the capacity, resource, sea-

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sonality and mobilisation constraints, and that this is a matter in the first instance for Waterways Ireland, it is my view that the agency should proceed to plan, schedule and resource those elements of the project for which planning is secure. That is, in effect, the second of the options I laid out for the Deputy. My Department will continue to engage with Waterways Ireland to that end. I share the Deputy's desire to see this project proceed.

5 o'clock

However, Waterways Ireland will ultimately make that decision itself. There is a Waterways Ireland monitoring committee meeting on 9 July. It is my desire that we go ahead with the parts of the project that have planning permission. Some of the advantages outlined by Deputy Heydon in tourism, cafes and of it being an exciting overall opportunity for Kildare should be acknowledged. Even if we cannot do all the Barrow Blueway at the moment, we should certainly try to do those aspects and parts that have planning permission. There are many blueway initiatives throughout the country. It is a multi-activity trail on or along the water and it is defined by trailheads with readily available trail information and safe access points to the recreational activity. As the Deputy said, these are not only recreational trails but they link the physical activity with places to rest and to have refreshments and with heritage sites. Places of interest can be visited and people can browse the local arts and crafts and experience the local culture.

I thank the Deputy for raising this issue. I know how important this is for Kildare and I acknowledge his enthusiasm. My desire is that the second option will go ahead and we will await the decision of Waterways Ireland on 9 July.

National Maternity Services: Motion [Private Members]

Deputy Stephen Donnelly: I move:

That Dáil Éireann:

recognises:

- the need for Ireland's maternity services to be as safe as possible for women and babies, including the need for women to be listened to and respected;
- the hard work, skill and dedication of all staff across Ireland who provide maternity services;
- the growing crisis in maternity care for reasons including:
 - outdated and inadequate hospitals;
 - limited diagnostics;
 - poor staffing ratios;
 - insufficient parental supports;
 - wide geographic variations; and
 - lack of community-based options for mothers;

- the deep concern these pressures are resulting in for current and expectant mothers and fathers; and

- the increased burn-out and stress for clinicians, together with a retention and recruitment crisis and chronic staff shortages;

notes:

- that the 2008 KPMG Independent Review of Maternity and Gynaecology Services in the Greater Dublin Area identified the need for maternity services to be co-located with adult acute services;

- the repeated announcements from 2013 onwards, including in the Capital Plan 2016-2021 and the National Maternity Strategy 2016-2026, that Dublin's three maternity hospitals and Limerick's would be relocated, with:

- the National Maternity Hospital to St. Vincent's University Hospital campus;

- the Coombe Women and Infants University Hospital to the St. James's campus (to happen in parallel with and be tri-located with the National Children's Hospital);

- the Rotunda Hospital to the Connolly Hospital campus at Blanchardstown; and

- Limerick Maternity Hospital to the University Hospital Limerick campus;

- the lack of progress on these essential projects, including:

- on-going delays regarding the National Maternity Hospital; and

- no progress and no budget allocation to begin the relocation process for the other maternity hospitals;

further notes:

- the numerous reports into localised maternity care issues in recent years, including Portlaoise and Portluncula hospitals;

- the lack of progress in implementing various recommendations from these reports;

- the clinical, patient and political buy-in to the National Maternity Strategy 2016-2026, and the lack of implementation of that strategy, with no new development funding for it in 2019;

- the lack of progress on numerous issues raised in recent years by midwives, including staffing ratios, working conditions and pay inequalities, with:

- just two midwifery-led units in place; and

- a shortfall of 200 midwives below the recommended safety-levels in the National Maternity Strategy 2016-2026;

- Ireland's low-rate of obstetricians per capita, being the third lowest in the Organisation for Economic Cooperation and Development, and being further exacerbated by a high-level of unfilled posts; and

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- the rise in State payments in compensation for incidents in maternity units, up from €4 million in 2007 to almost €120 million in 2017; and

calls for:

- a definitive time frame and funding deployment for the relocation of the stand-alone maternity hospitals;

- progress to start in 2019 on all projects not yet commenced;

- a guarantee from Government that new public maternity hospitals will not have separate external or internal entrances, nor separate facilities within the hospitals, for private patients;

- funding and a task force to implement the National Maternity Strategy 2016-2026, including choice around birth, types of antenatal care, access to anomaly scanning, breastfeeding, counselling services, public health, domestic violence supports and

appropriate staffing levels;

- an active clinical programme for the development and review of clinical guidelines for maternity services;

- an immediate statement of maternity services available at all sites, including prenatal screening, access to foetal medicine, counselling, genetic testing and laboratories being used;

- investment in community-based pathways to ensure choice for mothers;

- indemnity to cover practice nurses who give antenatal care;

- measures to address the chronic staff shortages, including ending pay disparity; and

- investment in a national foetal magnetic resonance imaging (MRI) programme and bereavement care.

“I was treated like a slab of meat” - that was Róisín’s testimony. “The registrar fell asleep while debriefing me after I had had a haemorrhage” - that was Lucy’s experience. “I was baldly told there is no heartbeat, your baby is dead” - that was testimony from Anne. “My baby died seven days after birth, I was left in the ward with mothers and their babies while I was sick and childless” - that is what happened to Breda. Eileen recalled that her daughter miscarried while sitting on a chair. Helen has shared the following: “My baby was so disfigured from the forceps that she was taken away for chromosomal testing, a doctor came in, looked around and said, “Oh my God, what a mess, clean this up”.”

Earlier this year, the country listened in horror as women from all over Ireland shared their experiences of maternity care on RTÉ’s “Liveline” and the conclusion was, once again, that women are not being believed. So if no one is listening or believing the mothers, is anyone listening or believing the midwives or the doctors?

Here is what one midwife wrote:

I am in such pain following the “Liveline” coverage of women’s experience of care in

Irish maternity services. It is never anything short of horrifying to me that women and their families are being so profoundly hurt by experiences that ought to be, at a bare minimum, infused with dignity, respect, safety, and care.

Dangerous and unsafe is what one consultant said to me in the last two days. Another said that Ireland is not in the top 20 countries in which to give birth. Dr. Peter Boylan, former master of the National Maternity Hospital, referred to an appalling indictment of State failure. He was referring to the standard of care at the hospital in which Savita Halappanavar died. There are many other reports on other hospitals and experiences. Multiple failures were identified in a report into baby deaths at Portiuncula Hospital. The report examined the delivery and neonatal care of 18 babies and found problems with staffing, training and communication. It noted: “a significant delay between the first signs of concern and the decision to intervene”.

Midwives, doctors and a host of other professionals want the best for their patients, for mums and for babies. They are doing their damndest, but it is becoming impossible and they are burning out. There are not enough of them for a start. Right now in Ireland we have 200 midwives fewer than the number agreed in 2016 in the maternity strategy to be the safe level of midwives. We have the third lowest level of obstetricians anywhere in the developed world. By definition, if we have fewer than the recognised safe staffing levels, then our service cannot be safe. For the staff, many find themselves working in outdated buildings with outdated equipment in cramped and confined spaces, as obviously do the mums and their babies.

Just today the master of the Rotunda Hospital was forced to go public and ask for urgent assistance to build a new wing amid what he describes as “an intolerable patient safety crisis”. We should listen to him. I was in the Rotunda Hospital recently and they shared with me the fact that there was a fire in the neonatal intensive care unit caused by old wiring in the walls. They said it was a miracle that no baby was hurt.

Elsewhere staff are working on MRI machines that are 21 years old that are meant to be replaced after ten years.

What of the new maternity hospitals? Four are promised but none has been delivered or even started. The National Maternity Hospital in Holles Street is meant to be on the St. Vincent’s University Hospital campus by now but this has not happened. The University Maternity Hospital Limerick is meant to relocate to the University Hospital Limerick campus but that has not happened. The Rotunda Hospital is meant to relocate to the Connolly Hospital campus but nothing has happened.

In 2015 the then Minister for Health, the now Taoiseach, Deputy Varadkar, promised that the Coombe Women and Infant University Hospital would move to St. James’s Hospital in parallel with the children’s hospital and would be “well under construction” by the following year, which was 2016, but nothing has happened. In fact, there is not even a budget this year to begin the planning and design phase, which can take years.

What of the 2016 national maternity strategy? It is a good strategy, it is a solid plan and it has buy-in from patients, doctors, midwives and from politicians. As has become so common, there was a shiny brochure and a slick launch but nothing has happened. The new hospitals are not progressing. There is no new funding this year. In a €17 billion health budget, there is no new funding for progressing new parts of the national maternity strategy. Community-based delivery options are not being supported and in most parts of parts of the country, they do not

exist. Diagnostic machines are not being replaced and there is a huge variation in the level of diagnostics and scanning available to mums, depending on where they live in the country.

In writing this motion, we listened to women, to midwives and to doctors. They said that maternity care must be safe and of an equal standard for all mums and babies, regardless of how much money people earn, that the new maternity hospitals are needed now where women can be treated with the best medical care and in appropriate settings where they can be afforded dignity and that there must be community-based options for women who do not want to use the acute system for delivery and they must have supports through pregnancy and afterwards and this includes counselling services and public health programmes like breastfeeding, which are under-funded and under-supported at this time.

This country has a dark history when it comes to women's reproductive health, and it is not solely the fault of this Government. Every party that has been in government in this State has to take some responsibility for that dark history and we must do something about it together. Think of the scandals with which we have been dealing, including symphysiotomy, Cervical-Check and the mother and baby homes, all of which relate to women's reproductive health. Nothing is happening in regard to maternity care. Brilliant healthcare professionals are burning out. They are trying to keep things going but they will not be able to do that for much longer. Mums and babies deserve better as do dads and our healthcare professionals. We are capable of much better than is currently happening. This motion, if passed, but much more importantly, if implemented, would begin to achieve exactly that.

I commend the motion to the House.

Deputy Anne Rabbitte: I thank Deputy Donnelly for sharing his time with me. It is approximately 12 months ago that I stood here to discuss the Portiuncula review. At the time, it was in the shadow of everything else that was going on, particularly CervicalCheck. Tonight I am again going to focus in the few minutes I have on Portiuncula. It provides a fantastic service but families have really been impacted and have lost loved ones. They have lost babies there, as the Minister acknowledged. Some 150 recommendations came out of the findings and the Portiuncula review. I was very cynical about the strategic release of the review last year. It happened within 24 hours of the CervicalCheck scandal breaking. Media coverage of it was minimal at the time. It is another shocking example of the failings of the HSE when it comes to parental care and the health of Irish women. As Deputy Donnelly said, the key findings concerned 18 cases that occurred between 2008 and 2014. Some 16 families have suffered greatly. Six babies have died. Of the 18 cases examined, serious errors occurred in ten which would probably have made a difference to the babies involved. The lengthy report included more than 150 recommendations, too many to mention. The main issues were problems in clinical care and problems with communication after delivery. The clinical care for most people attending the hospital was adequate, provided nothing went wrong. This was setting the bar far too low, hoping that everything would be all right because if it was not, God knows what would happen. Inadequacies were found in the staff's ability to interpret abnormal test results and respond appropriately, to escalate care levels where needed and to make timely clinical decisions, communicate effectively among themselves about the women and babies in their care. Surely these were basic skills that one would expect to be present in a maternity hospital at any time.

The lack of communication among medical and nursing staff on the ground was indicative of hierarchical structure, with figures who could not be questioned. The nurses on duty did not feel they could approach the consultants to have a two-way conversation. That is what was

coming out of the report. On communication after delivery, it is frightening that this was similar to the problems with CervicalCheck, with information not given to women and parents in an appropriate or timely way. It is clear that this is not a once-off for the HSE but rather something that happens routinely. In only 20% of cases was communication to parents about what had happened to their baby deemed satisfactory. Most women felt they were not listened to before or during labour, that their concerns were dismissed by staff, and that no one explained how unwell their babies were and why. There was no chance to debrief about what had happened.

Women did not understand why tests or procedures were being carried out. If people do not understand what tests are about, how can they give informed consent? Technically to proceed without consent is a criminal offence. It was generally felt there was a lack of openness, which seems to be a common theme across HSE, with no open disclosure and no informed consent. How much hurt could have been avoided with open communication?

I acknowledge that since the report was published 12 months ago, a director of midwifery, an assistant director of midwifery and a midwifery placement co-ordinator have been put in place. Many of the issues that arose in the review are being dealt with and it is important to acknowledge that. However, hurt is still being caused there. I wish to put on the record the story of baby Axel, who died in January 2017 and was not part of this review. Damien and Evonne met with Deputy Donnelly and me approximately ten months ago. Baby Axel died because of the type of ultrasound performed. Baby Axel was a very wanted baby who was conceived in a fifth round of IVF. The pregnancy was high risk for the mother. The contributing factors were the failure to recognise and appreciate risk factors, failure to listen to Evonne, poor communication and inadequate documentation. I ask the Minister to have somebody in his Department work with Damien and Evonne to bring closure to this case as there is much hurt attached to it.

For all women listening in, the most important thing we would like is to ensure that we have timely access to ultrasound. Women's access to ultrasound should not be determined by geography. It should be in place right across the country.

Deputy Lisa Chambers: For an expectant first time mother or a woman who is going in to have her second or third baby having had a bad experience, it is a frightening place to be. Ireland is not anywhere near top of the league when it comes to having a baby or having safe and dignified care. Women have taken a battering in this country over many years and particularly in the last couple of years. I am only three years in this House and we have been talking about symphysiotomy, CervicalCheck and abortion. We are consistently talking about women's reproductive issues, sometimes in a vacuum and sometimes in our little bubble. The message is similar right across the board. The standards of care fall way below what should be expected in a First World, developed and wealthy country. Services should be safe for women. They should feel safe when they go into a hospital. They should feel excited about the birth of their child, not worrying how the birth is going to go and how they will be treated. Many women fear going in a hospital in this country. We should be reaching the top international standards but we are not. We should ensure that mum and baby are cared for and that our care is woman-centred, that she is in control at all times and that what she wants in terms of her birthing experience is listened to.

As Deputy Rabbitte pointed out, it should not be a postcode lottery but very often it is. Some hospitals provide better maternity care than others. Women in rural areas are not getting the best care they could be getting. The national maternity strategy is most welcome but it has not really been acted on. There are many recommendations that still have not been actioned or

delivered. Without proper funding and increased capacity, that maternity strategy is doomed to fail.

On infant mortality, Ireland ranks 15th in the OECD. Contrary to popular belief and to what has been uttered in this House, we are not top of the scoreboard where it comes to infant mortality. We have heard many horror stories over the years. The biggest issue facing women in this country when it comes to having a baby is scans first and foremost. In some areas, women can get better scans than in other areas. In my constituency of Mayo, getting an anomaly scan is really difficult. It has improved slightly but getting it at 20 weeks is still not guaranteed. Women may be waiting up to 25 weeks. At most, it should be 22 weeks. Going beyond that means those women are not getting the care they should be getting. It is 2019 and we are a wealthy country. There really is no excuse for it.

We are not providing the best consultant care we can provide. Women basically turn up and see whatever consultant is on that day. There is no consistency. For an expectant first time mum, it is very reassuring at least to expect to see the same doctor every time she goes to hospital. That should be facilitated. There is no reason it cannot be. Birthing facilities also leave an awful lot to be desired. There was an incident in my constituency where the very next day after giving birth, a woman was asked to sit in the chair beside her bed so they could clean and strip the bed for the next patient coming in. She was barely given 24 hours after the birth before she was asked to move to the chair beside her bed. Many people have referred to our maternity units as being a bit like a cattle mart or conveyor belt.

Deputy Alan Kelly: That is true.

Deputy Lisa Chambers: Get them in, get them out, six to a room. Women cannot get any sleep because it is so noisy. The birthing facilities are those of a Third World country, not a First World country. We could go on. Given what women have been through in this country, it is very little to ask that we have proper birthing facilities, that women are not crammed in six to a room, that they can have consistency in the doctor they see, that they are respected and treated with dignity at all times, and that the consultants they see give them the best possible care. In order to do that, we need to fund the maternity strategy and increase capacity in our maternity hospitals.

Deputy Éamon Ó Cuív: I am pleased to get a few minutes to speak on this subject. Unfortunately, like a lot of debates, the time runs very short. This was the first maternity strategy and it was launched against the backdrop of many years of neglect of maternity services. The reality is that women should feel safe when they go into maternity services. The best outcomes should be achieved for both the women and the babies. One of the amazing things about the system is that when it has to find money, it finds it. We find money for compensation cases that maybe should never have arisen in the hospitals. Compensation will never undo the damage done, no matter how much money we pay. We need to make sure we have world-class services available in our maternity hospitals. I have raised concerns about this matter in the House previously. Many cases in respect of which there has been a lot of public outrage afterwards arose as a result of the fact that services or facilities on offer or available in the relevant hospitals were inadequate and that staff were overworked. My colleagues have just outlined this in some detail.

I ask that the Minister finds the money and not offer excuses. Some years ago, a person contacted me looking for something from a business I was managing at the time. I have him an

excuse and he gave a very simple answer, namely, “Éamon I rang you for the product you have, not for excuses.” I put it to the Minister that we get all sorts of reason as to why things cannot happen. All we are looking for here today is quite simple. We are looking for the maternity strategy to be fully implemented so that a uniform service of the highest and safest world standard is available to everybody in all of the maternity hospitals in the State for mothers, mothers to be and infants who enter those services. This should include gynaecological services and so on. It would avoid the kinds of cases that have arisen all too frequently in recent years. I put it to the Minister that it is not a lot to ask. The Minister has found such money for other services. It can be found and I ask that the Minister goes to find it to implement this strategy now.

Minister for Health (Deputy Simon Harris): I welcome the opportunity to speak about our maternity services, to highlight the considerable progress made in recent years and the excellent work done by our front-line staff every day and night right across our maternity services and to outline the next steps we need to take.

Fianna Fáil will try to present this motion as some sort of policy development on its part. The reality is that it is a motion which reiterates Government policy; a Government that has actually prioritised maternity services, unlike when Fianna Fáil was on this side of the House. Fianna Fáil Governments, with all the bounty of a booming economy at their disposal during the Celtic tiger years, did not rebuild the National Maternity Hospital, Holles Street, the Coombe or the Rotunda. Nor did it set aside a single cent to do so under any capital plan. Fianna Fáil set up a HSE that did not have a women and infants health programme or a clinical director for such a programme. Fianna Fáil never had a national maternity strategy. It is quite remarkable and shocking that it was not until Fine Gael and Labour were in government and the current Taoiseach, Deputy Varadkar, was Minister for Health that we published the first ever national maternity strategy. When it came to holding a key referendum on women’s reproductive rights and abortion last year, people like Deputy Lisa Chambers and others led on the issue but, sadly, 21 Fianna Fáil Deputies voted against allowing a referendum that would give women and the people of Ireland have their say. It is, therefore, difficult to trust that party when it comes to its newfound interest in maternity care, although that interest is welcome.

There has been a sustained and long-overdue focus on the development and improvement of our maternity services in recent years. Previously, these services did not receive the level of attention or investment they warranted, with deeply regrettable outcomes for women and babies in some instances, which Deputy Donnelly quite rightly outlined. These events are terrible for the women and families concerned and for the staff who work in our maternity services. We must always ensure that we care for them and learn from what happened.

At the same time, it is important to recognise that there are tens of thousands of positive, beautiful experiences across our maternity services every year. This care is delivered by exceptionally dedicated and talented people and I would like to put on the record that their work is very much recognised, appreciated and valued, not just by this Government and the Oireachtas but, most importantly, by the 80,000 women and families who access our maternity services in Ireland every year.

The national maternity strategy published in January 2016 maps out the future for maternity and neonatal care in Ireland. The aim of the strategy is to ensure that services will be safe, standardised, of high quality and offer an enhanced experience and more choice to women and their families. Together with the strategy, for the first time we also have HIQA’s national standards for safer better maternity services and the first ever bereavement care standards, providing the

foundation on which we are building a service where women and their babies consistently receive safe, quality care, delivered with compassion and dignity.

With these developments, we are already well on the way to achieving the vision of the maternity strategy and I am pleased to outline the progress made to date for the benefit of the Deputies present. In 2017, the national women and infants health programme was established within our health service to lead the management, organisation and delivery of maternity, gynaecological and neonatal services across primary, community and acute care. The programme is charged with driving the implementation of the national maternity strategy. A priority for the programme, which is headed by Killian McGrane and Dr. Peter McKenna, since its establishment has been the safety and quality of the care provided to women and their babies, and considerable strides have been made to improve on these areas.

All 19 maternity units now publish maternity patient safety statements on a monthly basis, as recommended by the chief medical officer after the perinatal deaths in Portlaoise hospital. Directors of midwifery have been appointed in all but one hospital, providing crucial additional clinical governance, with recruitment at an advanced stage to fill one outstanding post. Quality and safety managers are being appointed to each hospital group, with several of those posts already in place and recruitment is ongoing for the remaining posts. Maternity specific serious incident management forums are being established across the hospital groups, with a number of these forums already operational. In addition, a maternity event review tool has been designed and is being trialled.

Significant progress has also been made in implementing the 35 recommendations outlined in the Walker report into maternity services at Portiuncula Hospital, about which Deputy Rabbitte spoke with such passion. I am happy to work with the Deputy on the issues she raised. As of March 2019, the implementation group confirmed that 95% of the recommendations were now complete or nearly completed, but of course we need to get that to 100%. All of these developments will help to ensure that our maternity services operate to the highest, safest standards and, crucially, that incidents and practices can be monitored and events escalated rapidly if the need arises.

The national maternity strategy recognises pregnancy and birth as a normal physiological process and rightly places priority on a woman's choice. That is why significant efforts and resources have been invested in the expansion of midwife-led care, including the development of community midwifery teams. A total of 16 of the 19 maternity units now have a midwife-led, structured care pathway in place. A total of 15 are actively providing midwifery clinics off site where some are completely community based while many have a blended model of community and hospital-based care. The first alongside birth unit was opened in 2018 at University Maternity Hospital Limerick, adding to the centres already in operation in Drogheda and Cavan. Several units now also offer home-away-from-home services, providing midwife-led home-birth environments within the maternity hospital setting. I commend those midwives and doctors who have taken ownership of the strategy and who are championing it in their local services. Their hard work is ensuring that more women in our maternity services can avail of a wider choice of pregnancy and birthing experiences, as articulated in the strategy's vision. It can no longer be doctor knows best; it has to be about the woman's choice and supporting her in that choice.

Another very significant service development is that of access to routine anomaly scanning, which is a very important issue. I have heard Deputies speak about this. The strategy is

unambiguous about anomaly scanning, stipulating that all women must have equal access to standardised ultrasound services. Additional funding provided in 2018 facilitated approval for the recruitment of the 28 additional sonographers required to provide 100% access to such a service. To date, the targeted allocation of development funding has seen the number of hospitals and maternity units offering 100% access to 20-week anomaly scanning double, from seven in 2016 when I became the Minister for Health to 14 in 2019. It is envisaged that all 19 maternity units will offer 100% access to anomaly scanning by the end of this year. I know that all sides of the House agree this is a very significant improvement and an important development.

Spending on our maternity services has significantly increased over the last number of years. Development funding provided to date has been used to increase capacity through the recruitment of additional midwives, consultants, theatre staff, ultrasonographers and quality and safety managers. Since the strategy was launched there has been a significant increase in the numbers of clinical staff working in our maternity services, including 22 more wholetime equivalent, WTE, consultants and 165 more WTE nurse midwives compared with December 2015. This is 22 more consultants and 165 more midwives working in our maternity services over the last four years. When the birth rate is taken into account, we now have an improved staff to birth ratio in Ireland.

Deputies will be aware of the very significant investment the State is making in the new national maternity hospital at the St. Vincent's University Hospital campus. This will be the single largest investment in maternity services ever made in the history of the State. It is Government policy to co-locate all remaining maternity hospitals with adult acute services in order to provide optimal clinical outcomes for women and their babies. To that end the national development plan provides funding for the infrastructure to support implementation of the maternity strategy. Let me be clear, it is Government policy is to co-locate all remaining maternity hospitals with adult acute services in order to provide optimal clinical outcomes for women and their babies. To that end, the national development plan provides funding for the infrastructure to support implementation of the maternity strategy. Our development plan provides the funding to rebuild all four of these stand-alone maternity hospitals. This will facilitate the provision of an appropriate environment within all our maternity hospitals and units to enable the delivery of a modern, safe, quality service where the woman's need for privacy and dignity is respected. The Department is engaging with the National Maternity Hospital, Holles Street and St. Vincent's Healthcare Group to develop a legal framework to protect the State's significant investment in the new facility. While I note Deputy Donnelly's comments on the timeline for this, I also note his party Leader's parliamentary questions quite rightly asking that we get this legal framework right and protect the interests of the State and protect important ethical matters so that we can get this right for the women of Ireland and we are going to do that. It should also be noted that work commenced in February 2019 on the new pharmacy and the extension to the car park, which represents the first phase of the new national maternity hospital. Those works are under way on the site of St. Vincent's Hospital.

The value we place on the voice of the women who use our maternity services is central to that ongoing change taking place. The national maternity strategy is all the better for the 1,300 of such voices who were heard in its development. This was not a strategy written by a Department. It had the voices of 1,300 women who had used our maternity services, as well as the service user representatives on the strategy's steering group. We are continuing to listen and a national maternity care experience survey is being developed for launch in the first quarter of next year. We will extend the patient experience survey to the maternity hospitals. This will

build on the success of the national patient experience survey and help inform the design and delivery of maternity services into the future. I reiterate my commitment to implementing the actions set out in the national maternity strategy and the Department will continue to support the national women and infants health programme in achieving those objectives during the remainder of 2019 and beyond.

Deputy Louise O'Reilly: I move amendment No. 1:

To delete all words after “Dáil Éireann:” and substitute the following:

“recognises:

— the need for Ireland’s maternity services to be as safe as possible for women and babies, including the need for women to be listened to and respected;

— the hard work, skill and dedication of all staff across Ireland who provide maternity services;

— the growing crisis in maternity care for reasons including:

— outdated and inadequate hospitals;

— limited diagnostics;

— poor staffing ratios;

— insufficient parental supports;

— wide geographic variations; and

— lack of community-based options for mothers;

— the deep concern these pressures are resulting in for current and expectant mothers and fathers; and

— the increased burn-out and stress for clinicians, together with a retention and recruitment crisis and chronic staff shortages;

notes:

— the publication of the National Maternity Strategy 2016-2026, Palliative Care for Children with Life-Limiting Conditions in Ireland – A National Policy by the Department of Health, the Health Service Executive’s (HSE) National Standards for Bereavement Care following Pregnancy Loss and Perinatal Death, and the 2014 Report on End-of-Life and Palliative Care in Ireland by the Joint Committee on Health and Children;

— the submission of the National Standards for Safer Better Maternity Services by the Health Information and Quality Authority (HIQA) to the Minister for Health;

— that the 2008 KPMG Independent Review of Maternity and Gynaecology Services in the Greater Dublin Area identified the need for maternity services to be co-located with adult acute services;

— the repeated announcements from 2013 onwards, including in the Capital Plan 2016-

2021 and the National Maternity Strategy 2016-2026, that Dublin's three maternity hospitals and Limerick's would be relocated, with:

- the National Maternity Hospital to St. Vincent's University Hospital ownership and has legally guaranteed independence from all non-medical influence in its clinical operations within the laws of the State;

- funding and a taskforce to implement the National Maternity Strategy 2016-2026, including choice around birth, types of antenatal care, access to anomaly scanning, breastfeeding, counselling services, public health, domestic violence supports and appropriate staffing levels;

- swift approval, dissemination and implementation of the National Maternity Standards for Safer Better Maternity Services;

- an active clinical programme for the development and review of clinical guidelines for maternity services;

- expansion of the new-born screening programme and guarantee that every child born in this State has the right to be screened at birth for any disease for which there is a viable treatment;

- an immediate statement of maternity services available at all sites, including prenatal screening, access to foetal medicine, counselling, genetic testing and laboratories being used;

- all maternity hospitals to have access to foetal anomaly screening, with the requisite staff and equipment;

- investment in community-based pathways to ensure choice for mothers;

- indemnity to cover practice nurses who give antenatal care;

- measures to address the chronic staff shortages, including ending pay disparity;

- the Government to work with nursing and medical unions in the recruitment and retention of medical staff so that all maternity hospitals meet the Birthrate Plus standard for midwifery staffing, as well as international standards for consultant obstetricians and gynaecologists;

- the implementation of the recommendations of the 2014 Report on End-of-Life and Palliative Care in Ireland by the Joint Committee on Health and Children, prioritising those parts relating to care for children with life limiting conditions; and

- investment in a national foetal magnetic resonance imaging (MRI) programme and bereavement care.”—

I thank the Deputies for bringing forward this motion on maternity services in Private Member's time. Our amendment has been submitted in a constructive manner. Its purpose is to make an addition in order to strengthen what is already a very important and well constructed motion. I welcome the women watching this debate. We should make no mistake about it, they are watching it because maternity services constitute an issue that is not just dear to my heart but to that of many men and women who have had to avail of those services.

There has been a great deal of discussion about maternity services and I noticed the little tit for tat going on between the Minister and his constituency colleague when they were pointing fingers at each other. The Minister referred to the number of hospitals not built by Fianna Fáil but the position is the same regarding the number of hospitals not built by the Government in the past eight years. This Government has not built any maternity hospitals.

Deputy Simon Harris: There is one project under way.

Deputy Louise O'Reilly: The facility has not been built. As I said in referring to the tit for tat, the women watching this debate will not thank us for that. No one will disagree when I say I have raised the maternity services issue consistently in this Chamber since I was elected. In 2017 this House passed a Sinn Féin motion on maternity services which called for solutions to pressing matters affecting the service. I would love to be able to say that the calls included in that motion which was not opposed have been implemented but this is not the case. Many of the areas for improvement outlined that night in May 2017 still exist, and two years later they are again outlined in this motion. Women are still being denied a basic 20-week anomaly scan. While I absolutely welcome the commitment given by the Minister that they will have access to such scans by the end of the year, I am somewhat sceptical not on the basis of any ideological position that I have but merely on a quick glance at the record because there have been many false dawns on this issue. It is absolutely essential that the 20-week anomaly scan is rolled out. It is an essential screening tool.

Deputy Simon Harris: Hear, hear.

Deputy Louise O'Reilly: Every time I have asked a question about this I have been told it is offered where clinically indicated to which I have replied how would someone know it was clinically indicated if the scan is not done. The Minister's commitment is welcome. We will hold him to it because it is a very essential and very basic service.

We have included in this amendment reference to the newborn screening programme. I was compelled to include this having met with Les Martin, an inspiring young father who is campaigning to improve our newborn screening programme. I know Deputy Donnelly and the Minister know Mr. Martin, as does my colleague Deputy Brady, because this young man is from Wicklow. I want to raise some of the issues he has spoken about and speak to the solutions he has also proposed for improving our newborn screening programme and save lives. Newborn screening services in this State screen newborn babies for only eight conditions, whereas Britain screens for nine, Switzerland 13, Sweden 24, Portugal 25 and Italy 40. The failure to screen babies in Ireland to a higher standard has had a devastating effect on many families in the State, including the Martin family. The Minister is aware of this but it did not have to be this way. Les has gone to great lengths to highlight a solution. He presented this a briefing in the audiovisual room organised by Teachta Brady some weeks ago and he outlined what could be done and what we need to do. We need to reform and expand the newborn screening programme and guarantee that every child born in this State has the right to be screened at birth for any disease for which there is a viable treatment. This is what was done in Italy when a law was passed there to ensure that every Italian citizen is entitled by right to be screened at birth for any disease for which there is a viable treatment. It is a sort of 'if the technology and research are there and back it up we should use it' approach. The expansion of the programme would not be a huge cost, but it would have a huge impact and benefit for families and babies, and it would in the long run save the State millions of euro.

Almost daily here we are reminded of the recruitment and retention crisis affecting the health service. The motion outlines how we have just two midwife-led units in place, how we have a shortfall of 200 midwives below the recommended safety levels in the National Maternity Strategy 2016-2026 and how the number of obstetricians *per capita* is the third lowest in the OECD. The Minister cannot stand over that situation. It is not tenable and it is not right. The health service needs to do more to help women with disabilities when they are planning a family or are pregnant. Where a woman has a disability which makes becoming pregnant more difficult or carrying a child to birth more difficult, specialist medical help should be provided. This care should be continuously provided from family planning stage all the way through to post-natal care.

I included a reference to the new national maternity hospital in my amendment because I want there to be no equivocation. This House agreed in 2017 that the hospital would be kept in State ownership and the people providing the service will have the ability to deliver those services free from any non-medical interference. I ask the Minister to reaffirm that commitment and provide an assurance that the hospital will be delivered and operate along these lines, because there is still some confusion among the public.

Deputy Simon Harris: Yes.

Deputy Louise O'Reilly: I am asked about this regularly. We really need to hear completely and unequivocally that the hospital will operate free from any non-medical interference. During the campaign for the repeal of the eighth amendment, there was much discussion about women's health and healthcare needs. This was very welcome but the fine words contrast with the lived experience of women who use our maternity services. The standards of care fall well below those which women should be entitled to expect. The postcode lottery is not acceptable and there is no reason an expectant mother in Mayo or Laois or anywhere else should expect to get less from the maternity services than an expectant mam in Cork, Dublin or Waterford. We have a strategy. We need funding and a commitment that the strategy will be implemented. Women and babies deserve much more than fine words.

To be a bit parochial for a moment, the Rotunda Hospital is back in the headlines. It is a fantastic hospital and many of the babies in my constituency travelled there to be born but it is an old building.

It is no longer fit for purpose in many parts. It requires a small investment and yet we are told repeatedly this will be put off because at some stage some hospital is about to be built. In the here and now, however, mothers from Fingal are having to travel into the Rotunda Hospital to deal with a hospital that is not fit for purpose in parts. We are not talking about a massive investment but the Government cannot continue to put it off and say there is no need to invest because a new hospital will be built. At this stage, a small investment is required for the neonatal unit in the Rotunda Hospital. I know the Minister is aware that there were some difficulties there, which have been back in the news. The last thing the men and women who work there want to be talking about are these difficulties. They went into these jobs to be able to bring babies into the world, not to constantly have to grapple for resources. Women and expectant mothers in my constituency deserve a better infrastructure than the one they are offered at the moment.

Deputy Pat Buckley: I welcome the opportunity to speak on the Fianna Fáil motion tonight but I also want to call for support for the Sinn Féin amendment because, in fairness, it is positive

and constructive.

One issue which can be overlooked when talking about maternal health is mental health. For too long, the mental health of pregnant women and new mothers was treated with little concern. While we recognise the problems, which about 11,000 Irish women experience every year, we have done little to provide supports and solutions for them. The biological, psychological and social impacts that pregnancy and childbirth can have on women should be every bit as much of a concern for our health services as the physical and medical responses provided already. Women, during and after pregnancy, need diagnostic and treatment services which ensure their mental well-being. Depression and anxiety, in particular, occur during and after pregnancy and this cannot be dismissed.

In the Six Counties, a regional perinatal mental healthcare pathway has been in place since 2012. The HSE has published a plan for specialist perinatal mental health services in 2017 but more needs to be done to address this. In research, women describe feeling isolated and without support. The restructuring of reproductive healthcare as a woman centred model is crucial to ensuring that depression related to pregnancy and childbirth is treated seriously. Screening and care should be provided to women during and after pregnancy to the standards of international best practice.

We need to see the development of perinatal and postnatal mental health services, which provide perinatal screening for depressive and psychotic symptoms at the first, second and fourth month, with a minimum of one screening per trimester. We need perinatal mental health units working together, located North and South and a postnatal screening model through GPs and paediatricians with screenings taking place bi-monthly, or alternatively, in conjunction with the immunisation schedule. We also need to develop educational and supportive materials for the woman and her partner, if applicable, to better identify issues early on, and to prevent issues arising through self-care. Free counselling sessions should be provided to women after pregnancy and we should ensure all women receive home visits from an appropriate professional within the first three months after pregnancy. We need a policy that places the health of the woman as the primary consideration at all times in choosing any treatment.

I ask Members again to support the positive Sinn Féin amendment and to vote for this worthwhile motion.

Deputy John Brady: Two months ago, I met with Les Martin and I know the Minister knows Les, Lynda and the family. He is a constituent of ours and of Deputy Donnelly. He is a husband and a father to three young children. Two years ago, both of Les and Lynda's sons, Cathal and Ciarán, were diagnosed with a rare genetic terminal condition. At the time of diagnosis, Cathal was almost two years old and, unfortunately, it was already too late to treat him. He was expected to live to the age of five. He turned five last month. Ciarán has been engaging in a medical trial in Italy and that is expected to save his life.

The delay in diagnosis is what has Cathal's young life on a knife edge, as Les has said himself. If Ireland's newborn screening programme met international best practice, Cathal and his family would not be in this most cruel position, nor would the 50 or so other Irish families that are needlessly being destroyed every year because of our failure to expand our screening programme. We have an opportunity to make sure no other young life is destroyed and that no other family will have to face this immeasurable suffering by simply expanding our newborn screening programme.

At birth we screen for only eight conditions, whereas many of our EU counterparts go way beyond this. Italy tests for 40, Portugal tests for 25 and Sweden tests for 24. I want to take this opportunity to commend Les, not to plámás him or anything like that because I know he would not appreciate that but I commend him on stepping up selflessly and taking action by doing the job of this House and bringing forward the solution in expanding our newborn screening programme. He has handed us the solution based on the successful model in Italy. I know the Minister has looked at it and he has spoken with some people from Italy who are engaged on this. We need to take that solution and we need to make it happen here in this State. We can do better and we need to do better, for Cathal, for his family and for every newborn brought into this world.

That means supporting our amendment to this motion here this evening, to ensure that newborn screening is expanded and to take action to ensure this programme can be extended this year. We need to do it this year and we also need to guarantee that every child born in this State has the right to be screened at birth for any disease for which there is a viable treatment. If that needs legislation, we need to ensure that legislation is brought forward immediately. The costs are minuscule for rolling out this. We are only looking at €50 per child born. Those are the costs I have been given.

I am asking Deputy Donnelly and Fianna Fáil to accept this amendment and I am asking the Government to support the amendment and to support the motion because we owe it to the Martin family and to all the families out there that this State has let down by not expanding our newborn screening programme.

Deputy Alan Kelly: The Minister and I have spoken at length on this topic many times. When it comes to various different areas of health and all the strategies that are continuously put forward, this is pound for pound the best strategy that has been published in any area in health-care. It is one of the best strategies I have seen written down and it is very comprehensive. The Minister will see it is about the implementation of the strategy and that is the real reason we are talking here tonight. It talks so much about providing a safe, high quality service that meets all women's needs. It states that women should be, "Placed at the centre of all services, and are treated with dignity, respect and compassion; parents are supported before, during and after the pregnancy." The strategy states that there are four strategic priorities, which are worth reading. Those priorities are as follows:

1. A Health and Wellbeing approach is adopted to ensure the babies get the best start in life. Mothers and families are supported and empowered to improve their own health and wellbeing;
2. Women have access to safe, high quality, nationally consistent [which is a critical phrase], woman-centred maternity care;
3. Pregnancy and birth is recognised as a normal physiological process, and insofar as it is safe to do so, a woman's choice is facilitated [which brings us back to the community services];
4. Maternity services are appropriately resourced, underpinned by strong and effective leadership, management and governance arrangements, and delivered by a skilled and competent workforce, in partnership with women.

Those four points encapsulate this whole debate and everything we have heard here tonight

because, along with that, we have a situation - a previous speaker made reference to a specific case of this - where for various different reasons, pregnancies are becoming more complex.

While there are better survival rates and more babies are being born, statistics show there are far more caesarean sections than 20 or 30 years ago, the proportion of low birth weight babies and pre-term births is increasing and breastfeeding rates remain low. There are a number of new challenges. The service needs to be continuously resourced but also changed. When children come along, it is an opportunity for many women and families to change life choices. The broader issue needs to be addressed.

The strategy is essential and needs to be supported. I wish to put a number of issues and questions to the Minister in respect of where we are after three years. It is a ten-year plan and we are three years into it. I have spoken to many people in the area and all of them feel the service is severely underfunded. They feel that how it has been treated is in some ways tokenistic and that they have been let down because of overruns on various capital and current issues. The lack of a task force to implement the service in a detailed way needs to be addressed. People are shouting from the rooftops about the need for something like that with teeth to push the Minister and whoever replaces him - if somebody replaces him in the coming years. The requirement for multi-annual funding to ensure that the services can be provided is obvious. According to the Department's figures, the funding provided directly for the implementation of the plan - €4 million - is very low. Have the positions that need to be filled even to start the process of implementation and keep it going been filled? It has been repeatedly said to me that no new developments in the future funding have recently been announced. There are 77 recommendations, all of which are important, in a range of areas I outlined, to fulfil the objectives of the strategy but there is no way they will be implemented within the ten-year timeframe because we are already well behind. We need to ring-fence funding, catch up and ensure we can provide the services in the future, with the required human resources.

Much has been said about staffing issues. I am not sure the Minister or the Government understands the situation. There is a serious issue with the number of obstetricians, midwives and a whole range of other disciplines. The report on the strategy stated the number of consultant obstetricians would be doubled within ten years but that will not happen. The requirement was to hire a range of midwives in various parts of the country but that will not happen. In diagnostics, specialist personnel are required to read the various diagnostic equipment, which evolves all the time, but that simply will not happen. Although I fully accept the Minister's bona fides in respect of wanting to provide diagnostic services throughout the country, it simply will not happen, or at least not at the pace required. That is discriminatory because one should have access to the same services throughout the country, as has been raised with me a considerable number of times.

I have a concern about perinatal services, which I have raised with the Minister numerous times. It is a hobby horse of mine. I have seen various reports and figures on issues of mental health for women who are pregnant, or in post-pregnancy or pre-pregnancy. The lack of services, particularly in psychiatry, is a real issue and an area where there is deep concern. I know this because it has been raised with me. Which hospitals in the country have the best services, the highest rate of services and the greatest range of services? The Minister might revert to the House with a response. In diagnostics, which hospitals have the highest rate of neonatal brain injury? While the Minister may not have those figures on hand, he might follow up with them later.

I come from the mid-west. A new hospital is required in Limerick and is provided for in the strategy. I have raised directly with the Minister that €5 million is required for the design of the hospital. If the €5 million cannot be found, no hospital will be built any time soon. The Minister cannot find the €5 million, however, and we are a year behind. I was born in the hospital, as were my brother and children. The staff operating in that building are amazing, incredible people but the services need to be moved to the university hospital.

I am glad previous speakers mentioned the new national maternity hospital. Two years ago, when the issue blew up, there was a notification from the Sisters of Charity that the relationship would change and that the hospital's ownership would be transferred from a charity to a company. On the charities register of the Charities Regulator, however, where is the company? I have a specific question for the Minister and I need a direct answer tonight. What organisation, company or charity - whichever phrase the Minister wants to use - currently exists, on 19 June 2019? How and where is it registered for the transfer of the ownership we were told about two years ago?

Deputy Bríd Smith: In the context of the debate, people will vividly remember Joe Duffy's series of programmes in April on the experiences of women in maternity hospitals. It received responses from many hundreds of women who contacted the show and had negative and often harrowing experiences of giving birth in Irish hospitals. It was one of the largest responses the "Liveline" show had ever had, with many women wanting to share their experience publicly. We must ask ourselves why the experiences have been so poor for so many women. It is not just because the midwifery or nursing staff in the ward with them at the time treated them badly, or a combination of that and a failure of resources and services provided by the State, or even the deeper issue of the paternalistic delivery of services. What is known as active management, which it was decided in the 1960s would be pursued, has positive outcomes but, importantly, it also means the labour process is sped up by breaking the waters and using synthetic hormones. By its nature, it leads to more interventions during labour and results in a highly prescriptive and medicalised birth process. It can also leave women feeling ignored, disrespected and disempowered. Many women make the point that they feel safer and better and have better outcomes during birth if the team who cares for them is midwifery led.

The problem also stems from the failure of the Government and previous Governments to staff and resource properly maternity services. From the recent nurses' strike, we know there is a crisis in the recruitment and retention of nurses and midwives but I am unsure whether the deal that ended the strike will result in an improvement in that regard.

6 o'clock

There was a recent tragic case in Cork where a mother and child died. This highlights how chronically under-staffed and over-stressed are much of our maternity services. This is not to claim that tragedy directly related to the staffing issue but the staffing issue was very clearly highlighted as, that evening 31 patients on a labour ward were being cared for by three nurses, which is really stretching the resources. These ratios, however, are not confined to that case and are systemic across maternity and other services. Again, during the recent strike, many of us who spoke to nurses and midwives on the picket lines were struck by the fact that what distressed them more than the lack of pay parity and the inequality between their grades was the danger they had to live with putting their patients in on a daily basis as a direct result of the lack of staff and resources.

The core problem many women face is structural and deep and, in many cases, goes back to an attack on public services and on nurses by this and other Governments. Addressing these issues in isolation is impossible as they are embedded in the general undermining of our health service through ongoing privatisation and the building of a two-tier health system. In that context, I was struck by part of the motion and the amendment, which calls for a guarantee that the new maternity hospital will not have separate external or internal entrances, nor separate facilities within hospitals. This issue, I would argue, is very important. It is not about maternity hospitals having separate entrances and exits for private or public, but the fact we have a two-tier health service, with private and public mixed together. It is a fact the ratio of nurses and midwives and access to essential services and resources often differ between these two health services. The fact we have privatised the health system and continue to do so is very disturbing. It needs further discussion and further opposition within this House.

Deputy Mick Barry: There is a shortfall of hundreds of midwives in this country between what is needed, what is best practice and what is reality. The motion makes reference to 200 but I believe the real figure is closer to 300. At the same time, women are tending to have children at a later age than was the case in the past, including at a later age for a first child. The combination of these two things is putting an enormous strain on maternity services.

I want to look at this from the point of view of my local hospital, Cork University Maternity Hospital, CUMH. There are currently 30 vacancies for midwives at CUMH. The result is that in the postnatal ward, according to a midwife to whom I spoke before I came to the Chamber, where there should be six midwives on the ward per day, it is not uncommon for the number to be three or four. There is a certain irony here in that one of the factors in the vacancies is that nurses are taking maternity leave and are not being replaced in the way they should be. CUMH is the lead maternity hospital in the region, meaning it gets many referrals, including referrals of some of the most complicated cases. These midwives and that maternity service are trying to deal with this situation from a position of under-staffing.

How do we attract more midwives into our health services? It is not as simple as getting more nurses in from the European Union or more midwives from Asia, and so on. In many countries, there is a qualification which is for both nursing and midwifery whereas, in the Irish health service, there is a specific midwifery qualification. Therefore, not every country can send staff to fill the gaps. While that is the norm in Italy and some other countries, it is not the norm in the majority of countries. Therefore, there are strict limits on the number of midwives who can come into the country to work in our health service at the moment. We need more nurses choosing to have midwifery qualifications and getting involved in midwifery, and more students being trained and coming through the system.

What is holding things back? There are many reasons for things being held back but first and foremost among them is the question of the relatively low pay and the poor and stressful conditions. Midwives took to the picket lines with their nursing colleagues earlier this year to address the situation and a deal was done at the end of that dispute. It was a deal which represented a gain for nurses and midwives but it fell short of the original aim of the strike and what many nurses and midwives aspired to, and many of them would agree with that point. I believe that deal is not going to get to the root cause of the problem - the issues with pay and conditions - and, therefore, the root cause of the problem remains. That is something which will resurface very clearly over the next months and years and the issue will remain to be addressed. If the Government and the Department are not prepared to address it, the question of campaigning action, including industrial action, by nurses and midwives will once again come onto the

agenda. This is a key issue that will not go away.

Deputy Michael Collins: A few weeks ago, on “Liveline”, many brave women spoke out about their harrowing experiences of Ireland’s maternity services, past and present, and how they had felt let down by the system. No woman should ever have to suffer in such a manner and what happened should never be allowed to happen again. We need to work towards making our maternity care safer. We are fortunate to have some of the world’s best nurses and midwives here in Ireland and these staff work tirelessly for the patients for whom they are caring.

There is a shortfall of 200 midwives below the recommended safety levels in the national maternity strategy 2016-2026. It is time the Government invested more in nurses and midwifery staff and addressed the chronic staff shortages, along with the staff retention and recruitment crisis. The Government has the opportunity to work with the maternity staff to provide a world class maternity service to Irish women; it just needs to take the bull by the horns and take action.

We need to see more investment in community-based maternity services for women. I welcome that, in my own constituency area of west Cork, Bantry General Hospital holds antenatal clinics on a fortnightly basis. However, I still feel that Bantry General Hospital, with the Government’s support, could be used to offer more maternity services to women. It is scandalous that it closed the maternity service at Bantry General Hospital some years ago. The mindset of the Government at that time must have been at negative zero, as it always is in regard to west Cork. Many people living near to a maternity hospital may not realise the real fear for people who are living in areas such as Castletownbere, Kilcrohane in the Sheep’s Head peninsula, Mizen Head, Schull or Goleen. It is a two to three hour journey on a good day to their local maternity hospital. Imagine how dangerous this journey would be in bad or icy weather. Bantry General Hospital is much closer and if more maternity services were offered there, imagine the peace of mind it would offer to so many women and families living in these isolated areas.

Deputy Danny Healy-Rae: I am glad to have the opportunity to speak on this very important motion. It is grand to be talking about something as natural as this. When we were talking about babies last year, it was talk about killing people but this is better, proper and natural. The birth of a baby is a very important thing to a mother and a family. We need to ensure we have a safe, modern and world class service for mothers and babies. I commend the tremendous maternity services at Tralee General Hospital and I congratulate the doctors, nurses and midwives who provide those services. They are exceptionally good, as are maternity services at Cork University Hospital. For many people in County Kerry, Cork University Hospital is closer than hospitals in Kerry.

As stated by Deputy Michael Collins, it has to be recognised that many parts of Kerry are long distances from Tralee General Hospital. Cuhig in Lauragh on the boundary of Ardgroom in the Bearhaven, Valentia Island and pockets of Glenmore and the Black Valley are approximately an hour and a half away from the maternity hospital. It should be possible for a pregnant woman who requires emergency services to access them in Dingle Community Hospital, Kenmare Community Hospital or Killarney Community Hospital. There must be emergency services available in these hospitals to allow for the delivery of a baby sooner than the journey to Tralee General Hospital would allow for the baby to be born safely.

It is important that we have a world class maternity service. We are appealing to the Minister of State, Deputy Catherine Byrne, and the Government to ensure maternity services throughout the country, including in Kerry and Cork, are modern and world class. Our babies are our future

and it is vital they are born safe and well for the well-being of our communities.

Deputy Mattie McGrath: I am happy to have the opportunity to speak on this motion. I accept the need to support our maternity services and the staff who perform heroic work against all the odds. South Tipperary General Hospital, known to most people as St. Joseph's in Clonmel, is the hospital where all of my children were born. Six of my grandchildren were also recently safely delivered there. The staff of the maternity and other wards are tremendous and dedicated. Maternity services at Cork University Hospital, where my daughter was cared for, are exceptional as well. I salute them for the work they do under enormous pressure most of the time. What I do not accept is the credibility of Fianna Fáil on this issue. We have seen this recently in terms of the tragic case of the baby who was misdiagnosed and died at Holles Street hospital. Deputy Stephen Donnelly came out and said that we must investigate if there are existing dangers in the service. He already knew the answer. As I understand it, at a meeting of the Joint Committee on Health on Wednesday, 19 September 2018, Dr. Peter Boylan-----

An Leas-Cheann Comhairle: I ask the Deputy to desist from naming people.

Deputy Mattie McGrath: He has already given testament to the committee.

An Leas-Cheann Comhairle: He may well have done so, but this is the House.

Deputy Mattie McGrath: At a meeting of the Joint Committee on Health on Wednesday, 19 September 2018, the doctor explicitly told Deputy Stephen Donnelly that the lack of MRI scanning services could lead to the termination of a child who may not have had a fatal condition. I reiterate that he said the lack of services "could lead" to the termination of a child who may not actually have had a fatal condition. His exact words in response to a question from Deputy Stephen Donnelly were as follows:

The MRI machine in the National Maternity Hospital, with some jiggling around, could possibly be a national centre for referral to clarify the diagnosis for women and pregnancies where there are foetal abnormalities. The consequences of getting it wrong are serious. We could end up with a termination done for a condition that is not fatal or *vice versa*.

As has been said by other commentators, this makes it absolutely clear that there were warnings that the roll-out of abortion services in this State to accord with a political rather than a clinical deadline was capable of ending the lives of unborn children deemed to have a fatal condition, but who did not actually have such a condition. The clamour and the rush was political not medical. This so-called service has placed additional and severe pressure on our maternity services at a time when the Master of the Rotunda says premature babies do not even have access to appropriate levels of care in our maternity units. It is fine to be crying wolf now. The warnings were given to any of the members on the health committee who chose to listen. We all felt that the man leading the campaign and giving the medical advice, and was saluted afterwards for doing so, gave us those warnings. It is on the record of the House. It is hypocrisy of the highest order for this motion to come before the House when we have had, unfortunately, a tragic death of a baby, and maybe many more.

Deputy Róisín Shortall: I am sharing time with Deputy Catherine Martin.

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

Deputy Róisín Shortall: In the few minutes I have available to me I want to again raise

the issue of the long promised and much needed national maternity hospital to replace Holles Street hospital. This facility has been promised for some time. In 2012, the then Minister for Health, now Senator James Reilly, announced the move to the campus at St. Vincent's. At that stage, it seemed that none of the detail had been worked out. It was a political announcement and very much seen as such. We waited some time to get further detail on it. Approximately two years ago, the issue came to the fore again and concern was raised because it was not clear how a very valuable asset, estimated to cost approximately €350 million, could be developed on the grounds of what was essentially a private campus owned by St. Vincent's Healthcare Group. When this information became publicly known there was an outcry about it. The idea of the State handing over such a valuable asset to private interests was abhorrent to most people and there was considerable controversy about it at the time.

The other issue that was raised on several occasions was the question of the ethos that would govern the new national maternity hospital. There was a lot of concern expressed about the proposals to establish a board which would, in effect, give controlling interest to St. Vincent's Healthcare Group, which is a denominational organisation. Most people felt that it would be entirely inappropriate for a religious body to have control of a national maternity hospital because of all of the implications of that in terms of the type of services that would be provided and also because of the record of St. Vincent's Healthcare Group in respect of it being governed by a Catholic ethos and the level and type of services being provided being constrained as a result of that. Most people were strongly of the view that it would be unacceptable that this situation would apply in regard to a new national maternity hospital and that there would be any question of the services that are legally available in this State not being available in a new national maternity hospital. This issue came to the fore and there was considerable controversy around it. The Minister for Health, Deputy Harris, battled this and set up different groups to examine it and looked to different ways of squaring that circle but he never really came to a conclusion about it.

On the eve of Christmas six months ago, the Minister made an announcement that agreement in principle had been reached with St. Vincent's Healthcare Group. The nuns were to be withdrawn from the board, a new company was to be established and a new management company was to be established in regard to the new national maternity hospital. It has been six months since the Minister offered the steadfast assurances that the investment of the State in the new national maternity hospital would be protected and its clinical and operational independence guaranteed. Last December, in an eve of Christmas announcement the Minister approved the contract for the first phase of construction at the hospital site to proceed. He told us then that agreement in principle had been reached with St. Vincent's Healthcare Group to allow the State to retain ownership of the new facility through a 99 year lease. We were also informed that a suite of legal documents to give effect to this agreement would be finalised in the new year. We are now halfway through the year and we are still none the wiser as to the legal arrangements for the ownership and control of the hospital, the project relating to which the State is funding to the tune of €350 million. The Minister has repeatedly stated that he is confident that the new hospital will be clinically and operationally independent. It is impossible to see how that can be the case. We know that all kinds of approvals are required from the Vatican for that to happen and that none of those approaches have been made yet. I do not believe the Minister. I do not believe that this can happen in a way that is acceptable to the public. The Minister needs to come clean on the matter.

Deputy Catherine Martin: Tá an Comhaontas Glas sásta tacaíocht a thabhairt don rún seo. I commend Deputy Donnelly on tabling this motion, which the Green Party is happy

to. Something I have heard repeatedly from women who have used our maternity services is that they were surprised by their lack of choice in birth plans, from a midwife-led approach to home birthing. The support options simply are not there for most people. This is backed up by research conducted by the Association for Improvements in the Maternity Services in 2015 which found that only 5.5% of women had the option of midwife-led care available. We need to ensure that expectant mothers are comfortable and properly cared for. To do this, we need to properly resource our maternity services, especially community-based ones as called for in this motion.

We must also look at our maternity services in the context of women's healthcare as a whole. I am pleased that the motion notes the need for women to be listened to and respected. That is key. We have seen women hurt time and time again with regard to healthcare provision in this country, including with the CervicalCheck scandal, the practice of symphysiotomy, damage from vaginal mesh and a long list of other issues. I would hazard a guess that most of us in this Chamber know someone who has endometriosis, a condition that is estimated to affect one in ten women. However, several studies point to a diagnostic delay in treating endometriosis. One reason cited for this is the normalisation of the symptoms and the diminishment of the pain felt. This and the other issues in women's healthcare are symptomatic of a wider problem, wherein women's voices, choices and experiences are all too often overlooked, undervalued or wilfully ignored. It is a harder task but if we want to ensure that women are truly at the centre of maternity care, we need to listen carefully to the experiences of women and enact care guidelines that take women's voices seriously.

One thing which is not explicitly outlined in this motion which needs to be addressed is the challenge facing migrant women within our maternity services. According to the second report of the confidential maternal death inquiry, women born outside of Ireland accounted for 39% of all maternal deaths between 2009 and 2012 despite this demographic only accounting for 24% of all women giving birth. We need to ensure that there is true equity of service for all women in maternity care. It is particularly important that this motion calls for timeframes for implementation of funding, resourcing and strategies. A recurring theme across the health service is that consultations are held and strategies are drafted but no timelines are stipulated and no funding streams are identified. We know what staffing we need. We often know what the challenges are. We now need action from Government. This is not particular to maternity care. It is in mental health care, primary healthcare and emergency healthcare, across the board. We do not need more documents on shelves gathering dust. We need resources on the ground.

Deputy Mary Butler: I thank my colleague, Deputy Donnelly, for doing so much work on maternity services and on bringing this issue to the fore. The conversation in respect of it has to happen. As a mother of three, I am delighted to be able to discuss this issue.

The provision of accessible, safe and high-quality maternity services to all mothers and babies, regardless of where they live, must be a core objective of public health policy. Our national maternity infrastructure is under strain and needs serious review. As a mother of three, I am aware that childbirth is the most natural process in the world but that it can prove more difficult for some mothers. In my own case, of three induced births due to complications, I never had the mad rush to the maternity hospital or the danger of giving birth in a car or, as we heard recently, on a train that some other mothers might have endured. A bad experience during childbirth can have very serious side-effects, including depression, anxiety and panic attacks. It can also lead to a mother deciding not to have any more children, being traumatised and in some cases suffering extraordinary pain.

In April, hundreds of women shared traumatic childbirth stories on RTÉ's "Liveline" programme over a two week period, which led the HSE to apologise, stating:

The HSE apologises to those women where our service has failed to meet their expectations. We also apologise that women have felt compelled to ring RTÉ to have their concerns heard. This should not happen.

Over a fortnight, many women had taken to the national airwaves to share their stories of childbirth. The Minister of State may have heard some of them. They did not make for easy listening. The stories detailed how many of the women were left traumatised by the experience in some Irish hospitals and how they suffered extraordinary pain in some cases. Other women spoke about an inappropriate attitude they experienced at the hands of consultants, nurses and midwives during labour. That was not my experience. I have three children and there were times during the births of all three that I felt that I would not have got through it except for the fantastic staff. RTÉ's "Liveline" programme was inundated with phone calls from women who wanted to share their experience of Irish maternity services, both historical and recent. It struck me that there were so many recent cases. This is 2019 and I heard many new mothers, young women, who felt that the only way to express what they went through was to take to the airwaves. The powerful accounts shared by the women document a litany of concerns, with the women telling broadcaster Joe Duffy that the concerns they raised with medical staff were ignored.

While some of the cases related to issues that occurred many years ago, some stories were from maternity hospitals just a few weeks ago. Another caller said she told hospital staff that she could feel her baby was coming. The woman said the staff were washing the floor and said her baby was not on the way. The caller said she had to get her husband to help her on to the bed, and in a matter of ten minutes, her baby was born. She stated that she gave birth in the full view of everyone in the prenatal ward and was in complete shock. I have taken this angle because I was struck by the number of women who simply want to be listened to and to have a woman-centred approach to care.

Voice and choice are the key words here. Unfortunately, choice if one is living in a rural area is not always possible with regard to home births, midwife-led births and water births. However, the voice of the mother who carries the baby for 40 weeks and who goes through labour must be absolutely accepted and respected. When there are complications, birth plans go out the window and the clinicians, the gynaecologists and the midwives must make split second decisions. However, normally, this positive, beautiful experience of bringing a baby into the world should be coupled with the best possible services and the best possible care.

Deputy Eugene Murphy: I support the motion. I do not usually get into arguments or disagreements with people around here because I think we all have to work for the common good. That said, I was somewhat taken aback by the Minister attack on Fianna Fáil. My party is doing the right thing for the right reason. I acknowledge the work that Deputies Donnelly and Lisa Chambers and many members of the party have done in support of this motion. The provision of an acceptable, safe, high-quality maternity service to all mothers and babies, regardless of where they live, must be a core objective of public health policy. It is clear that our national maternity infrastructure is under strain and needs serious review and investment. That is the purpose of the motion proposed by Fianna Fáil, which gets the support of most of the House. The failure to fund any new developments in the national maternity strategy in 2019 is a matter of great concern.

The Minister referred to various failures in previous years but if he was to look at his own tenure and the past nine years of a Fine Gael-led Government he would see that a significant number of problems have arisen in the system. That is the reason we are so concerned and why we want investment in the programme. Figures provided to Fianna Fáil last year showed that the State paid out almost €120 million in compensation in 2017 for incidents that occurred in maternity units. Since 2007 there has been a tenfold increase in claims and a thirtyfold increase in payments. Given the many high profile incidents in maternity units in that time, it is hardly surprising to see such a significant increase. Nonetheless, it brings home the price of error in the health service and underscores the need for standards and vigilance. It is in everybody's interests that we have those standards and that we have vigilance. The total awarded in 2017 at €120 million is a very significant outlay. Let us bear in mind that the HSE service plan for 2017 committed €81.3 million for the expansion of existing services or the development of new services. This is about having a proper and safe environment. So many young mothers have told me they are worried about going into a maternity unit. That should not be the way it is. Women should feel safe and secure in maternity units. I do not blame staff; I blame the lack of proper conditions and facilities. There are not enough staff on duty. Staff are not being appointed to fill positions. Deputy Rabbitte referred to a hospital in my constituency - Portlincula University Hospital - which has been crying out for an accident and emergency unit for so long but it cannot be funded. The accident and emergency unit is vital as well in terms of the maternity services. This motion is about doing the right thing and having a proper service that people respect and feel comfortable accessing. We owe it to citizens, in particular young mothers and babies, to do that.

Minister of State at the Department of Health (Deputy Catherine Byrne): In concluding, Deputy Eugene Murphy said we all want to do the right thing for everybody, in particular women and their husbands and families, in maternity hospitals and other hospitals. It is important to remember that we have wonderful services in maternity hospitals and many extremely dedicated people from the top down.

On behalf of the Minister, Deputy Harris, I thank Deputies for their contributions this evening. It is encouraging to note that across the House there is a shared and sincere interest in the development and improvement of maternity hospitals, as well as an ongoing appreciation of the importance of implementing the national maternity strategy. It is important that we have all taken the opportunity to recognise the hard work, skill and dedication of those who deliver maternity care every day in hospitals right across the country. It is their passion and, indeed their compassion, that makes a difference to thousands of women and families at a joyous but vulnerable time in their lives.

As noted, in recent years, and in particular since the maternity strategy was launched in 2016, unprecedented attention has been focused on the development of maternity services. That focus is beginning to bear fruit, due in no small part to the dedication and skill of the talented people who deliver maternity services every day. It is also due to the increased and sustained focus that maternity services have received from the Government, including the additional funding we have provided, year-on-year, to ensure that those developments and improvements can take place. I believe that even one negative experience in our maternity services is one too many, and it is important that we recognise how difficult these events can be for the women and families concerned.

Both the Minister for Health and I firmly believe that implementing the national maternity strategy is the best way to reduce the negative experiences and also the best way to deliver the

safe, quality and compassionate maternity service that the women of Ireland expect and deserve. In that regard, much has already been done to implement the strategy, and the progress made is both considerable and encouraging. As a result of the work undertaken to date, more women can now avail of the greater choice recommended by the strategy. The expansion of community midwifery services, and the development of hospital-based midwifery-led units is allowing more women to access midwifery-led care, which was a key theme running through the submissions received during the formation of the maternity strategy. We now have significantly enhanced safety and quality frameworks in place, with directors of midwifery, patient safety statements, serious incident management forums and quality and safety managers all working to ensure that services are delivered in a more standardised and safe manner. Another very significant service development, as recommended in the national maternity strategy, is the increase in access to routine anomaly scanning from seven hospitals and units in 2016 to 15 hospitals and units now. It is further envisaged that all 19 hospitals and units will offer 100% access to anomaly scanning by the end of this year.

We have improved clinical governance structures in place, with the national women and infants health programme established within the HSE and the ongoing implementation of maternity networks. As was outlined by the Minister, Deputy Harris, earlier, development funding has also been utilised to increase staff numbers working in the maternity services, which includes additional midwives, consultants, theatre staff, ultrasonographers and quality and safety managers. When considered in conjunction with our declining rate of births, these staff increases provide us with an improved staff to birth ratio. We are, therefore, better placed than we have ever been to ensure that all maternity hospitals, large and small, can provide quality services in the safest manner possible.

From a capital perspective, the national maternity strategy also sets out the Government's policy to co-locate the four remaining stand-alone maternity hospitals with acute adult hospitals, which will help to provide optimal clinical outcomes for women and their babies. Significant funding for those major projects is set out in the national development plan. As Members will be aware, the relocation of the National Maternity Hospital to the St. Vincent's hospital campus at Elm Park will be the first of the relocation projects to be progressed. To that end, officials in the Department of Health are engaging with both the National Maternity Hospital and the St. Vincent's Healthcare Group to develop a legal framework to protect the State's significant investment in the new hospital. In addition, work on the enabling and decant works is under way at St. Vincent's University Hospital which will allow for the construction of the National Maternity Hospital on St. Vincent's campus.

The national maternity strategy proposes a new model of integrated care that provides three care pathways - supported, assisted and specialised - which aims to ensure that every woman will be able to access the right level of care, from the right professional, at the right time and in the right place, based on her individual needs. As was set out in some detail by my colleague, the Minister, Deputy Harris, earlier, considerable progress has been made to implement that model of care. That, in turn, is helping to fulfil the strategy's vision of enabling women to have a wider choice of pregnancy and birthing experiences.

I would, therefore, like to reassure the House again that this Government remains committed to the progressive development of maternity services in this country through the implementation of the national maternity strategy. As such, this Government will continue to support the national women and infants health programme in progressing the strategy's implementation. This Government support will enable the underlying vision and recommendations of the

strategy to be fulfilled, including that services should be woman-centred and provide integrated team-based care and that women should have increased choice at a very special, individual and private time for them and their families, while also crucially ensuring that the services they receive are safe. The national maternity strategy represents a truly holistic and national approach to the design and delivery of maternity care in this country, which will fundamentally change how maternity care is delivered and will do so for the better. With the publication of the strategy and the establishment of the national women and infants health programme we have the policies, the plan and the leadership in place to deliver the safe, quality and compassionate service that mothers and babies in Ireland expect and deserve.

Deputy Fiona O'Loughlin: I thank the Minister of State for her personal compassion. I listened to the Minister, Deputy Harris, earlier and, to be honest, I was disappointed with his tone. He was incredibly defensive and used his time to attack the Fianna Fáil Party for using its Private Members' time to highlight what must be done to support women in this country. The Minister of State, Deputy Catherine Byrne, said that even one negative experience in our maternity services is one too many and that it is important to recognise how difficult these events can be for the women and families concerned. I support her statement. Her personal compassion is evident, even if her party's is not.

We are at our most vulnerable when we enter and exit this world, and the women who give birth are at their most vulnerable. It is very important that we put everything we can in place. The current national maternity infrastructure is putting women's lives and the lives of their babies at risk due to lack of funding and a chronic shortage of midwives. The fact that a mere 3% of the HSE's budget goes on maternity services is a scandal, considering this country's tragic history of maternal deaths. It is important to name those women: Tania McCabe, Evelyn Flanagan, Jennifer Crean, Bimbo Onanuga, Dhara Kivlehan, Nora Hyland, whose wedding I danced at a few years before her death, Savita Halappanavar, Sally Rowlette and Malak Thawley.

Other Members have spoken about the women who called "Liveline". I understand that more than 1,000 calls were received. The testimonies were powerful. We must listen to what women are saying. Fair play to "Liveline" for giving those women the opportunity to add their voices to the debate. That is what we are doing on this side of the House. There were powerful accounts from women who were not listened to, who suffered dreadful pain, many of them for years after giving birth, and who were sent home traumatised by our maternity services. The calls came from women all over the country who had used all of our maternity hospitals.

There is no doubt that our infrastructure is letting women and babies down when they are at their most vulnerable. This infrastructure requires serious review and investment if we are to stop failing mothers and their newborns. What is needed is the new maternity hospital, the ongoing implementation of the 77 recommendations of the national maternity strategy, an audit of the ratio of midwives to women in labour, a plan for the provision of community midwifery services and the provision of alongside birthing units for midwife led care of low risk women in all our maternity hospitals. I note a letter to *The Irish Times* from the Midwives Association of Ireland last April which referred to the core problem being how and whether women get to make their decisions, supported by the midwives, because there are simply too few midwives.

I could outline the issues in all the maternity hospitals but I do not have the time. Conditions are dire in our maternity hospitals, particularly in Dublin. The Minister, Deputy Harris, has told us there is zero funding allocated in 2019 to even begin moving the Coombe. In 2017 the cost of compensation for errors and mistakes in our maternity units alone was 50% greater

than the total funding made available for increasing health service provision in the State. That gives a strong message. When will the Government listen to women and provide them with the services they need and deserve?

Deputy Stephen Donnelly: I welcome the breaking news that tomorrow's strike in the hospitals has been called off. That will be a great relief for many people who will be seeking treatment tomorrow.

I also thank all the Members who contributed, the Minister of State for her contribution and the mothers and medical professionals who helped with drafting the motion. Deputy Lisa Chambers made the important points that the care must be woman-centred, which it is not at present, and that women must be in control. In many cases they are not. Deputy Rabbitte talked about the ongoing concerns in Portluncula and referred to a heartbreaking case. She and I have met the couple concerned and I hope the Minister will meet them. Deputies Eugene Murphy, Catherine Martin, Butler, Ó Cuív and Kelly spoke about the lack of implementation. Good intentions, warm words and shiny brochures and launches are great, and we see them continuously, but it is about implementation.

I acknowledge the constructive input from Deputy O'Reilly and her party. Deputy Brady raised the issue of newborn screening. It involves our constituent, Mr. Martin, and I should let Deputy Brady know that I have passed the content from Mr. Martin to some senior consultants who are examining it. I acknowledge Deputy Buckley's incredibly important point about the need for mental health support services throughout the antenatal and postnatal process for mothers and, in some cases, for fathers. I also acknowledge Deputy Shortall's comments on the ongoing governance questions with regard to the national maternity hospital and the fact that we still have not seen it. Nothing has happened. There is a car park, but women cannot give birth in car parks. They give birth in hospitals or other appropriate care settings.

I was very disappointed with the response from the Minister, Deputy Harris. The motion is not politically pointed and does not overtly say that the Government is failing in all these matters. I expressly intended it to be a constructive debate. The Minister, Deputy Harris, spent the first few minutes of his contribution not talking about mothers and babies but about Fianna Fáil. He attacked Fianna Fáil. Fine Gael has been in government for nearly a decade. There comes a point when Fine Gael must take responsibility for things that are happening in this country and not try to defend itself by saying that Fianna Fáil did or did not do something 15, 20 or 25 years ago, whenever it may be. The reality is that when Fine Gael came into power in 2011 the economy might have been in serious trouble but the healthcare system was strong. Access to medicines was high and waiting lists were low. This Government has spent billions of additional money, yet access has never been worse and medical professionals have said they have never previously felt the same level of burnout and stress. That is what Fine Gael has done to healthcare. It must own its failures in healthcare. If it owns and accepts those failures, which are many and profound across this country, perhaps things will begin to improve.

The Minister went on to suggest there were issues of trust with Fianna Fáil and raised the repeal issue. It is a matter of record that the then Simon Harris campaigned in 2011 by writing to every pro-life group in Wicklow saying the groups should vote for him because he was pro-life and he would be the Deputy who would guarantee the eighth amendment is never repealed. While I was voting for repeal over numerous years, Deputy Harris voted against it every time until the last time, when he was handed it by Deputy Enda Kenny and the Labour Party. That is the record. With respect, he can keep his comments about trust to himself.

The Minister basically said in his speech that everything is awesome. The doctors, midwives and mothers do not think that. Are they all lying? Is everybody else lying that there is no problem in maternity care and that this Government has everything under control? The Minister referenced Sláintecare, the aim of which is to provide equal care for all men, women and children. However, the new national maternity hospital, approved by this Government, will have a private wing. The new children's hospital will have a private internal entrance for the children of wealthy people and private suites. That is not Sláintecare or equality. It is literally physically building inequality into our country. It is a disgrace and it needs to be reversed.

This motion was not meant to be about political point-scoring but about maternity services and what is needed for mums, babies and for our healthcare professionals. What do they need? They need the new hospitals to be built. They need safe staffing levels and modern diagnostics, which we do not have. They also need many more supports for women in mental health and counselling services and in public health programmes for breast-feeding. There is an issue in this country around healthcare discrimination against women. There are now 556,000 men, women and children waiting to see a consultant but I found out recently from the Irish Patients Association that there are 80,000 more women waiting than men. How is this acceptable?

This debate was not meant to be political but was meant to be constructive. Let us work together to implement what we all agree is a good strategy and let us systematically remove the gender based discrimination across the health service in this country. Finally, let us applaud the healthcare professionals and acknowledge the incredible work they are doing in what is becoming an ever more difficult situation. They need our help.

Amendment 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.

Copyright and Other Intellectual Property Law Provisions Bill 2018: From the Seanad

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

In page 9, lines 16 and 17, to delete “includes a specified transmission through the Internet and transmission by wireless means,” and substitute the following:

“means a specified transmission through the Internet, a transmission by wireless means and a transmission prescribed for the purposes of this definition.”.

An Leas-Cheann Comhairle: Seanad amendments Nos. 1 and 2 are related and will be discussed together.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy John Halligan): These amendments were accepted in the Seanad recently. I thank Deputies for their previous engagement on this important Bill. I hope we can conclude its passage through the Oireachtas today. While the Bill was progressing through the Oireachtas, my Department

received representations from stakeholders regarding certain issues they had identified with it, as drafted. As a result, most of the amendments which are before the House were made to address those concerns and to prevent certain unintended consequences. In the case of amendments Nos. 1 and 2, stakeholders raised concerns that the new definition of broadcast was too broad in scope and could potentially be interpreted to mean that any Internet transmissions, including sound recordings, could now be regarded as a broadcast. This could impact on the sound recording producers' exclusive right to make a work available. This was not the Department's intention when drafting the amended definition of "broadcast" so it was decided to clarify this by making technical amendments to the definition of "electronic transmission" in section 4 to clarify that sound recordings are not covered and to ensure that the rights holder's rights are protected. Amendment No. 2 provides for the insertion of a new section 5 which will ensure that there will be clarity regarding the Government's intentions. This explicitly states that the definition of broadcast will not prejudice the exclusive making available right.

Deputy James Lawless: I will speak briefly to the Bill as a whole before dealing with the specific amendments. Fianna Fáil supports this Bill and did so when it was before the House previously. We will be supporting the amendments from the Seanad, all of which appear to make sense. I do not see any issue with them. We are dealing with the topic of science and innovation. The Bill aims to implement and update various copyright directives and related materials, which is important.

I wish to take a moment, while we are on the subject of innovation, intellectual property and science, to refer to a cross-party briefing hosted by Deputy Harty on science and research at which many of the topics in this Bill and related matters were discussed. The Minister of State previously hosted a similar round-table forum in order to obtain cross-party support for science and research. I acknowledge the Minister of State's interest and involvement in the area. That said, there are still some outstanding issues in terms of funding and the fact that we have not hit the 2.5% of GNP target for research activities as per Innovation 2020. There are also issues around the balance between basic research and applied research and the need for a new programme for research in third level institutions, PRTLII. Such a programme existed previously and was a very important support for intellectual property development and innovation. Unfortunately, it has not been in operation in recent years, despite the obvious need for it. This debate is timely, given that we had the aforementioned discussions in the last hour as part of a cross-party group that is emerging. The Minister of State is interested in and supportive of what I am saying.

On the amendments from the Seanad, I seek clarification. I tabled an amendment in respect of the creation of an Internet archive or a digital library of the .ie domain. We have library and copyright archives of printed literature. There are copyright authorities in some of the universities and the National Library of Ireland would be part of that. One of the suggestions that came through from a number of eminent researchers, including from Trinity College library, was that we should do the same for the Internet, in terms of archiving information on the dot ie domain as part of the next wave in the copyright trajectory. The amendment in question was passed in the Dáil and I thank the Minister of State for his engagement on it. We tweaked the amendment a little to get it right and then we passed it. However, it is my understanding that when the Bill went to the Seanad, the issue was revisited and an attempt was made to push it a little further. I understand the intention. My amendment provided for the production of a report on the feasibility of creating a digital archive because I am conscious of money messages and other constraints on legislation. If I understand the amendments correctly, the Seanad attempted a more

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direct approach which has not worked out. That is now being amended again. The Minister of State will be familiar with the amendment to which I refer, having discussed it previously. As already stated, it was passed by the Dáil but the Seanad took a different approach. Where does it stand now? I ask the Minister of State to clarify the position.

Deputy John Halligan: I thank the Deputy for his comments on innovation. I acknowledge that we have not reached the 2.5% target but that is true of many countries across Europe. The innovation barometer is taken as part of our GDP so the current figure of 1.45% is probably inaccurate. The Department believes that it is probably higher than that at 1.6% or 1.7%.

On amendment No. 1, the Deputy will be aware that we invited Members of the Seanad and the Dáil to meet departmental officials to discuss it.

7 o'clock

The big issue about which many people were concerned was capturing the web. The committee's recommendations at the time outlined the creation of a full digital deposit system intended to facilitate recording, archiving and utilisation for research purposes of the website for Irish domain names, which are not currently archived. While the intention is to record material that may otherwise be removed from the web over time, it is a significant project that requires multi-institutional collaboration, significant resources and a skill set for capturing Ireland's digital record. An amendment requesting the introduction of such a system was tabled on Committee Stage in the this House and it resulted in good discussions with Deputies on the intention of capturing the web. Deputy Lawless's amendment remains part of the Bill and it is dealt with in section 3. In case he might think that it is not in the Bill, I assure him that it is.

Deputy James Lawless: That is great.

Deputy John Halligan: This matter relates to two Departments, our Department and the Department of Culture, Heritage and the Gaeltacht, which has responsibility for some policy in that area.

In terms of what happened, stakeholders came forward who were somewhat concerned about the definition, as I said in my earlier reply. We believe that has been clarified. They raised concerns in particular about the definition of "broadcast". We believe that has been dealt with. Senators from two or three different parties who had a problem with it met our advisers, some of whom are here with me, following which the Bill was successfully passed by the Seanad without opposition. I hope that clarifies the position. If not, I can send all the relevant information to the Deputy.

Amendment agreed to.

Seanad amendment No. 2:

Section 5: In page 10, between lines 19 and 20, to insert the following:

"Provisions supplementary to definition of "broadcast"

5. The Principal Act is amended by the insertion of the following section after section 2:

"2A. The definition of 'broadcast' shall not be construed to prejudice the exclusive right under this Act of a person to make a work available by means of a broadcast of the

work.”.”.

Seanad amendment agreed to.

An Leas-Cheann Comhairle: Seanad amendments Nos. 3 to 5, inclusive, and 7 are related and may be discussed together.

Seanad amendment No. 3:

Section 14: In page 14, to delete lines 4 to 7 and substitute the following:

“**57.** (1) Subject to subsections (2) to (4), it is not an infringement of the rights conferred by this Part—

(a) to make or cause to be made a copy or communication of a work for the sole purpose of illustration for education, teaching or scientific research or of preparation for education, teaching or scientific research, or

(b) for an educational establishment, for the educational purposes of that establishment, to reproduce or cause to be reproduced a work, or to do or cause to be done, any other necessary act, in order to display it.

(2) Subsection (1) shall apply only if the reproduction or communication is—

(a) made for purposes that are non-commercial,

(b) made only to the extent justified by the non-commercial purposes to be achieved, and

(c) accompanied by a sufficient acknowledgement.

(3) Not more than 5 per cent of any work can be copied under this section in any calendar year.

(4) Where a copy which would otherwise be an infringing copy is made under this section but is subsequently sold, rented or lent, or offered or exposed for sale, rental or loan, or otherwise made available to the public, it shall be treated as an infringing copy for those purposes and for all subsequent purposes.”.”.

Deputy John Halligan: The purpose of the Bill is to amend and update copyright and other intellectual property law to modernise it for the digital age and to enable rights holders to better protect their intellectual property rights in the courts. Similar to the broadcasting amendments, the amendments which are being sought to the provisions on exceptions for education purposes are as a result of concerns raised by relevant stakeholders.

Section 14 deletes the existing section 57 of the Copyright and Related Rights Act 2000 - the CRRA - and replaces it with a new section 57, as well as additional sections 57A - 57C, all of which introduce a range of new exceptions for education, teaching and scientific research. The new provisions are intended to expand to the full extent the education exceptions allowed by the EU information society directive. Following engagement with stakeholders since the publication of the Bill, and its continued passage through the Houses, it was identified that certain safeguards, which are currently contained in section 57 of the CRRA, were inadvertently removed during the drafting process. This is what created some of the problems.

Amendment No. 3 reinstates these safeguards by amending section 14, such as limiting the amount that may be copied without a licence for the purpose of education in any year. It also provides clarification regarding the actions that may be undertaken arising from the education exceptions contained in this section, and specifically references the need for users of the exception to abide by the Berne Convention three-step test, of which Deputy Lawless will be aware.

Amendment No. 4 is a technical amendment to remove two unnecessary references in the new section 57C of the CRRA to the need for licences to be used for education purposes. Section 50A was not created in the Bill so this phantom reference must be removed. In addition, the reference to section 50 should also be deleted as it is a consequential amendment resulting from the deletion in amendment No. 7 of the specific references to “education” from the fair dealing provision for research contained in section 50 of the CRRA.

Amendment No. 5 proposes to amend section 173 of the CRRA, which governs licences for educational establishments for the use of copyright protected works. This is a consequential amendment necessary as a result of changes to the reference for a requirement for licences from section 57 to section 57C in the CRRA. The change is to avoid any uncertainty for schools and other educational establishments about the continued need to obtain licences for the use of copyright protected works, to protect the rights of authors and publishers of educational books. That is very important.

Amendment No. 7 deletes the table as it currently appears in Schedule 1 and replaces it with a new table minus lines one to three. The deletion of these lines from Schedule 1 is necessary to remove the references to “education” from the fair dealing provision for research contained in Section 50 of the CRRA. The research provision and the education provision were intended to continue to be dealt with separately, as currently exists in the CRRA. The inadvertent inclusion of “education” in these three specific instances relating to “research” expands the education exception far beyond what currently exists and would unreasonably prejudice the rights of rights holders.

Deputy Jan O’Sullivan: With respect to the new subsection (3), I am curious as to why specifically not more than 5% of any work can be copied under this section in any calendar year. Is that a standard percentage? Can the Minister of State explain why it states that not more than 5% of a work can be copied?

I understand from the table in the amendment No. 7 that under the heading of the column titled “Words to be substituted”, generally, the word is “instruction” and under the column titled “Substituting words” the words are “education”, “research”, etc. Can the Minister of State clarify why these substitutions are considered necessary? Is it just an updating of language or is it because of the definition of these particular words? Can he provide clarity on both of those points.

Deputy John Halligan: To answer the Deputy’s first question, the 5% is standard. We have checked this across Europe and so on.

To answer her second question, this is just the replacing of words. Inadvertently some words were placed in the Bill. We received legal advice on this to the effect that these words needed to be replaced to bring substance to what that particular section of the Bill is about. That is the only reason for it. We got expert opinion on that. I hope that clarifies those points for the Deputy.

An Leas-Cheann Comhairle: Does Deputy Lawless want to come in at this point?

Deputy James Lawless: I do not know if this is the right time to come in. I can come in before the end.

An Leas-Cheann Comhairle: We are discussing all these amendments together, so now is the time. The Deputy said he could come in before the end but we are dealing with these amendments. When we move on to amendment No. 6 that would be another opportunity for the Deputy to speak, but if he wishes he can speak now.

Deputy James Lawless: Regardless of when is the right time to do so, I will speak now for convenience. I thank the Minister for his explanation of the amendments we have discussed and it makes sense. I am happy to support that. I thank him also for his clarification in respect of section 3 regarding the digital archive. I take the opportunity to thank the officials as well because I took up the invitation on Committee Stage to engage with them. The amendment was refined between Committee and Report Stages, at which point it was passed. I appreciate that. When preparing this afternoon, I read the debate from the Seanad. The officials were to the fore to advise and guide the Members there as well. That is also appreciated. I thank the Minister for facilitating that.

I have a final comment on the targets and the overall objectives. I appreciate the Minister of State's comments that maybe GDP has risen and maybe, on the 1.5% of GDP, we are doing better than the figures might suggest, but am sure he would agree not to set a limit on our ambition either. Not every country might be at 2.5% of GDP but many of our competitors for foreign direct investment and intellectual property generation, such as Singapore, Finland, Denmark and Israel, are. If we do not do it, this is a mobile resource that will move elsewhere. It is important to note that as well. Let us aim for the stars and see how far we get.

Deputy John Halligan: I see where Deputy Lawless is coming from regarding intellectual property. Of course, this Bill delves into research, etc. The Deputy is correct that there are other countries, such as Israel, which have almost reached 2.5% of GDP. I would make the following interesting point. The scoreboard dates back to the recession, particularly, the banking crisis, when we were not able to invest as much in innovation, research and development as we should have been able to do. As against that, if one looks at the innovation scoreboard, Ireland has dropped back one position but, apparently, that is not significant. We are in the top ten in innovation. Deputy Lawless is absolutely correct that it should be our goal to reach 2.5% of GDP. It would be folly and disingenuous of me to say to the Deputy that we can reach that in the next number of years. Personally, I do not think we can. We will be in a reasonable position, with many other countries across Europe. If I say to the Deputy I am aiming to get 2.5% of GDP, I certainly cannot reach 2.5% in a year or two. There is the possibility that we could reach 1.6% or 1.7% of GDP, and maybe 1.8%, which would be fairly good based on where we came from and how we were investing in innovation ten years ago, which is where the relevant scoreboard and the European directive on 2.5% of GDP came from.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 14: In page 14, line 25, to delete "50, 50A,".

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 27: In page 21, between lines 13 and 14, to insert the following:

“Amendment of section 173 of Principal Act

27. Section 173 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “, 57C” for “, 57”, and

(b) in subsection (3), by the substitution of “, 57C” for “, 57”.”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 106: In page 41, line 13, to delete “Bill” and substitute “Act”.

Deputy John Halligan: This was also accepted by the Seanad. Section 106 is the result of an Opposition that was proposed on Report Stage in Dáil Éireann by Deputy Lawless. This amendment was accepted by the Government as a pragmatic way to address the issue of capturing the web. We have accepted Deputy Lawless’s amendment by calling for a report to be published on the feasibility of establishing a digital legal deposit scheme for capturing the web within 12 months of the enactment of the Bill. The text of the section currently reads, “Within twelve months of the enactment of this Bill”. However, the legal drafter in the Office of the Parliamentary Counsel has pointed out that technically this should read, “Within twelve months of the enactment of the Act”. Therefore, I am calling for the acceptance of a minor technical amendment to correct the oversight and ensure that the text is legally sound. This was the result of an Opposition amendment that was proposed by Deputy Lawless. This amendment is accepted by the Government.

Seanad amendment agreed to.

Seanad amendment No. 7:

Schedule: In page 42, to delete lines 5 to 45 and substitute the following:

“

ReferenceNo.(1)	Principal Act(2)	Words to be substituted(3)	Substituting words(4)
1	section 53(1)	instruction or of preparation for instruction	education or of preparationfor education
2	section 53(2)(a)	instruction	education
3	section 53(3)	instruction or of preparation for instruction	education or of preparationfor education
4	section 53(4)(a)	instruction	education
5	section 55(1)(b)	instruction	education
6	section 55(2)	instruction	education
7	section 61(2)	research	education, research
8	section 62(2)	research	education, research
9	section 63(2)(b)	instruction	education
10	section 67(3)	research	education, research

ReferenceNo.(1)	Principal Act(2)	Words to be substituted(3)	Substituting words(4)
11	section 92(3)(a)	research	education, research
12	section 168(1)	instruction	education
13	section 171(1)	instruction	education
14	section 172(1)	instruction	education
15	section 223(1)	instruction or preparation for instruction where the copying is done by or on behalf of a person giving or receiving instruction	education or of preparation for education where the copying is done by or on behalf of a person giving or receiving education
16	section 224(1)(b)	instruction	education
17	section 229(2)	research	education, research
18	section 230(2)(b)	instructions	education
19	section 234(3)	research	education, research
20	section 245(3)(a)	research	education, research
21	section 329(1)	research	education, research
22	section 330(1)	instruction or of preparation for instruction	education or of preparation for education
23	section 330(1)(a)	instruction	education

”.

Seanad amendment agreed to.

An Leas-Cheann Comhairle: The question is: “That Seanad amendments Nos. 1 to 7, inclusive, are hereby agreed to and agreement to the amendments is accordingly reported to the House.”

Question put and agreed to.

An Leas-Cheann Comhairle: A message will be sent to the Seanad acquainting it accordingly.

Supplementary Report of the Scoping Inquiry into the CervicalCheck Screening Programme: Statements

Minister for Health (Deputy Simon Harris): Last week, I published the Supplementary Report of the Scoping Inquiry into the CervicalCheck Screening Programme following a Cabinet meeting and today I welcome the opportunity to discuss the report’s findings and speak about the issues at its core. At the outset, I would like to place on the record of this House my sincere gratitude to Dr. Gabriel Scally and his team for not only the comprehensive work undertaken over the past number of months but the way in which he has gone about robustly establishing the truth and the facts and putting in place a comprehensive implementation plan. This work is crucial to our aim of providing a world-class cervical screening programme that inspires trust and confidence among the women of this country. Government has accepted this report, and, indeed, Dr. Scally’s previous reports, and my focus now is on ensuring the full implementation of all his recommendations. Considerable work is already ongoing in the

HSE, National Cancer Registry Ireland and my Department on these recommendations and in his supplementary report Dr. Scally acknowledged the significant progress that is being made.

On completion of the final report of the scoping inquiry last September, Members will be aware that I requested Dr. Scally to do further work to address some outstanding issues relating to the laboratories which had been referenced in that report. This supplementary report confirms that the number of laboratories involved in CervicalCheck's work was greater than originally thought or than was known to CervicalCheck. We now know the number of laboratories that provided screening for the Irish programme was 16. We also know that the use of many of the additional laboratories was not approved in advance by CervicalCheck. Clearly, this situation should not have arisen, and the implementation of all of Dr. Scally's recommendations is vital to ensure this does not arise in the future. However, the core question is whether the use of these additional laboratories resulted in a quality problem. Dr. Scally says there is no evidence to suggest deficiencies in screening quality in any laboratory. This is a crucial and important message that we all must communicate to women in this country who are rightly looking for assurance and information. I hope that this will reassure women that they can trust the results they receive from the CervicalCheck programme and that they should continue to attend for their scheduled screenings. Indeed, we see already that women are attending in large numbers for screening.

It is worth noting that in this report Dr. Scally has also points to an important safeguard, which is that double reading of all Irish slides takes place, including on slides screened in the US. This is different to the general US practice where slides are examined by a single screener. Furthermore, Dr. Scally is very clear that the two major accreditation standards in use, that is the ISO standard and the CAP standard, are comparable. He says they do not create any cause for concern in terms of the quality of laboratory services provided. All but one laboratory had the appropriate accreditation at the time they were providing screening services to the HSE. Dr. Scally has found that all of the laboratories used in the US were accredited but expressed concern about accreditation in relation to one laboratory in Salford, in the UK. This is ancillary to the main MedLab facility in Dublin.

Accreditation is an important process in providing assurance about quality, of course, but the question remains was there any deficiency in screening. Dr. Scally states that there is no evidence of any such deficiency. He indicates that it is reassuring that the performance data for the screeners based in this ancillary laboratory were part of that reviewed by the scoping inquiry in mid-2018. At that time, the inquiry concluded there was no reason, on quality grounds, the existing contracts for laboratory services should not continue. The HSE has said this concurs with its own ongoing performance monitoring in regard to MedLab Pathology. While he has been clear there is no evidence of deficiency in screening quality, Dr. Scally is also clear on the need to have the right quality assurance systems in place. This is being addressed now as part of the implementation of Dr Scally's recommendations.

CervicalCheck now has a national laboratory QA lead in place which is a key and important step, and work is continuing to strengthen governance, quality assurance and management in the CervicalCheck programme and the wider National Screening Service. We have already seen these improvements in the work done by the HSE to quality assure the additional laboratories in the US prior to entering into a new contract with these for additional screening capacity, and this has been acknowledged by Dr. Scally. I asked him if he is he satisfied with those new arrangements and he stated that he is.

Dr. Scally has made two further recommendations in his supplementary report. Actions to implement these will be incorporated in the approved implementation plan which has been in place since last December. There are more than 160 actions in the plan and 48 of these had been implemented by the end of quarter 1 this year. I am pleased to state that Dr. Scally has acknowledged the substantial and important progress that has been made to date in implementing the recommendations of his first and final reports.

We are now at a point where we have made important progress in a number of areas: we will begin the tribunal legislation recommended by Mr. Justice Meenan in this House next week; the *ex gratia* scheme has been established; the Royal College of Obstetricians and Gynaecologists review is well under way; the HSE has secured additional capacity to support our screening programme and the backlog is quickly and substantially shrinking; preparations are ongoing within the HSE for the switch to HPV primary testing; and the vaccine for boys will be introduced in September.

We must have a strong and sustainable screening programme in which women can have full confidence. Since CervicalCheck was set up in 2008, cervical cancer rates decreased from approximately 14 cases per 100,000 women in the years 2009 to 2011 to ten cases per 100,000 women in the years 2013 to 2015. A well organised screening programme, when combined with HPV vaccination for boys and girls - with all of us in this House supporting that vaccination programme - can bring us very close to eliminating cervical cancer. Our national goal is to effectively eradicate cervical cancer. My priority now is ensuring that Dr. Scally's recommendations are fully implemented because this will make that goal a reality.

Deputy Stephen Donnelly: I want to start by thanking Dr. Scally. He has completed what was a very arduous but necessary follow-up report and I want to acknowledge his work over the past year in shining a light on such an important issue. This is a supplementary report, following his inquiry last September, and we have had an additional report into the implementation of his recommendations. I want to recognise that there has been much progress regarding those recommendations.

When Dr. Scally first began the scoping inquiry last year, we all understood that there were six laboratories involved. It subsequently emerged that work had been contracted out to other laboratories around the world. By last September, some 11 laboratories were involved. Another four were then discovered and just last week another laboratory was found. That gives a grand total of 16 laboratories, with two located in Ireland, two in the UK and 12 in the US. The increase in the number of laboratories from six to 16 is deeply worrying. Rightly or wrongly, it paints a picture of secrecy and confusion which Dr. Scally appropriately described as entirely unacceptable. It is not too much for women availing of the cervical screening service to be able to discover where their tests are going. It is certainly not too much to ask - indeed it is essential - that the HSE and CervicalCheck, which is part of the executive, know where those tests are going and have been. It was almost impossible for Dr. Scally to discover all of this information. He claims that information about the other laboratories was as much of a shock to CervicalCheck and the HSE as it was to him. We know that the HSE and CervicalCheck were not told. The contracts specified that they should have been told but they were not.

What do we know? The report suggests that there is no concern about the standards of the laboratories involved, which is a relief, but is obviously not how business should be conducted. We need to know ahead of time that the laboratories are safe and not have to satisfy ourselves afterwards that it turns out that they were. The phraseology that Dr. Scally uses is very im-

portant. He stated that he did not find evidence of deficiency. I imagine he chose those words carefully. It is not the same as saying that there were no deficiencies and that everything was up to scratch at all times. We, and Dr. Scally, do not know that. All he could say is that he could not find evidence of deficiencies, which is welcome, but is not a categorical assurance and he is not able to provide that. We know that some of these laboratories are no longer in operation. Unless there are extraordinary records of these closed laboratories - failing time travel - we may never know the detail on a lot of these issues. Had there been problems with those laboratories, neither CervicalCheck nor the HSE would have been in a position to do anything because they did not know about it. We need to ensure that CervicalCheck has the resources needed for contract enforcement and for developing the standards to which Dr. Scally refers.

Perhaps the Minister is aware of this but my understanding is that CervicalCheck was run on a shoestring budget by a very small number of people doing their very best. The clinical lead, Dr. Flannelly, was trying to run this entire programme - one of the best programmes of its kind in the world - on two or two and a half days each week. I will be very pleasantly surprised if there were highly proficient legal and contract enforcement people in the background who could have enforced these contracts. It is something that we must ensure is there in the future.

The big question is where does this leave the women? The HSE says this supplementary report provides further reassurance to Irish women about the cervical screening programme, notwithstanding the issues raised and we must focus on that. The CervicalCheck screening programme, in spite of the failures of disclosure, has been one of the most successful screening programmes of its kind run anywhere in the world from a medical perspective. Some 50,000 women have been identified with high-grade abnormalities. Cervical cancer rates have fallen 7% per year. The programme is an incredible success. It is incumbent upon us all to support the clinicians, the administrators, the GPs, and everyone involved in ensuring that they have everything they need to continue with the medical success of the programme, while obviously getting much tighter on governance and contract enforcement and the ability to ensure there is a global quality standard for all tests.

Deputy Louise O'Reilly: I will start by thanking Dr. Scally and his team for the work they undertook. The reports are comprehensive pieces of work and we know they were delivered under very difficult circumstances. There was much shock expressed on the benches here and in the media at the fact that information had to be wrestled from the Department in certain instances, which is not good enough. We know, notwithstanding in trying circumstances, that he still managed to produce a report that is comprehensive.

The report seeks to genuinely reinforce and restore confidence in the CervicalCheck programme. The programme has limitations, which we have discussed. It is invaluable, it does and will continue to save lives. I say this as somebody who, like many other women, uses the service and who wants and deserves to have the fullest confidence in that service.

There are many sections of the report that jumped out at me when I first read them. However, nothing jumped out at me more than the chapter on procurement of laboratory services. This section raises a number of questions, most notably as to why the HSE and the CervicalCheck programme reduced the weighting for quality assurance and capacity in the tender process for laboratories to conduct this testing. When I spoke with Dr. Scally, he stated that it was unable to give an answer as to why this was the case. When he had attempted to investigate the contracts and the procurement process, documents and vital information were either missing, destroyed or could not be found. When one looks at the reduction in the weighting for quality and the in-

crease in the weighting for fees, the reduction in the weighting for capacity and the consequent increase in the weighting for fees, we can see that there was an attempt made to get screening services on the cheap. That is certainly what it looks like. They were willing to sacrifice quality and capacity for the right fee. That is wrong and it should not be the guiding principle for any service at all. Clinicians should have been involved. We need to know why there was reduction in emphasis on quality assurance and capacity while there was an increase in the weighting for fees and we need and deserve to have this explained in full.

The report also raises many questions in respect of contracted laboratories using other laboratories without the knowledge of the CervicalCheck programme. I say this as someone whose own test was possibly on its holidays somewhere and I would not have known that. I would have believed it when I asked my doctor and was told that the outsourcing was to a laboratory in the US. I did not realise then that it could have bounced on to a second and a third laboratory, and possibly then on to another one again. That is not right. Doctors should have confidence when talking to patients. At the outset of the scoping inquiry in May 2018, it was believed that six laboratories had been used. The figure increased to 11 in the middle of the process and we now know it was actually 16. Dr. Scally has not received any evidence from Quest CPL or Medlab that they had notified CervicalCheck in advance in writing in respect of the use of additional laboratories outside those contracted. Nor was he able to provide any evidence that anyone in CervicalCheck, the HSE or the Department actually asked those questions. All we see is a reduction in the emphasis on quality, an increase in the emphasis on price and everybody running around with their fingers in their ears and their eyes closed trying not to ask any important questions about this really vital and important service. While Dr. Scally outlined in the report that the additional laboratories did not result in a reduction in the quality of the screening provided in his opinion, there is no evidence to suggest that deficiencies in screening quality in any laboratory were there because he could not find any. What happened is still not right. Dr. Scally said he could not find any evidence but he did not say that no evidence exists. This was something of an opaque process. The relationships between the contractors and the person conducting the service should have been built on trust yet it appears there was a certain amount of deception. I would say again that those questions were not asked.

Sinn Féin opposed the outsourcing in 2008 when the Fianna Fáil-Progressive Democrats Government introduced it. We did so for good reason and our view has been vindicated. What we see in the Scally report is the loss of control and a loss of oversight. It was a political decision as the clinicians will tell us. We hope that in due course the testing will be repatriated. It will be good for our universities, for jobs and, ultimately, for the health service. It is something clinicians have looked at. We have not had an examination of the results from each of the laboratories and that is extremely regrettable. I do not know how many times I have asked for this and others have as well. We now hear the clinicians saying there is a possibility of what they call cluster errors. That needs to be examined because we are still using an outsourced service. We need to get some answers.

An Leas-Cheann Comhairle: With the permission of Deputies Kelly and Bríd Smith, I call on Deputy Connolly now as she is to take over the Chair next.

Deputy Bríd Smith: Yes, boss.

Deputy Catherine Connolly: I would like to start by thanking the brave women who brought this matter to our attention, for the courage they showed, particularly the woman who did not sign the confidentiality agreement. Clearly, the existing provisions would not have

brought anything to our attention. All of this is retrospective. Certainly our appreciation is due to Dr. Scally but it is to the women that I give my respect and gratitude. Without them, we would not be aware of any of this.

The report is supplementary to the main report of last September. I ask the Minister to go back and read it rather than taking a selected number of points from it.

Deputy Simon Harris: I have read it.

Deputy Catherine Connolly: Then let me just highlight some. Two recommendations follow on 50 and we will come back to them during the questions. The reason for the supplemental report was that there were issues about which Dr. Scally was worried in respect of tendering, contracting and the operation of laboratories. There were not six laboratories but 16, as my colleagues have said. The use of the laboratories was not approved in advance. One laboratory in England was retrospectively accredited and the system in place for responding to errors in Ireland to the screening is inadequate to the task. That is pretty damning. I would like to go through the findings in detail in respect of the three companies involved but my time is limited. I will go straight to the key statements of Dr. Scally. “It is profoundly disappointing that the Scoping Inquiry only learnt about the additional laboratories as a result of our extensive and intensive probing.” That was in addition to people coming forward and alerting the inquiry about possibilities of laboratories in other areas including Mexico and India. I hope I will have time to come back to that. Dr. Scally says it is disappointing that not one of the bodies involved retained complete records for a period of time over the last decade. No knowledge of the laboratories on the part of the screening service and the HSE meant that the national cancer screening service had no means of assessing the accreditation, quality standards, governance or other critical features regarding the suitability of these laboratories to undertake cervical check work. Dr. Scally says:

The most benign interpretation [I certainly would not agree with him. I would give a different interpretation] of these events is that neither party [imagine that] appears to have understood, or articulated, the importance of the role of the NCSS in monitoring the quality and safety of the laboratories and the importance of documenting how and where the work was being done, how it was monitored, and by whom.

Dr. Scally says, “it is disappointing that it took Quest more than six months (from the time of the Scoping Inquiry’s first engagement with the company) to disclose the involvement of these four laboratories.” It is extraordinary that Dr. Scally goes on to take their word later in respect of there being no laboratories in India or Mexico. They have not proved it and had not complied with their word prior to that. Dr. Scally says that “the lack of transparency by the major private sector laboratory companies about the precise locations of their screening services provided to CervicalCheck, and therefore to Irish women, is entirely unsatisfactory.” He states that “the tendering process appeared to move over time to place an increasing emphasis on price rather than quality.” I would have thought that might be something the Minister would have focused on. The report states that, “the use of additional laboratories, without express authorisation, lay outside the bounds of the contracts and [...] the introduction of additional laboratories with no previous experience of CervicalCheck did introduce a potential risk.” Most importantly, it states that, “the reasons for requiring prior written permission to use additional laboratories were to ensure accreditation and quality of service, to enable CervicalCheck to monitor and gauge risks, and to maintain overall transparency within the screening programme.” If the organisation responsible for looking after women’s health is not in a position to carry out quality

assurance because it does not know the laboratories exist, we have a serious problem. Is that not right?

Deputy Simon Harris: Yes.

Deputy Catherine Connolly: That arises from the fatal decision in 2008 to outsource to Quest and the other companies and to go forward with outsourcing to America, to a company based in Australia, and all the laboratories from Honolulu to Texas. The Minister might elaborate on how quality assurance can be carried out across laboratories with five hours' time difference and 4,000 miles between them. Do teams of Irish experts go out and examine each laboratory, the ones they know about? Can the Minister imagine that for a system? The Minister gave a four-page speech here with no reference to any of those issues or how we might learn from this. How are we going to stop the outsourcing? Ironically, one of the companies has come back to the idea that it should be located in Ireland and should have never moved from here in the first place. The Minister would agree with that. It has gone right back to Dublin because it was much more efficient and effective to do so. I appeal to the Minister to tell us what plan the Government has to stop the outsourcing. What capacity have we now and when will we have the capacity to provide a proper screening service to the women of Ireland, who deserve it?

Deputy Alan Kelly: I have only five minutes and look forward to the six minutes of questions more than to these five minutes. I want to commence by asking the Minister to do something. Yesterday in the Dáil, the Taoiseach stated - I know what I am talking about here - that representatives of Ruth Morrissey were aware of the decision to appeal the case. They were not. The Taoiseach has been communicated with and has been told the facts and while the Minister and I can speak and hold a debate in this House, the people outside of these Houses do not have the capacity to defend themselves in here. I ask that the Minister go to the Taoiseach to deal with that matter on the floor of the Dáil Chamber, to correct the record and to get to the facts of what happened. Ruth Morrissey's representatives were not told beforehand. I ask that the Minister would please do that.

I will begin my statement by acknowledging the people who got us to this point: Vicky Phelan in particular, without whom we would not be here; Emma Mhic Mhathúna - may she rest in peace; and Ruth Morrissey, whose case was in the High Court for 36 days. It is a national disgrace. After what the Taoiseach said on RTÉ's "Six One", it is a national disgrace and I will never forget it. It is the Minister's decision and I do not agree with the Minister's decision or the Government's decision on where this is going. According to this decision, Ireland is looking for a lesser standard of testing than in the UK.

This lady who has fought so hard for these women - and whose legacy this is - should not be left in this situation for the next months. It will take a significant amount of time for the case to get into the Supreme Court. It is not necessary. The future will tell us. The manner in which communication was done with Ms Morrissey and her representatives and the manner in which she found out that the Government would appeal the High Court decision is something we should all regret.

I have many questions with regard to the Scally report. Dr. Scally will come before the Oireachtas Joint Committee on Health in July, which I welcome. I take a lot of what Dr. Scally had brought out in his first report as being absolutely essential, including the 50 recommendations. I always had a serious issue with quality assurance in respect of the laboratories and the Minister is aware that I have pursued this issue for a long time. I was disappointed that it took

nine months. I do not know why it took nine months to get to the bottom of this. I will have serious questions to ask at the committee. On the floor of the Chamber tonight, however, I want to ask the Minister something else on behalf of the women, their families and the patient representatives such as Lorraine Walsh and Stephen Teap, who the Minister knows well. Through the Minister and the Government, we need to give them a full apology. I put it to colleagues that we now know the extent of what has happened. They need a full apology based on Dr. Scally completing his report.

The HSE has also said it would look into its own organisation, its processes and what happened. A commitment was made on this by the former interim director general at the HSE, John Connaghan. Will the new director general do that? Will the Minister confirm whether he has asked him to do that?

There are women, some of whom I have named, who probably will never know where their test slides were misread. Some of the laboratories do not exist any longer or, as Dr. Scally has acknowledged, he may never find some laboratories. Only that the report was extended for an extra four months, I doubt Dr. Scally would have found some of the information he did. We need to understand that.

I have much to say on this matter but I will make one final point and then come back to questions. Given that the HSE had the contracts in place, given that the laboratories did not get agreement from the HSE and given that we are going through a huge volume of court cases, were these laboratories not in breach of contract? Dr. Scally's report goes as far as bringing it up to the point of saying it. There may be legal reasons why he did not say it. Surely the laboratories were in breach of contract. Outside of the disgraceful situation in which it left the women and their families, surely it also means there are issues to be considered from a liability perspective and breach of contract.

Deputy Bríd Smith: I thank the women and their families for their courage and determination in the face of such adversity. I also acknowledge their representatives who have done some great work on this. When Dr. Scally last reported to the Dáil, he said that he supported the outsourcing of the CervicalCheck screening. Dr. Scally defended the standards and practices in the laboratories that he had visited, which were operating the screening services. Dr. Scally also told the Oireachtas that he defended the HSE reaction to his report and its speed at implementing his recommendations. Dr. Scally more or less defended the entire screening process. When I read this supplementary report, however, I see - by my interpretation - a condemnation of the laboratories and their standards and therefore, logically, a huge question mark over the decision to outsource and rely on private labs outside Ireland to provide the service.

At the time, tender competitions were weighted overwhelmingly in favour of low cost and turnaround times above health standards. In an ironic twist, in 2008 the Irish public laboratory at the Coombe hospital was excluded from the tendering competition because it had not yet received an ISO accreditation, which it was to receive later that year. We found out with the Scally report that CPL, which was awarded that and subsequent tendered contracts, had no ISO accreditation. There were other outsourced subcontracted laboratories that we did not know about.

There appears to be a determination by the HSE and the Minister to spin these reports in a way that takes the light away from the original decision and subsequent decisions to continue with the privatisation of a huge aspect of women's health services. Those of us who raise ques-

tions about the decision to privatise the service, about the difference in standards between the service in private or public hands, are often met with criticism and condemnation. We are told we are undermining the health service and jeopardising women availing of it. I will take no lectures from anyone about women's health services or my attempts to shine a light on those errors. I understand that sometimes cancers may be missed for entirely genuine and reasonable reasons in any screening service regardless of who is conducting that service. It was not non-disclosure or a series of unfortunate events that resulted in tragedy for these women. It was gross and negligent error in the laboratories that should never have happened. That is not normal or understandable.

The questioning of outsourcing and the continued reliance on private for-profit laboratories, when we had the choice to operate a service in Ireland in a properly resourced, high standard service in the public sector does not undermine screening. It is questioning how the private outsourced service has failed women, with catastrophic results.

On reading Dr. Scally's report I believe that serious questions remain to be answered about the continued reliance on the private laboratories. I find it astonishing that a year after this issue erupted, the State has still not fully investigated any of cases that have come to court where large settlements have been arrived at, when it is clear there was a catastrophic failure in a laboratory, and that the HSE, the Minister and the State are not interested in investigating the causes and outcomes of that failure. It is akin to a plane crashing at Dublin Airport and the State deciding that the deaths and injuries are within the norm of aviation figures and, therefore, there is no point investigating.

On the decision of the State to appeal the Ruth Morrissey High Court decision, I would like the Minister and Dr. Scally to stop misrepresenting the judgment and the term "absolute certainty". It is outrageous that the Minister and the medical colleges are appealing this judgment. It does not mean that all laboratories must be "absolutely certain" that every screening is either positive or negative; it means that the test must be done to a correct standard and that the gross failures and negligence we have seen would not be repeated and cannot be put down to everyday errors and limitations in the screening process.

I will now turn to the issue of the tribunal. If the Minister wants this tribunal to be taken up by the myriad women who are suffering or who have suffered, and if the Minister wants to settle with the women and their families who seek justice, will the Minister give an undertaking here and now to those who are affected that if they settle their claim with the tribunal, they can revisit the case if there is a reoccurrence of their cancer? This is important. Were the Minister to give that undertaking now, it might encourage a huge number of women and their representatives to take the tribunal very seriously. In other words, if the cancer recurs they will not be blocked from re-submitting. This is important to me because of the frustration I feel about it and I am sure it is important to women outside this House. For a whole year I have been repeatedly asking the Minister, the Taoiseach and whoever was in the Minister's seat to tell us from which laboratories the 221 misread slides come and I have been told it is coming, I will be told, it will be in the Scally report, it will be in this and that. The latest was that it would be in the Royal College of Gynaecologists report. There is still no answer but I know that the HSE and the Department have the answer. I have seen paperwork but until I get the answer here I will continue to suspect that the Minister does not want to give it to me because it will show that the bulk and a disproportionate number of gross errors have been a result of the privatisation and the outsourcing and that they will be shown to have come from one particular laboratory in the United States. I may be proved wrong, but I would like to have that answer.

Deputy Mattie McGrath: It is with a heavy heart that I stand here to comment on this. I compliment Dr. Scally on doing this work and coming forward with this supplementary report and the scoping inquiry into the CervicalCheck screening programme which was just a fiasco. We now know that the latest Scally report identified that the number of laboratories involved in CervicalCheck was greater than originally believed. Initially it was believed that there were six laboratories which increased to 11 but this supplementary report established that at least 16 laboratories spread across Ireland, England and the USA were used.

The report also shows that requirements for written permission from the HSE needed before outsourcing were not met and that a laboratory used in Salford, UK, was of particular concern. What is so systemically and fundamentally wrong with the HSE, which the Minister presides over, that basic principles of good governance are blatantly ignored? The report has established that there were at least 16 laboratories and that they needed written permission from the HSE. Who in the HSE is going to be held accountable, where, when or how? The lack of accountability and of respect for people's quality of life and health beggars belief.

It also found that the right systems were not in place, or only technically in place. They were not being operated properly or did not have the expertise needed. This would not happen in a roads project - it would not be accepted - never mind talking about women's health. Women have got life sentences. Women have died. It is unbelievable and it gets worse and worse. The Minister is still in his position, I do not mean anything personal against him but Fianna Fáil continues to vote confidence in him. I cannot believe it. Then they come in and do a double dance, giving out about him. It just does not wash.

Is the HSE going out of its way to make this situation worse than it already is? Has it learnt nothing in terms of transparency and accountability? We know it has not because it gets worse by the hour. We also know that a review is being conducted by the Royal College of Obstetricians in the UK. The review aims to be an independent examination of the screening history and results and to identify if there were failures by the national cervical screening programme to detect underlying abnormal cells that could have led to cancer or to intervene at an earlier stage in the development of the patient's cancer. Where is that review now? Do we have any sense that it will be completed in the timeframe laid out in its terms of reference? How can the Minister have confidence when there is unmitigated disaster after disaster? People have died, such as Vicky Phelan, and there is the Ruth Morrissey case now where after spending so many days in court the Government is now going to appeal the judgment. It beggars belief that the Minister would force that on any family again.

I have no faith whatsoever in a tribunal. We have seen tribunals all the way back to the beef tribunal. There were acres and acres of print and millions upon millions of euro spent on barristers' fees and nothing has come out of it. What will we get out of this tribunal? I do not know, more fat cats getting fatter and more massive expenses for the State with a huge avoidance of any prosecutions of anybody, or any intention to prosecute, and no semblance of fairness or justice for the victims and their families. I have no faith in any tribunal because we have had one bad experience after another with tribunals over the past three decades. When are we going to learn? The Taoiseach brought us to a briefing recently about the Irish Bank Resolution Corporation, IBRC, one. One module has gone years over the deadline and millions of euro beyond what it should have cost. I have no faith in this gravy train. I want honesty, decency and respect for the women and their families.

Acting Chairman (Deputy Catherine Connolly): The Deputy referred inadvertently to

Mrs. Phelan as not being with us any more. I do not think he meant it but he might like to correct the record.

Deputy Mattie McGrath: I did not mean it. I am very sorry.

Acting Chairman (Deputy Catherine Connolly): As there is nobody else to speak we will move on to questions and answers. I call Deputy O'Loughlin.

Deputy Fiona O'Loughlin: Why did CPL not consult CervicalCheck in writing before proceeding with the outsourcing of tests?

Deputy Simon Harris: I cannot second guess why a laboratory did or did not do anything. All I and this House can rely on are the findings of the Scally report which showed very serious shortcomings in respect of governance and procurement but not in respect of deficiencies. I am satisfied that Dr. Scally has established the truth in that regard. I am also satisfied that the new standards that we have in place will ensure that this will not happen again.

Deputy Fiona O'Loughlin: We need to know why they did not consult and that measures have been put in place to ensure better communication.

Deputy Simon Harris: Sure.

Deputy Fiona O'Loughlin: What other medical testing is being outsourced to laboratories outside Ireland?

Deputy Simon Harris: I would have to check that with the HSE but I will provide the Deputy and perhaps Deputy Donnelly with a written record on that. I would not have that available to me.

Deputy Fiona O'Loughlin: I would appreciate if the Minister would let us know. What oversights of future contracts can be introduced to ensure that there is no repeat of outsourcing without permission?

Deputy Simon Harris: That is the key question. I am very pleased that when I had a chance to meet Dr. Scally before the publication of this report I asked him was he satisfied that the new arrangements in place for quality assurance of the new contract are appropriate and meet what I refer to as the "Scally standard" and he said that he was. I am satisfied that the implementation of Dr. Scally's recommendations will ensure that this cannot happen again whereby laboratories that were not approved for use, although they may have been accredited in their country, were being used.

Deputy Fiona O'Loughlin: What can be done to prevent women having to endure the trauma and distress of court appearances when they seek compensation?

Deputy Simon Harris: That is a very important question. We are trying to find as many alternative pathways as possible. This week I got approval from the Cabinet for the publication of the full tribunal Bill. I heard Deputy Mattie McGrath refer to it as a different sort of tribunal. The idea here is that this would be an adjudicative tribunal and an alternative to court. I intend to introduce that Bill on Second Stage in this House next week and, with the co-operation of Deputies on all sides of the House - the Deputy's party has been co-operative - I believe we can pass that legislation before these Houses rise for the summer recess and we can put this tribunal in place by the autumn which will provide women with an alternative pathway. The

ex gratia scheme we have put in place is another pathway. I acknowledge that is only for the non-disclosure element. The independent assessment panel yesterday decided on the amount to be paid out for non-disclosure by the *ex gratia* scheme and I expect those payments to issue in the coming weeks.

8 o'clock

Deputy Fiona O'Loughlin: When will the women within the 221 group receive reimbursement for the costs involved in them having to carry out their own independent slide reviews?

Deputy Simon Harris: This is something I am considering at the moment. I am talking to the patient representatives, namely, Stephen Teap and Lorraine Walsh, about how this matter will be dealt with. We have an independent review of slides available for everybody to avail of through the Royal College of Obstetricians and Gynaecologists process. The last day for participating in same was 7 June. That is also due to report this autumn. Some of the patient representatives have asked me to consider reimbursement of the cost of private reading of smears and I am considering same at the moment.

Deputy Fiona O'Loughlin: I mentioned earlier that better communication is needed between laboratories and the HSE in the future. What measures will be taken to ensure there will be better communication?

Deputy Simon Harris: The implementation of Dr. Scally's recommendations will bring that about. That is not all that needs to be brought in. A quality assurance lead must also be put in place within CervicalCheck. I heard the Fianna Fáil spokesperson, Deputy Donnelly, rightly acknowledge earlier that while in the past our CervicalCheck programme has been a great success in terms of outcomes and the decrease in cervical cancers in Ireland, it seemed to be run almost as a silo from the general health service. I agree with him and clearly that cannot continue. Dr. Scally's recommendations, the more stringent requirements that he puts in place and the implementation of same are key. I have not asked the HSE or my Department to oversee implementation, but Dr. Scally. That will prevent this from happening again in the future.

Deputy Fiona O'Loughlin: Why did the laboratories not inform the inquiry of all testing locations at the first opportunity and at the initial stage?

Deputy Simon Harris: I am no spokesperson for the laboratories. They failed to do so, it was entirely inappropriate and I share Dr. Scally's frustration with that situation. Dr. Scally kept me informed throughout the process and I am pleased that he seems to have got to the bottom of matters and established many facts. The idea that people could not or would not co-operate is entirely unacceptable to me, to the Government and to this House.

Deputy Fiona O'Loughlin: I will make a final comment as opposed to asking a question. I thank the Minister for responding to my questions and I know that he will have to come back to me on some of them. It is so important that women have confidence in the system and have confidence that the recommendations of this report are met. In particular, every woman needs to know exactly where her smear test is being screened. Every single smear should be screened in a laboratory with a quality assurance that is developed and implemented by CervicalCheck and the HPV test should be rolled out as soon as possible.

Deputy Louise O'Reilly: The Minister has just said that the non-co-operation that happened is not acceptable. He was very definitive in saying that it is not acceptable to him or to

the Government. We know that a lot of people did not co-operate and we know that some of those people are in the Department, some are in the HSE and some are in CervicalCheck. What was done about those people? If the same people are in the same positions we will keep getting the same results.

Deputy Simon Harris: That is an important point. I am open to correction but from my engagements with Dr. Scally and from my reading of any of Dr. Scally's reports, I do not believe that he has suggested that my Department did not co-operate. I have had conversations with my Secretary General from day 1 about the importance of my Department co-operating in full. The Deputy is correct that at the start of his original report, Dr. Scally highlighted difficulties in accessing documents in the HSE, and I intervened to get on top of that. Dr. Scally said to me when I met with him that the CervicalCheck programme is under new management. There is a new clinical director, there is a new lead for the programme in Damien McCallion, who will be familiar to Members. Both have the trust and confidence of the patient representatives and they have my full confidence and by extension I would hope the women of Ireland would also have confidence in them. Deputy Kelly asked about this earlier and he may return to it but there is a HR review ongoing on who knew what or maybe who did not do what in the HSE at the appropriate time. That review was established by John Connaghan, and Paul Reid, as the new director general, has assured me he will see it through.

Deputy Louise O'Reilly: I appreciate the Minister cannot answer for everything that has gone wrong here and I do not expect him to do so but can he give me a view on why the emphasis on quality was reduced as part of the tendering process from 2010 to 2012? The Minister can see on pages 34 to 36 of the Scally report that there was a consistent reduction in the emphasis on quality and an increase in the emphasis on price. It was screening on the cheap and I do not make any apologies for saying that. How can we be sure that will not happen again? What specifically has changed in the procurement process?

Deputy Simon Harris: I appreciate that the Deputy is being reasonable. I cannot answer for things that happened, not just before I was Minister for Health, but before I was a Member of this House in 2010. It is a cause of concern and Dr. Scally pointed out that it was a cause of concern that the ratio seemed to change quite significantly. He did not say that the safety of the screening was altered by that. I know the Deputy is not suggesting that he said that and he did not find that. He even said in his most recent report that he found no evidence of deficiencies when it came to safety. What I want to do, however, and I do not want to guess Deputy Brid Smith's questions later, is for us to do more here in our country. I want us to see us build a national laboratory service in the Coombe Women and Infants University Hospital so we can do more here in Ireland. As we continue to outsource our services, I want to make sure that what I call the Scally standard is applied. I am satisfied that Dr. Scally is satisfied that is the case today.

Deputy Louise O'Reilly: The Minister has anticipated one of my questions. What exactly is he doing to ensure the slides and the testing will be repatriated? It is one thing to want it. That is fine and maybe we all want that but people want to see what concrete steps are being taken. I have said before that the decision to outsource was a political decision, not a clinical one. The decision on how to proceed should be informed by clinicians and not by political expediency.

Deputy Simon Harris: I know the Deputy is aware of this but I want to assure her that when the HSE tried to identify additional capacity for the programme this time around, it searched everywhere, including in Ireland, to see if additional capacity could be found. The Deputy will

accept that there is no additional capacity today. The Deputy is correct that there may have been at a point in the past but today there is not.

Deputy Louise O'Reilly: There was in 2008.

Deputy Simon Harris: I have asked the HSE to draw up plans on how we can significantly increase the size of the facility in the Coombe Women and Infants University Hospital. That hospital is carrying out about 10% of our tests today and there is no reason, particularly with the move to HPV testing, that it could not be doing an awful lot more, coupled with investment. I am told, however, and I am awaiting more details on this, which I will share with the Deputy when I have them, that even if this process was begun today, there is probably a two or three year lead-in time. I expect that within two or three years we could be doing an awful lot more here in our country.

Deputy Louise O'Reilly: If we are not training the people to carry out the tests we will not be. If the Minister is not talking to the universities then this definitely will not happen in three years. On the laboratory-by-laboratory result, this is something I asked about on the first day I raised this matter here. It is a laboratory-by-laboratory result to check for things such as cluster errors. I am not a clinician, I am using the words that clinicians use. Has that been done and can the result of that be shared with us? I and others have asked for that on countless occasions and every time we ask we are told it is not a problem, yet here we are and we still do not have it.

Deputy Simon Harris: That point is more than fair. This has been going on for too long at this stage. My understanding is that there is a draft report on this. I am being careful with my words because I want to check this but my understanding is it has been shared with the patient representatives. They have certainly seen it and had a chance to have an input to it. I will put it on the record of the House that I want it to be made available to Deputies in this House in the next number of weeks. I will come back to all of the Deputies present here with a specific date for when it will be made available to them. There is no great mystery to this. My understanding is that, roughly speaking, the proportion tallies with the volume of work done but I will make that report available as soon as I have it.

Deputy Louise O'Reilly: That will be welcome. Can the Minister give a commitment that, for the future and for as long as we are outsourcing to laboratories abroad, on which my views are well known and I do not need to rehearse those, slides will not be read in a laboratory where people have not been physically present to investigate and to carry out that quality assurance? Clearly, quality assurance by phone or by whatever means was being used, was not working.

Deputy Simon Harris: I can give that assurance because it is a recommendation from Dr. Scally and on top of that I want to give the assurance that there will continue to be a double reading of all Irish slides being read in US laboratories. That is not normal US practice but any Irish slide being read in a US laboratory will be double read. As I said, this is different to normal US practice where slides are examined by a single screener.

Deputy Alan Kelly: Why did the secondary report take such a long period of time seen as it was meant to be completed much more quickly? It took nine months.

Deputy Simon Harris: The Deputy has asked me this question before and I asked Dr. Scally about this when I met him as I was conscious that the Deputy may ask me this question again. The Deputy will have a chance to ask him directly and I am sure he will do so. My understanding is that it took Dr. Scally that period of time to get to the bottom of the various

questions he wanted answered. As the Deputy will know, he is a thorough individual. As he continued to poke and prod at the issue, he found more laboratories but his report makes clear he did not receive early co-operation from a number of laboratories.

Deputy Alan Kelly: On 12 February, in a reply to a parliamentary question I tabled, the Minister stated he could confirm that Dr. Scally had indicated to him on 31 January that in the course of his work, he identified further laboratories. The Minister went on to state he was awaiting Dr. Scally's report, which was expected soon. The following day, at a meeting of the Committee on Health, when I asked the Secretary General of the Minister's Department when the report would be published, he replied it was imminent. I understood him to mean it would be the same week. It turned out Dr. Scally was in Dublin, for a meeting or something else, and he was at the Department, according to the Minister's diary, the following day - 14 February. I believe Mr. Jim Breslin, Secretary General, and that what he told me was correct, namely, that the report was imminent. If it was imminent, if the Minister believed on 12 February that it was coming soon, if on 13 February, the Secretary General believed that it was imminent, and if on 14 February, Dr. Scally was at the Department, what changed to make it four months? Was there some large revelation or did new information appear at that juncture?

Deputy Simon Harris: I do not have anything further to add. From my recollection, although I will check and revert to the Deputy tomorrow, Dr. Scally may have written to me to say he would take some more time. Certainly, as my reply to the Deputy's parliamentary question correctly stated, I met Dr. Scally on the same day I met the 221+ group at the Department. He updated me on his work in that regard and believed that his work would be finished imminently. My Department did not receive the report until 4 June and I was not briefed on the report by Dr. Scally until 7 June.

Deputy Alan Kelly: I will recap to be helpful. On 12 February, the Minister stated the report was due. On 13 February, the Secretary General said it was imminent. On 14 February, there was a meeting with Dr. Scally and, on 15 February, he wrote to the Minister with the updated timeline. That was the Minister's final meeting with Dr. Scally until the report was published, according to the Minister's records.

Deputy Simon Harris: Yes.

Deputy Alan Kelly: There were regular meetings until 14 February, after which there was a large gap until the report came in. Did Dr. Scally give the Minister any other versions of the report before it was published?

Deputy Simon Harris: No. While I am sticking to the advice of my official, I have no knowledge of any other version of the report.

Deputy Alan Kelly: I have raised the issue with the Minister on a number of occasions because I believe the Secretary General of the Department when he said the report was imminent. Obviously, something has changed that made it not imminent and we will have to get to the bottom of what that was.

On the Manchester laboratory, I asked Dr. Scally last week when he found out it was not accredited. He told me he would revert to me because he could not remember the date. What date was it?

Deputy Simon Harris: I do not have to hand the date of when Dr. Scally found that out.

Deputy Alan Kelly: The Minister might ask Dr. Scally. I have asked him but he has not reverted to me. I need to know what date he found out about the non-accreditation. I know the dates he found out about the four extra laboratories but I want to know when he found out that the Manchester laboratory was not accredited.

Deputy Simon Harris: I will certainly ask that. As the Deputy helpfully pointed out, Dr. Scally will appear before the health committee but I will certainly ask him-----

Deputy Alan Kelly: I have asked him.

Deputy Simon Harris: I will certainly ask Dr. Scally to provide the Deputy to provide him with that information.

Deputy Alan Kelly: I want some assurance from the Minister. Dr. Scally said it was surprising and disturbing that the Manchester laboratory was not accredited. I want to know when he found out, how the Irish National Accreditation Board, INAB, was informed, and who informed it, given that it inspected the laboratory on 17 April? The INAB gave a three-year retrospective accreditation without any baseline. On behalf of the more than 91,000 women, which is the figure for those affected between 2016 and 2018, although there have been more women since, will the Minister seek a clinical assurance statement from the HSE that it is okay that the Manchester laboratory was used for all the slides and that there is no issue? The laboratory was not accredited and had no baseline for accreditation. I know the history of how it was set up.

Deputy Simon Harris: Yes, I will certainly ask the HSE to do that. For the patient representatives, I asked that the HSE issue a statement in that regard. That was done but the Deputy is asking for a clinical view in that regard-----

Deputy Alan Kelly: A clinical statement.

Deputy Simon Harris: I will certainly ask for that. I do not mind saying the idea of a retrospective accreditation does not sit well with me. It sounds a bit like an oxymoron. Nevertheless, I am satisfied Dr. Scally was clear there was not a safety deficiency.

Deputy Alan Kelly: I will group my final questions. Were there any changes to the governance structure in the HSE in respect of the screening programme in the months leading up to the report, or changes to personnel? When will the audit begin again? When will the Minister issue the apology to which he committed? Will he consider instructing the HSE to examine potential breaches of contract to save the taxpayer money in ongoing court cases?

Deputy Simon Harris: On the governance structure, I am not aware of any changes but I will have to ask the director general of the HSE, which I undertake to do.

On the audit, my understanding is we will establish, as per Dr. Scally's report, a national screening committee later this year. It will interact with patients to decide how to audit appropriately, as opposed to what happened in this debacle.

On making an apology, I have done so directly to the 221 women. Nevertheless, I believe there needs to be a robust apology on behalf of the State. The Taoiseach is also very willing for that to happen and has indicated he wants to work with the patient representatives to determine how appropriately to do that. I had some initial contact with them today in that regard.

Deputy Alan Kelly: I had contact with them in the past hour.

Deputy Simon Harris: I would like it to happen and the representatives would like it to happen. I want it to happen in a manner that is acceptable and appropriate to them. I fully apologise as Minister for Health.

On the final question, I will certainly ask the HSE to examine breaches of contract.

Deputy Bríd Smith: The Minister indicated that the tests from Ireland will now be read twice. Will we pay twice? If they are read twice, will we pay double?

Deputy Simon Harris: I do not have access to that contractual information but whatever we pay will be to ensure there is an appropriate safety standard that meets Dr. Scally's standards.

Deputy Bríd Smith: Will the Minister find that out?

Deputy Simon Harris: Yes, I will.

Deputy Bríd Smith: I refer to whether the State will have to pay the laboratories time and again for certainty, to be sure to be sure.

Deputy Simon Harris: I will seek that answer for the Deputy.

Deputy Bríd Smith: In the case of the Morrissey judgment, will the Minister confirm that the award made to her will not be affected by the appeal the State is making against the judgment? There seems to be some confusion in that regard between the Minister and the Taoiseach.

Deputy Simon Harris: There is certainly no confusion between me and the Taoiseach. In fact, I welcome the opportunity to give an assurance on the record of the House. Yesterday, a letter of assurance issued from the Chief State Solicitor's office to Ms Morrissey's legal team. While I do not like discussing individuals and do not wish to cause them distress in any way, a legal assurance was given yesterday in a letter. I now give a political assurance, on the record of the House, to go alongside that. The award given by the High Court to Ms Morrissey will be honoured, irrespective of the outcome of an appeal.

Deputy Bríd Smith: I asked the Minister the following question earlier but he might be able to answer it now. For women to find the tribunal adequate, attractive or suitable, will he give them an assurance that if they make an application to the tribunal, and they then go through chemotherapy or other forms of therapy and enter respite, they can re-enter a case to the tribunal if their cancer recurs?

Deputy Simon Harris: I would like to be in a position to give that reassurance, although I cannot currently do so, simply because I do not have the legislation in front of me. We will debate the legislation next week on Second Stage, which will be followed by Committee Stage. I will work with the Deputy to try to provide that assurance. My initial gut reaction is that if the facts or circumstances change, it would be a new case or opportunity to explore.

Deputy Bríd Smith: It may be the same cancer, however.

Deputy Simon Harris: I will take on board the Deputy's comments, examine the legislation and revert to her.

Deputy Bríd Smith: It is very important and I request that the assurance be given to women. The Minister may believe that it is a different case but if the same cancer occurs as a consequence of what they faced, it is not a different issue and they should be able to return to the

tribunal. If the Minister cannot give that guarantee, will he agree with me there might be a lower uptake for the tribunal?

Deputy Simon Harris: I would not like to say anything that could in any way be accidentally misleading. I would like to look at the tribunal legislation, as drafted. It is only legislation and we will get a chance to debate it in the House and people can put forward amendments. I will revert to the Deputy directly on that. I take on board the point she is making. I want as many people as possible to see this as a viable alternative to the court process, and I hope many people will take up that opportunity.

Deputy Bríd Smith: On the 221 results and the laboratories from whence they came, can the Minister give me some idea when we will get the answer to that question? Is it coming from the Royal College of Obstetricians and Gynaecologists or in some other way?

Deputy Simon Harris: I said to Deputy Kelly that the audit would be re-established by the national screening service. In the interests of clarity, I should have said an internal expert group on cancers is looking at that. I want to correct the record in that regard.

In response to Deputy Bríd Smith, that has been done by clinical experts. I do not believe it has been done by the Royal College of Obstetricians and Gynaecologists, as it is a separate process. There is a draft report. The patient representatives have had an opportunity to see that, which is important. I expect it to be published in the next few weeks and I will make sure it is published before this House rises for the summer recess.

Deputy Bríd Smith: Will the Minister give us the answers to the questions before it is published or will its publication be our answer?

Deputy Simon Harris: I hope and expect its publication will answer the Deputies' questions.

Deputy Bríd Smith: On the repatriation of the service to Ireland, is it the Minister's intention to reopen on a significant scale training courses in universities and institutes of technology to train clinical laboratory technicians to meet what we hope will be a native-based service with full standards going forward?

Deputy Simon Harris: It is my intention, once the HSE and the CervicalCheck programme have done their work in regard to what a new laboratory in the Coombe Hospital would look like, that we will put in place the entire project plan to make that happen. That will obviously have a staffing element and we will have to provide training for such staff.

Deputy Catherine Connolly: In regard to the ongoing review by the Royal College of Obstetricians and Gynaecologists, the Minister said it is under way and ongoing. What is the completion date?

Deputy Simon Harris: My understanding is that the final date for taking part in the review by the Royal College of Obstetricians and Gynaecologists was 7 June. My understanding is that it is due to be completed by the autumn. While I do not have a specific date for completion, I would expect it to be by the month of September.

Deputy Catherine Connolly: Will it be published and available by the month of September?

Deputy Simon Harris: Not to be technical about it, the first thing we will be doing is making sure individual women are communicated with. I expect that is likely to happen in the month of September. My understanding is that the Royal College of Obstetricians and Gynaecologists also will produce a composite report, which will be published. The first thing will be appropriate disclosure, unlike what has happened in the past, to the women impacted. I expect that is likely to happen in the month of September.

Deputy Catherine Connolly: I ask the Minister to come back with more precise times. I presume there were terms of reference and there was a time for beginning and another time for completion. It is particularly important because this was a scoping exercise by Dr. Scally, with a supplementary scoping exercise and then the review by the Royal College of Obstetricians and Gynaecologists, all with a view to seeing whether we needed an inquiry. The Minister might recall that this was the purpose. We never decided on that because it has been an ongoing process.

Deputy Simon Harris: To be clear, it is the intention that disclosure will start taking place to individual women in early September and a group of stakeholders, including doctors, nurses and patient representatives, has already been put in place to prepare for that. In early September, disclosure to individual women will start.

Deputy Catherine Connolly: In regard to outsourcing, who makes the decision and how is it made? Which results are sent to which laboratories and from what part of the country? Is there any differentiation between public and private patients? Can the Minister clarify this?

Deputy Simon Harris: I do not believe there is. It is an operational matter for the HSE, although that is not to shirk the question. To be truthful, as we know only 10% of slides are read in the Coombe Hospital here in Ireland, and 90%-----

Deputy Catherine Connolly: I understand that. My question is, who makes the decision as to which laboratory the tests go?

Deputy Simon Harris: I will have to ask the HSE to provide that information.

Deputy Catherine Connolly: It is an important question. I would appreciate it if the Minister would come back to me to clarify how the decision is made and what differentiation there is.

In regard to outsourcing, and while I hope I am not misinterpreting him, I welcome the Minister's comments that he would like to see the service reinstated in Ireland and that he has been in consultation with the HSE in regard to doing that. Will he clarify that? What consultation has there been? What has the HSE been asked to do and what is the time span?

Deputy Simon Harris: My view is that the Coombe Hospital has an ability, subject to appropriate investment and expansion, to do an awful lot more. Particularly as we move to HPV testing, this will provide an opportunity to look at the entire configuration of our screening programme. The HSE has undertaken to look at what the creation of a national laboratory at the Coombe would look like and the resources and staffing that would be required. I expect that very shortly, certainly in the coming months, we will receive what one might call a project plan.

Deputy Catherine Connolly: That is reassuring. In regard to Dr. Scally accepting what Quest and the different companies told him, in regard to rumours that laboratories in Mexico

and India were used and bearing in mind he was reassured by the companies there were only a certain number of laboratories and it turned out that was incorrect, why has he taken their reassurance that no other laboratories were being used? I have a question as to how he can be reassured. It seems somewhat naive, I would think, after his experience in regard to what he was told and not told. It would seem there are other sources of information in regard to what laboratories were used because, from reading this report, it is clear that when a report comes back to the GP or consultant, it is written on it which laboratory was used, because that is the regulation in America. How many doctors have been consulted to look at their records to see what other laboratories, if any, have been used?

Deputy Simon Harris: That is a good question but I suggest it may be a question for Dr. Scally when he appears before the health committee. Although Deputy Connolly certainly did not say this, I do not believe Dr. Scally to be in any way naive. I believe him to be one of the most robust people we can possibly have to do this job. When he gets the bit between his teeth, he keeps on pursuing, and we saw that with the progress he has made. All I can take is his satisfaction that he got to the bottom of this in terms of the number of laboratories.

Deputy Catherine Connolly: I certainly do not want to be making a comment on Dr. Scally, who has produced a good report. However, I would not be taking reassurance. It seems to me he specifically set out that it was as a result of his persistence and that of his team, and their intense questioning, that more information came out. This begs the question that if he continues his intrusive, intensive questioning, more information might come out. When would that process start?

How many claims are there to date? What is the total cost to date of running the screening service? We were given a figure in the Committee of Public Accounts but, given the payments and given the fact quality assurance involves teams travelling, presumably, to Honolulu and Orlando and to those laboratories that are still functioning, what is the cost of the service at the moment and what is the likely cost as we move on?

Deputy Simon Harris: We do not have an accurate number for the Deputy in regard to the number of current claims but we can certainly get that to her tomorrow as it is readily available.

I might provide her with another figure which she did not ask for but which I know she will be interested in, namely, what is the backlog today in terms of the number of women waiting for their smears. The Deputy will remember that was up at over 80,000. As the latest figure given to me today is 49,130, I expect that backlog to be cleared by the end of the summer. It might be useful to put that on the record of the House.

I will come back to the Deputy tomorrow with a direct number in regard to claims. I believe it is above 90 but I do not wish to put a figure that is wrong on the record of the House.

Gaming and Lotteries (Amendment) Bill 2019 [Seanad]: Second Stage (Resumed)

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

Deputy Jim O’Callaghan: I thought I would be sharing time but I am not sure that will apply. However, I probably will not take up my full speaking time. I welcome that this legislation is being introduced and debated on Second Stage. The Minister of State, Deputy Stanton,

and the House will be aware that for many years Fianna Fáil has been calling for legislation to regulate gambling. Unfortunately, the legislation before the House is not the type of legislation we want to see enacted. We believe there is need for much more thorough control and regulation of gambling. Regrettably, the legislation before us deals only with very small aspects of the issues concerning gambling that are problematic in this country. Notwithstanding this, Fianna Fáil will be supporting this legislation but we will be tabling amendments to it on Committee Stage, which we believe will improve the legislation. Hopefully, we will be able to have legislation enacted that will have the effect of increasing regulation in this industry which plays such a prominent part in Irish life and also, regrettably, creates so many problems for people in Irish society.

We spend a lot of our time in this Oireachtas enacting laws that seek to regulate the behaviour of individuals, be it laws that seek to restrict the speed at which people travel in motor vehicles, the amount of alcohol they consume if driving a car, the regulation of the sale of alcohol or the regulation of professions. We have a vast amount of legislation on or Statute Book dealing with the regulation of human behaviour. Where that regulation is most intrusive is when the State believes there are activities that are taking place which if left unregulated will inflict considerable damage on members of society. It is surprising that we have not regulated gambling in any great detail in this country. The legislation deals with the amendment of gambling legislation enacted in the 1950s. This shows that all of us have failed in our tasks to ensure there is a proper system of regulation in place. In fairness to the former Minister for Justice and Equality, Alan Shatter, he did introduce legislation in 2013 on which there were significant hearings on Committee Stage but, unfortunately, it was not enacted. That legislation appears to have stalled. There was also a significant delay in any further steps being taken to bring forth new legislation until recent times. I welcome that the Minister of State, Deputy Stanton, who has displayed a considerable commitment to regulation of gambling, is here and leading this debate on behalf of the Government. I believe that unless there is a Minister in government who is committed to changing the law in this area and to ensuring there is proper regulation of gambling, it will not happen. I hope the Minister of State, Deputy Stanton, is the Minister who will drive this on and that ultimately we will have thorough regulation of gambling.

Gambling is a broad business. There are many of us who like to gamble on horses, sporting events and so on. Many of us are able to do that without inflicting any serious social harm upon us. Unfortunately, however, that is not the full story. The gambling industry likes to portray the business as being one where people can voluntarily participate in fun activity in the hope that they win a good amount of money and the only downside is that they will lose small amounts of money. Unfortunately, we all know in this House that is not the case. There are many people who have significant problems with gambling. This happens throughout the country. We know from research done in UCD that over 40,000 people in Ireland are known to have a gambling addiction, with single men under 35 most at risk. We know also that Ireland has the third highest *per capita* rate of gambling losses in the world. Where young men and women, in particular young men, are losing a lot of money on bets and on their gambling addiction that is a problem for society and we have to respond to it.

We all know people who had gambling problems years ago. The format of gambling has now changed because of the Internet. Years ago a man with a gambling problem would walk into a bookies and the worst that would happen is that he would spend all the money in his pockets for that day. Unfortunately, the threats and downsides of gambling are now much more considerable. Young people and middle aged people are gambling online. They are given

credit by bookies. They are able to bet amounts of money that they cannot afford. I would have thought the basic principle of gambling to be that one does not gamble an amount of money that one cannot afford to lose or would put one into gambling debt. We know that gambling is an addiction and that, unfortunately, many people bet large amounts of money which they simply cannot afford to pay. We have all heard tragic stories about people who have got involved in debts from gambling. This creates a spiral for them in that they have to try to get money from elsewhere. It gives rise to other addictive problems and it can also give rise to crime. We need to recognise that there is an urgency on Members of the Oireachtas to ensure that following the enactment of this legislation we put in place much more thorough gambling legislation.

We need a gambling control office. We need a regulatory office that can regulate the gambling profession. We need an office that is able to put in place statutory protections, guided by by-laws created by the regulator, that will have the effect of protecting people from themselves when it comes to their gambling addiction. We need to ensure that the business funds this office. Nobody in this House has an objection to businesses prospering and making profits but let us be clear about where the profits from gambling companies come. They come from, in the main, people who do not have that much money, who are gambling in the hope that should they win the bet their financial circumstances will be transformed for the better. We all know that in the vast majority of cases this does not happen and the effect of gambling is that it disimproves their financial position.

This legislation is welcome because it seeks to modernise the permit and licensing regime for local gaming and lottery activities. I note, however, it also seeks to increase the archaic stakes and prize limits for licensed gaming activities and machines. It is important that those limits be increased but there needs to be some protections for the people who are now going to be able to go into these premises and bet much more money. This is an area Fianna Fáil will be covering in our Committee Stage amendments. I am conscious as well that this legislation will standardise the age limit for participating in all activities under the Gaming and Lotteries Act and for betting with the tote at 18 years of age. It is extremely important that we try to protect children from the dangers of gambling. We all know the dangers that exist online for children in a wide variety of areas. In the area of gambling, we have to ensure that children do not get involved in the habit of gambling online at an early age.

I am conscious that the Minister of State will want to get this legislation enacted but he will, no doubt, accept that this is not the full answer to the problem of gambling in Ireland. There is a responsibility on all of us in this House to ensure that we put in place in the near future a statutory framework that will provide greater regulation and protection for individuals who have gambling addictions. On many occasions I have met people who have come to the Houses on behalf of different elements of the gambling industry. In fairness to them all, they all say they welcome the prospect of regulation. They say they want regulation. Around the world in other countries there is regulation. I suspect Ireland is being targeted because of its lack of regulation and because we appear to have a problem in terms of the number of people here with a gambling addiction.

Fianna Fáil will be supportive of the legislation but we will be tabling amendments on Committee Stage. I am sure the Minister of State will appreciate that there is much more to be done in respect of this issue. We cannot really say that as an Oireachtas we are protecting the public and advancing the public interest until such time as we have in place legislation that provides for a gambling regulator and protects all people from the dangers associated with the gambling industry.

Deputy Margaret Murphy O'Mahony: Gambling addiction - I stress the word “addiction”, not just regular gambling - has become a silent blight on modern Ireland. I do not think there is a town in the country that has not been adversely affected by this awful habit. That is a fact. However, the Government continues to stand idly by and allow this epidemic to spiral out of control. This is despite a Fianna Fáil options paper being published as far back as 2010. Instead of considering this paper, the Minister has opted to redraft the Bill which essentially will negate years of work that could just as easily be amended and agreed to. All the while, families are being destroyed as a result of gambling addiction. The figures are stark to the point of being frightening. There are towns and villages in west Cork that are devoid of a post office, a Garda station and other facilities. However, one can be sure there are facilities available for gambling. It has become all too easy and accessible. A sum of €5 billion was gambled in Ireland in 2016. Some 40,000 people in Ireland are recognised as gambling addicts, of whom 800 have sought help for their addiction. What about the others?

Further procrastination at this juncture is reckless. If we are to have any chance of reducing these figures, we have to act now. With online gambling having burst onto the scene in recent years, it is imperative that there be a system in place to curb the effects of the convenience of engaging in this form of gambling. We need to be in a position and have a system in place to help the people affected and their families. Behind every addict lie a family. Levies derived from the gambling industry need to be ring-fenced to pay for this. In short, we need regulation now. We acknowledge that the Government has agreed to the introduction of a gambling regulator, but it needs to be expedited.

Deputy Eamon Scanlon: I want to make a few comments on what is happening with gambling. I am not somebody who gambles. I might play cards, but I do not back horses. I recently had to go into a bookmaker's office to see somebody and could not believe what I was looking at. There were approximately 20 televisions on all the time. There was racing being shown from all over the world of dogs and horses, as well as football matches. I know that there are people who like to take a punt, go for “Lucky 15s” and so on. I hear about these things and sometimes they are lucky and sometimes not. There are certainly people gambling today who cannot afford to gamble, as we all realise. There should be help available to support them. I am aware of cases where families have been wiped out because of a member of the family gambling, especially online. I have seen families destroyed and businesses people had worked extremely hard to build up wiped out practically overnight because it was too late when the other spouse heard about it. The damage was done. It had gone too far. The banks moved in and the business was taken. I have noticed that happening.

One sees advertisements advising people to stop gambling when the fun stops. That is the greatest joke because that is not happening and will not happen. There should definitely be some responsibility placed on the industry. One hears of cases where an individual has gambled hundreds of thousands and is then in court. We see such people on television and hear them on radio, but we do not hear about the other cases. People have gambled hundreds of thousands and nobody shouted “Stop”. I am sure the industry must be aware that when a particular person has a tendency to gamble €1,000 a week, nobody can afford it. I do not care what salary a person is on since nobody can afford it, but there does not seem to be any system in place to spot this and do something to try to stop it, or at least to identify and report a particular bookmaker's office where a person is spending that amount of money to deal with and resolve the issue before it is too late. That is not happening. As far as I can see, there is no regulation in place or nobody within the industry cares how many families are destroyed, businesses are lost or about the

hardship caused for many families.

I welcome whatever can be done. I understand online gambling transactions will be taxed because I do not think there is any tax derived from the industry. Perhaps there might be greater regulation. It is important that responsibility be put on the industry. While I know that people can go into a different bookmaker's office even if there was a weekly limit of a certain amount, the industry is smart enough, if there is a trend in a specific area, to know that there is a problem which should be identified and a person helped.

Deputy Donnchadh Ó Laoghaire: I welcome the Bill which I am aware is an interim measure as the Government intends, I hope, to bring forward much more fundamental legislation to regulate gambling. That is what is needed and what has been long promised. The gambling control Bill was drafted by then Minister, Alan Shatter, in 2013. The ongoing delay is very disappointing. Almost six years later, Private Members' legislation has been tabled and there is no end in sight, despite repeated promises being made by a number of Ministers. I accept that the Minister of State has an interest in the issue, but I am afraid progress is very slow.

In this legislation the placing of caps of €10 and €750 on stakes is welcome. I am aware that the Bill allows the Minister of State to amend these limits in the future. I hope it will be downwards rather than upwards. It is an important flexibility granted by the Bill and I hope it is one the Minister will use wisely. It is also important that the Minister engage regularly with those dealing with the consequences of problem gambling to see if the limits are having the desired effect and they should be subject to frequent review.

The fact that the Bill seeks to amend legislation dating from 1956 shows how little legislation has been introduced in this area during the years and how badly it is needed. The world of gambling has moved on dramatically in the last five years, never mind the last 65. There have been many iterations of change and development in that time, but it is an area that is developing more rapidly as time passes. Gambling has always been a problem and has always been with us, but online gambling has meant that it has become more hidden, pernicious, easier and affects a much larger category of people. The legislation that was required in 1956 compared to what is required in 2019 is worlds apart and as legislators we have much more to do in that regard.

We had the scheme of a Bill in the gambling control Bill in 2013. There were years of engagement with relevant bodies in the sector, with the report of the working group, but I was not entirely certain from the comments of the Minister of State in the Seanad in February in responding to a Private Members' motion whether the Government had accepted entirely the need for an independent, self-financing regulator-----

Deputy David Stanton: Yes.

Deputy Donnchadh Ó Laoghaire: I am glad to hear that. The Minister of State might develop the point.

When the Bill is eventually brought before the Oireachtas, we will have to remember that it will primarily be to prevent harmful gambling and regulate the many people who enjoy gambling safely. Many people gamble responsibly and there is no proposal to ban gambling. There are people involved in the gambling industry who have in the absence of legislation followed codes of conduct on age limits. However, we cannot rely on people. Codes of conduct often fall significantly short when relying on people's goodwill and voluntary actions, and that rarely

has the desired effect. There must be a lot more than that. I refer to firm, robust legislation and regulation.

There is a deficit of data and information. There has been some criticism of the statistics recently released by the HSE, which are to some extent at variance with the manner in which data were collected in other jurisdictions. That is important because accurate data are required to act as a basis for policy formation so that we have a clear picture of the situation. As I understand it, the criteria used to assess and identify the scale of problem gambling were different from those used in similar surveys in the North of Ireland and by the British Gambling Commission. We had a discussion on data collation and its uses by companies at a meeting of the Oireachtas Joint Committee on Justice and Equality a few weeks ago. I accept the HSE and its ability to collect data is not the responsibility of the Minister of State, Deputy Stanton, but a whole-of-Government approach is required to tackle the issue. In addition to gambling legislation we must consider how we tackle problem gambling.

Many companies appear to be very good at figuring out who are profitable gamblers. They quickly identify somebody who has a chain of three or four winners in which they have been very accurate at beating the odds. I do not wish to make folk heroes of any of those people. They are just people who are gambling and it is not as if they are people to be admired. All the forums are very skilled at identifying people, but they are not as skilled at identifying people who are losing. I sense that the companies have a lot more data than we realise and they could be doing a lot more with the information they have to tackle problem gamblers. We have all read stories about people who have had big problems such as Tony O'Reilly who managed to avoid betting for a while at the time of his wedding and then he got sucked into it and tried to bet on the Derby to make up what he had lost, which he did, but I am sure there were countless times that he did not and ultimately he did not. There are many similar stories. If the companies can do more about it they should.

The recent meeting to which I referred was attended by Dr. Crystal Fulton, associate professor at the school of information and communication studies at University College Dublin. She conducted research in the field of problem gambling. In her opening statement she said:

Participants described harmful gambling as having a profound, life-changing impact on them, whether gamblers or their families and friends. Significantly, they believed the Government could, and should, act to protect them and those at future risk of a gambling problem.

While I again acknowledge the good intentions behind the Bill and the fact that it is a good Bill, it is not comprehensive enough and a much broader Bill such as the 2013 Bill is required.

A point I raised previously is that an all-Ireland approach to problem gambling is also important. I recently launched an all-island policy document on problem gambling with Ms Si-néad Ennis, MLA, our spokesperson on the issue in the North. I also acknowledge the work done by Ms Lynn Boylan on this subject at a European level. I am not sure whether we sent a copy of that policy document to the Minister but, if not, I will make sure it is sent to him. Two separate gambling prevalence surveys carried out in the North produced similar results, identifying a problem gambling rate of more than 2%, which is significant although it might not sound like much. I imagine the figure here is similar even if that is not apparent from the HSE data. We need a dedicated problem gambling survey which can withstand a straight comparison with the North, Scotland, Wales, England and other comparable jurisdictions. The HSE data

are nearly five years old and the picture could well have changed since then. From what we do know, the South has the highest online gambling losses in the world *per capita* and the third highest gambling losses overall *per capita*. The scale of the problem we face is significant and perhaps growing.

On Committee Stage, I intend to introduce an amendment calling for a report on some of those issues to be done within three months. The Bill is welcome. I accept the Minister of State is committed to this area but we are all waiting for the big one and that needs to come. We need to see the detail of it and we need to have it brought before the Dáil and the committee. I hope that will happen soon.

Deputy Alan Kelly: I will be very brief as I had not intended speaking on the Bill but circumstances changed and it is an area in which I have much interest. I wish to make a few points. I welcome the Bill. The Minister of State, Deputy Stanton, is a resourceful Minister and I wish he had more time because we need to do a lot more. I welcome the caps and all the other measures the Bill contains but we need to do a lot more. The Minister of State is probably working within a restricted time limit and he is trying to get the Bill passed. We will support the Bill but we have a serious problem in the form of mobile phones. Mobile phone betting in this country is at a crisis. I have seen it. I know of so many cases. I am sorry to have to say it but we have a situation where some of the companies are predators.

The previous speaker made some excellent contributions and I echo them. I know people who work for some of those companies and the data profiling is absolute. When they profile, if they come across someone who has a problem they do not ask him or her to stop or whatever the slogan is. “When the fun stops, stop.” They offer people free bets to make sure they can wind people in again. I am sorry, but that practice must be outlawed. We must have controls on this form of gambling but also the medium by which it is done. It is so easy. Late at night people with alcohol or other substances in their system make very bad decisions. They spend thousands. I have seen it done with my own eyes by people who could not afford to spend even a tenner not to mind €500 on a bet on something happening on the television in front of them inside a pub. This is a real epidemic and a serious issue.

What is of most concern to me is the age profile. People aged under 18 can get away with it by going around corners in terms of getting access to accounts. It is not good enough either even if the person is aged over 18. What 18 year old, or even someone who is a bit older, has access to a credit card and can go online and spend hundreds on bets? We have a real problem in this country. The socialisation of young people into gambling has become so easy. It is very different from when I or any other Member grew up when we went physically into a betting shop and we saw the fiver or tenner or whatever amount we were putting over the counter. We saw it was real money. Now it does not seem like real money. It is coming off a credit card or similar and in some cases they are not even real bets because it is virtual this, virtual that and virtual the other where the odds are set by the owner of the company and the games are set up in such a way that they will be profitable. Nobody knows the algorithms used for them. Nobody knows the capacity to win or not.

This is serious territory where the country must get in control and do so very quickly as to how one can bet online, the use of various media such as mobile phones and all forms of mobile devices, the scale of bets allowable, the way data are being mined to pull in people who have trouble gambling, and the way data are being mined and used against those who are successful the odd time when it is used the opposite way then. I know of cases where people have been

restricted on bets in certain classifications of matches, for example, because they are quite good at it. If they were bad at it, they would be let bet away. It works one way in one case and the other way in another scenario. We need an independent gambling regulator. Data mining must be taken away from the companies or at least done in conjunction with the regulator. I do not believe the process by which data mining is done or managed can be left with the companies.

9 o'clock

There must be restrictions on the amount one can spend. Time limits and ways in which people can be stopped who have gone over a set amount in a set period are needed. Companies that do not adhere to the rules must be penalised. It must be independently audited at all times. At present, these companies are having a cakewalk with vulnerable people. I am not referring to the ordinary person who does not have a problem and makes a bet every now and again, as I do, but the many people whose lives, families and careers have been devastated. It is happening before our eyes. When there is the ease of access that currently exists, that will continue. I ask the Minister to increase the stakes on this, if he will pardon the pun, because we must deal with it.

The idea that somebody who has lost thousands of euro in their account and has tried to give up gambling can be inundated with emails and messages offering him or her free bets of €50 is immoral. This must be outlawed. Companies cannot be allowed to do that. There is also the practice of offering different odds to different people at the same time, based on the requirement to pull somebody back into gambling.

I have some final questions. There has been no legislation in this area since 1956. I am not sure what is legal and illegal anymore with regard to casinos and slot machines. It is a strange question, but what is legal and what is illegal? Where can slot machines be located and how can they be utilised? The legislation is so old it is not fit for purpose, so how is it interpreted by the State? That is the first issue. Casinos with card tables and so forth are other institutions that seem to be popping up, disappearing and popping up again. What is their status? What is and is not allowed under the current legislation? I have serious doubts that some of the practices taking place not a million miles from here and in other parts of the country are legal. I would prefer the Department to examine that and make some form of statement or validation as regards their current status. The powers-that-be who must regulate and inspect this area would need that authority from the Department. To be fair to them, I am not sure if they know or are sure about it themselves. They need that guidance from the Department.

Deputy Maureen O'Sullivan: I am sharing time with Deputy Pringle.

I acknowledge the active engagement of the Minister of State on the issue of gambling and I am aware of the many individuals and groups he has met in that capacity. There is frustration at the slowness of the process to update the legislation and make it relevant to the reality of gambling and take it further. The Bill before us is in the context of the outdated legislation comprising the Betting Act 1931 and the Gaming and Lotteries Act 1956, which I have discussed previously in the House. They have been virtually unenforceable and they are particularly outdated because they do not take account of the massive shift in gambling to online and mobile platforms. As the Minister of State said, the Bill attempts to address certain deficiencies. While that is welcome, unfortunately, it is an interim measure while we await the comprehensive reform of the revised gambling control Bill. Consequently, a great deal more is left to be done. The Minister of State said it would be 2020 at the earliest, which is disappointing.

In the meantime, the problems continue. We are aware of the nightmare of gambling addiction. It is rightly known as the silent addiction. It is also the addiction that may never stop. Unlike with drugs and alcohol where a person will get to a point where his or her body just cannot take any more, there is no end point for the gambler. That is particularly so now when online gambling is available 24-7 for 365 days of the year. There is gap in Ireland when it comes to research on gambling. We are relying on limited research and surveys and anecdotal evidence of what is happening. It was positive to hear today, therefore, from the new organisation Gambling Awareness Trust that it will be involved in funding research, which it has started with Maynooth University. I presume that will tie in with the next Bill.

We have had to change our perception of addiction over many years. The original stereotype of the alcoholic was the person, generally a man, lying in the gutter, literally and metaphorically. However, we know that alcoholism is not confined to men, nor is it confined to a particular social class. Likewise with drugs, the stereotype, as we know in the north inner city, was the heroin addict who was injecting. Now, there is a wide range of drug addictions. There are tablets, both prescribed and unprescribed, weed of varying strengths, cocaine and crack cocaine. The list is endless. We also know that people are addicted to polydrug use, including alcohol. However, we are failing to get the message across to the so-called recreational drug users, who are looking forward to their coke or whatever at the weekend, that it is the same dealers who are creating the violence, mayhem and intimidation with the other drugs. Gambling sometimes, but not always, can be linked to other drugs. People who are drinking or using drugs can also get caught up in gambling.

The common denominator with all addictions is that the person does not set out to be an addict, whether it is to drugs, gambling or alcohol. The person is convinced he or she will stay in control and will not get addicted, but he or she does. What will this Bill achieve for the person with a gambling problem or addiction? Sadly, while it is helpful and welcome, it will not do much. The Minister of State outlined the amendments in his contribution. There is much in the Bill for promoters and local fundraising, ensuring the permit and licensing process is clear for promoters. We are all aware of how necessary local fundraising efforts are. One positive is the age limit of 18 years, but implementing it is the issue. Just as people under 18 years old get adults to buy alcohol for them in off-licences and supermarkets, it is also likely that gamblers aged under 18 will find a way around it.

The bottom line with underage drinking and underage gambling is drugs awareness and education is key. The education and awareness must involve capacity building among young people so they are aware of what they are getting into. They become aware of the dangers and the consequences, then they are able to make an informed decision in their best interests. That must be addressed so that legislation, plans and so forth are not always reactive but can be preventative. We have initiated some good programmes in the schools. A pilot programme on capacity building awareness has been running in a school in the north inner city and it has received quite a good independent evaluation. It has been focusing on alcohol and drugs, but we know gambling is part of that. We hope it will take in gambling as well. We also know that there is a group of people in our new communities who are very much involved in gambling. They are particularly known for it.

The Bill has a clear matrix on the allocation of prizes, beneficiaries, promoter expenses and the maximum allowable stake and prize amounts. The District Court may attach certificate conditions limiting hours of gaming and restricting the types of gaming. However, if a person is addicted to gambling, he or she will find something to gamble on. The bigger issue, again, is

the addiction. We know the extent of the problem, the devastation and the losses. There have been high profile cases in recent years and one must acknowledge the bravery and honesty of those addicted to gambling who speak out. It has been the hidden and silent addiction until now. Section 7 inserts a new section 19A, which provides for the Revenue Commissioners to establish and maintain a register of gaming licences accessible online. That is a mammoth task when one thinks of how one can control online gambling.

Under sections 15 and 17, gaming instruments are now extended to gaming machines. There is a major issue in pubs and other licensed premises. I am not sure where they come under this legislation, if anywhere. There are also gaming machines on the ferries between Ireland and England and Ireland and France. Who regulates them? Section 26 refers to revoking and refusing certificates of personal fitness when seeking licensing as a bookmaker. It is ironic that this is happening at a time small, family run bookmakers are closing or being taken over by the major companies. The local bookmaker has a much better awareness of the people who have a problem. I am not saying such bookmakers would necessarily address it but they certainly have better awareness of it.

It is a pity that this Bill is an interim measure and is limited in its scope. However, as the Minister of State has said, it is at least doing something with the outdated legislation. He is quite right in saying that this is a health issue but it is also a justice issue because we have seen the way in which the gaming industry has been used fraudulently to launder money, which is a major issue. I agree with the Minister of State's assertion that it is a complex matter. This Bill is just a start and I look forward, if I am still here in 2020, to the next stage.

Deputy Thomas Pringle: As other Members have spoken very well about the online gambling issue, I will not speak about it in the context of this Bill, although it is a big issue that is becoming an increasing problem that must be tackled. Unfortunately, I do not see any moves to deal with it. Gambling and not dealing with it has been an issue in this country for donkey's years. When I was growing up as a teenager in Killybegs, I was in arcades that never had gaming licences. One could gamble as much as one wanted. One could lose a week's wages in half an hour in arcades. I grew up in such arcades because there was nowhere else for young people in Killybegs to go. Unfortunately, I am not talking about today or yesterday but gambling has always been an issue in this country and has never been tackled. Maybe this Bill will go some way towards dealing with it but sometimes I wonder.

On 12 March this year, a proposal to adopt Part III of the Gaming and Lotteries Act 1956 for the whole of the Inishowen and Letterkenny municipal districts was rushed through. It is interesting that the rush to get that through in Donegal was due to the fact that this legislation was coming and that other changes are being proposed by the Dáil. The proposal was passed by five votes to four in Inishowen and by six votes to three in Letterkenny. Unfortunately, a lot of Fianna Fáil and Fine Gael members voted in favour of the legalisation of gaming machines in those electoral areas in Donegal. Gaming machines have now been legalised across north Donegal. The move invoked the original 1956 Act, not used in many parts of the country, and comes at a time when concern about the impact that the largely unregulated industry of gaming is having on families and communities is growing. Under the current laws, the Government has no role or responsibility in relation to the licensing or regulation of gaming machines. Under Part III of the Gaming and Lotteries Act, it is left up to local authorities, district courts and the Revenue Commissioners to decide whether to grant a gaming licence. There was strong lobbying on the part of private businesses in Donegal. It is understood that approximately 85 submissions were received, the majority of them in favour of the proposal. At a meeting late last year, business

owners operating arcades, which include two in Bridgend, one in Muff, two in Buncrana and a number in Letterkenny, urged councillors to adopt Part III of the Act. They said that if Part III was not adopted, they would not be able to obtain gaming licences and Revenue, which had already seized machines, would continue with enforcement. They further said that this would lead to the closure of arcades with the loss of almost 130 jobs. They also said that over 90% of their trade is cross-Border, which makes it okay, and that their businesses should be protected.

While close attention was paid to private businesses, there was very little communication with the public about this proposal. There were claims that not enough time had been given for the receipt of submissions from the public and questions were raised as to whether the process was properly advertised. A petition was signed by 150 local people but obviously was ignored by the councillors. The petition stated that at a time when other countries are progressively acting to restrict the harmful effects of slot machines, the adoption of the Act would be a regressive step, increasing the potential for gambling addiction in Donegal. It also stated that gambling addiction is the most hidden and corrosive addiction and the hardest to treat, which is certainly true. To put that into context, the HSE has treated 800 people for gambling addiction over the past three years and yet the Irish gambling market is estimated to be worth up to €8 billion annually. That is a lot of gambling by 800 people. The argument on behalf of the gambling sector that jobs are at stake and arcades would have to close down is not solid, as clearly business is thriving in an unregulated way. It is suspicious that councillors would rush to approve Part III for the whole of the Inishowen and Letterkenny municipal districts in time before this and other gambling reform Bills get through the Oireachtas. The councillors in question, the majority of them from Fianna Fáil, definitely absorbed the industry's fears around the changing nature of gambling in Ireland, which is increasingly migrating to online platforms where it is completely unregulated. I understand this will be addressed under the proposed gambling control Bill but that has not seen the light of day since 2013 when it was first mooted.

Now we have a situation where, in light of the regulatory vacuum, local authorities are making use of their liberties while they still have them. Councillors are also aware of potential changes arising from this and other Bills that would eventually curb the powers of local authorities when it comes to gaming in the future. While this Bill is an opportunity, it has failed to address the arbitrary nature of local authorities' role in enacting Part III of the principal Act, which is not supported by any policy framework to guide local councillors in how best to represent their constituents on the issue of gaming and gambling. The arbitrary nature of local powers has meant large-scale circumvention of the current law to date.

While the amendments proposed in this Bill do not do away with the powers of local authorities under Part III, the expanded power proposed in section 4 could lead to a diminished role for local authorities in regulating gaming in the future. This leads me to my next issue with this Bill, which is section 4. This section is hugely problematic as it includes for the first time the involvement and expansion of powers of Garda superintendents, who will now have the authority to grant licences for gambling and gaming. How can this be the case when according to the industry's own sources, there are up to 40,000 gaming machines in operation across the country but Revenue only issued 11,846 gaming machine licences last year? There are lots of unlicensed gambling machines out there about which the Garda already knows. Clearly, members of the Garda are not enforcing existing legislation, which raises a number of questions. I would question whether they are actually the right people to be enforcing this legislation. They have enough to do as it is and we seem to be constantly pushing more onto them. Also in question is the legitimacy of members of the Garda as the issuers of licences to premises, which they

have not been checking on in the first place. This provision will also politicise superintendents and make them targets for lobbying by private industry. We have seen that private industry is very good at such lobbying, particularly in the case of Donegal and some political parties. This provision has not been clearly thought through because not only will superintendents have free rein to grant licences in their locality, there is no one to monitor whether the licences are being issued in accordance with the law. It is for these reasons that I have grave difficulties with this Bill and I doubt that I will be in a position to support it.

Deputy Mattie McGrath: I am happy to speak on the Gaming and Lotteries (Amendment) Bill 2019. I absolutely accept that we urgently need to address the expanding problem of gambling addiction, and specifically online gambling addiction, that is such a plague for so many families in our country. People can gamble day and night, at work, in their bedrooms and kitchens and anywhere they wish. In the past, people had to go to casinos to play on slot machines or to betting offices to place bets but now they can gamble in the privacy and secrecy of their own homes or at their workplace. The level of availability and the ability to gamble huge sums of money secretly, quietly and within seconds is a matter of enormous concern.

I wish to salute the work carried out by the Aiséirí centre in Cahir and by Sr. Eileen, its founder. It is related to the Aislinn centre in Ballyragget, County Kilkenny, which was also the brainchild of Sr. Eileen Fahey. Sr. Veronica Mangan led the charge there and I was involved in fundraising and attended steering committee meetings to set up the centre for adolescents almost 20 years ago. Any time I meet them, I inquire about how the centre is going. At the time it was set up, the aim was to provide for 15 to 18 year olds. Now the centre is dealing with problems in children who are only ten or 11 years old or even younger. It is a shocking indictment of our society. Aiséirí is a wonderful facility and many people have recovered there, thanks to Sr. Eileen and her team, including board members and volunteers. The Aislinn Centre was set up to deal with that cohort of young people and they are getting younger and younger with each passing year. That is very sad. We need a serious examination of what has gone wrong and why there is such a proliferation of gambling. This legislation does not deal adequately with that. The Aislinn Centre and Aiséirí have done so much to restore people on their journey into recovery from addictions of all kinds, and there are many. My wife often says that politics is a form of addiction not yet classified by the World Health Organization. She could be right because it certainly is. She said it was bad enough to have one member of the family involved in politics but our daughter has gone into politics and has got elected to the county council. My wife said we were not taking the medication. While I am being jocose about that I do not mean to be jocose or flippant about the legislation and the problem we are discussing.

My good wife is a qualified psychiatric nurse. There are many types of addictions, all kinds of traumatic, desperate, sad and tragic situations. While there might be alcohol or drug addictions, the gambling addiction happens quietly, succinctly and behind closed doors, or not even behind them perhaps in a family setting where a wife or partner, or a husband, did not realise or have any understanding of the extent of his or her partner's gambling addiction.

Statistics and information from *Spunout.ie* reveal there is believed to be 40,000 people in Ireland who have a gambling addiction. I would say those figures are modest, not accurate or up to date. In addition to those statistics, more than €5 billion a year is gambled. We talk about the onset of Brexit, the difficulties it will pose for us and the money that will be needed to deal with the climate change. The gambling of €5 billion a year works out at €10,000 per minute every day. That is according to those official figures. I believe the amount gambled is far more because a great deal of it takes place under the radar and behind closed doors in bedrooms,

workplaces or elsewhere. That amount might be only the tip of the iceberg. Approximately €10,000 per minute is gambled every day and there are 60 minutes in the hour. It is mind-boggling. It has been also found that Ireland has the third highest *per capita* rating in the world for losses in gambling. That is a staggering figure. We were known as the island of saint and scholars and the island of a hundred thousand welcomes, *céad míle fáilte*, but now Ireland is to be recognised worldwide as having the third highest *per capita* rating in the world for losses in gambling, so someone is making money somewhere.

Last year Ireland's losses from gambling totalled up to be more than €2.1 billion. If we add to that the €5 billion a year that is gambled, the amount involved is staggering, shocking and one would gasp in disbelief at those figures. That is what is recognised and put down on paper. It is a guesstimate as to the losses involved but I believe the amount to much more.

The most popular method of gambling is online with almost half of gambling losses coming from it, while the second most popular method of gambling is traditional betting. For all its faults, I remember when we would have been setting the spuds in springtime the Grand National would have been on while we would be having the tea and one of us might have got a chance to cycle a bike to a betting office to place a bet on a horse in that race, whether it be the Grand National here or in Aintree. People did simple things like that but now young and old people have a device in their hands, the mobile phone, and they can simply press a button and their bet is taken. People do not have to go to any great effort or consideration to do that. If one is feeling down or depressed and has lost a lot of money, one has great hope that the next bet might come right. It is like the slot machines. I often played them as a *buachaill óg* in Bray or in Youghal, the Minister of State's town, in Ardmore or other places. We would have gone to those places only once a year and we would have given the machine a shake, and knocked in the coins but *sin scéal eile*. That was simplistic and it was addictive but now people have a deadly tool, their mobile phones. I am always lamenting the lack of broadband but we may have been lucky. Some families may be lucky and have been spared by the fact that broadband does not extend into their homes and that it is not able to be used to wipe out a livelihood, a mortgage and all that has gone into the building up of a family home.

Gambling is easily accessible, especially when Ireland has approximately 1,100 bookmaker shops, 19 private members clubs-casinos, 122 licensed gaming arcades and more than 10,000 gaming machines. I am sure those figures have come from the Library and Research Service or from other statistics. I believe those figures to be far greater. Those are the figures that are registered and that are meant to be legal. I am concerned about all the underhand operations. We see young lads and girls aged 14, 15 or 16 going out playing Gaelic football, hurling or *peil na mban*, bets are being placed on each other as to who gets the first score and the wining of games. That is frightening, shocking and devastating. It is time we woke up and smelled the coffee and see what is going on.

It is sad to see in towns such as my own town of Clonmel, Tipperary town, Carrick on Suir, Nenagh, Roscrea, Templemore, Cahir and all the others a proliferation of shops closing and then new premises being painted and decorated only to discover that they are betting offices. They are often located adjacent to a public bar. It is serious matter.

As Minister Stanton said in his report in March of this year, devising and implementing a modern licensing and regulatory regime for the Irish gambling industry presents this State with a significant challenge. I fully concur with those words. It is not a significant but a massive challenge of a scale of which we have no understanding. When people have mobiles phones

- children want to buy them with their first communion money, although this comes down to parental control - they can get such impulsive and lucrative offers and then they can get into all kinds of trouble. The Minister of State correctly noted that the industry is large, growing and evolving from a largely land-based manifestation to an online one, and therein lies the difficulties. We could deal with the land-based operations and superintendents in the Garda Síochána could check up on them but we do not know what is happening with the online operations. I will not mention any court case but we have seen the horrible stuff that is coming online and actions that young people are encouraged to take. It is shocking and devastating. Despite that we are currently applying a mid-20th century approach to gambling activities that have changed significantly in nature, are increasingly digital in format, and conducted on-line, as I said from the secrecy of the home, a bedroom, a shed or some quiet place in any street or town.

The Gaming and Lotteries (Amendment) Bill 2019 is, however, as we know, intended to provide some urgent clarifications and amendments to the Gaming and Lotteries Act 1956. That legislation was enacted two years before I was born. I compliment the Minister of State on trying to do something with an Act that is so out of date. I am seasca bliain d'aois and the last Act dealing with this issue was enacted two years before I was born. This is a shame on all Governments, especially in the past 30 years, because this problem has been incrementally catching up on us, destroying lives and attacking us like a cancer.

The amendments proposed in the Bill primarily concern improving the regulation of gaming and lotteries, including the updating of stake and prize limits. The Bill is an interim reform measure. Many of the reforms it proposes may be superseded by the comprehensive reforms contemplated in the proposed gambling control Bill. If they are, I welcome that. It is an initial start. Tús maith leath na hoibre ach sé ró-dhéanach.

I am in complete agreement with the Minister when, on announcing the Bill, he stated that he was particularly anxious to address the issue of underage gambling. It is an epidemic. I alluded earlier to the phones and the availability of it. As I understand it, this Bill, therefore, proposes to standardise the minimum age at which a person can take part in gaming and lottery activities under the 1956 Act at 18 years of age. The Bill also proposes to amend the Totalisator Act 1929 to provide for a minimum age of 18 years for betting on the Tote. This brings gaming and lotteries and totalisator regimes into line with the age limits for betting under the Betting Act 1931. That is badly needed also. We need to get real here, not talk of situations that are archaic and well outdated.

I also acknowledge the issues surrounding enforcement. I am concerned about section 4, to which Deputy Pringle referred, that a Garda superintendent can grant a licence. There are considerable concerns over that. Not only will the superintendents become targets for lobbying but it brings into question how the ordinary rank and file gardaí, of whom we have not enough and who are overburdened as it is, will enforce the issue of licences that are being obtained through the courts if the Garda superintendent can grant a licence. I believe this to be a retrograde step. While it might cut down the paperwork, the Garda superintendents have more than enough to do currently to deal with all kinds of behaviour, all kinds of manpower enforcement issues and all kinds of attacks on the public without being in a situation where they can grant licences. This is fraught with dangers because it is so lucrative and has such a bad underbelly and aura about it and they all can be lobbied. I respect the vast majority of superintendents - they have all served us well - but I have seen a situation in my own area where a garda, at superintendent or inspector level, granted a licence for a shooting range that has no planning permission and has no proper scrutiny. These things are fraught with dangers and we need to be able to have

recourse to proper planning and development. Such licences should never be granted-----

An Leas-Cheann Comhairle: It has come to my attention that the Deputy said that a superintendent granted a licence where there was no planning permission. That is a serious allegation because I am quite sure it is possible to identify that person. The Deputy is a longstanding Member of this House and he should know that one does not name or identify.

Deputy Mattie McGrath: I am merely making the correlation around where licences-----

An Leas-Cheann Comhairle: The Deputy stated what he believed to be a fact.

Deputy Mattie McGrath: It was a fact-----

An Leas-Cheann Comhairle: Perhaps.

Deputy Mattie McGrath: -----and it happened. I am just saying-----

An Leas-Cheann Comhairle: And there was no planning permission?

Deputy Mattie McGrath: There is still no planning permission. The licence was revoked two days ago, thankfully. I am just making the point that pressures can be inadvertently - I am not saying it was done deliberately - at planning-----

An Leas-Cheann Comhairle: That is different.

Deputy Mattie McGrath: It is not different. A licence was granted without any planning. One must go through all procedures. I am just trying to illustrate my point that this should not be put in the role of Garda superintendents. It should be a proper due process of planning permission that should be advertised and go through the normal channels where the public can make submissions etc.

As the Bills Digest makes clear, the primary responsibility for the enforcement of the Gaming and Lotteries Act 1956 falls to An Garda Síochána, which I alluded to, but serious questions about the enforcement of the legislation have been raised already. Tá An Garda Síochána an-ghnóthach ar fad. I salute them. I have supported them all my life but they are very busy people. They cannot be in every corner. They need the support of the public as well. No police force in the world can function without the public. As I said, serious questions have been raised.

It has been noted that the most fundamental regulatory requirements are routinely ignored. Speaking in Seanad Éireann of the Gaming and Lotteries Act 1956, Senator David Norris stated that it:

is being flagrantly broken in every single part of the country. Operators are being allowed to openly break the law. Tens of millions of euros in licence fees, moneys which could fund much-needed addiction services, are not being collected.

The Senator is in the Upper House much longer than I am here. Surely this is something we need to address urgently, once and for all.

Generally speaking, it is to be hoped that neither this Bill nor future Bills will be overly punitive in terms of the small betting shop owner, who we recognise, we know and for whom we have a face. We must accept that addiction issues aside, most adults act responsibly when it comes to gambling and, thankfully, do not get so deep into trouble that they need addiction

treatment services. We have to allow them to be accommodated also.

There are a plethora of organisations up and down the country, for instance, Seesaw in my own town of Clonmel. These are grappling every day on a voluntary basis. I refer to Taxi Watch and Suicide Watch. There are so many agencies, and so many private individuals as well, who are offering counselling services out there for free and trying to help people to deal with all these catastrophic events that have grown on people silently, secretly and incrementally and taken their lives over. We are plagued with suicides, in the town of Carrick-on-Suir recently and the whole south Tipperary area, and we do not have the resources to deal with it. Many of them are for drug debts and gambling debts that people have inadvertently sleep-walked into. We need decisive, cohesive and dedicated responses from compassionate counselling services. Also, when people do not want to avail of that, we must have the full rigors of the law come down on the barons who are peddling in misery, making significant profits but causing devastation to people's lives and families, to young people and grandchildren and families to come.

I hope this Bill will go some way to deal with this. I look forward to engaging constructively with the Minister of State, Deputy Stanton, and the Department on this.

Deputy Éamon Ó Cuív: I welcome the Bill which is about regulation but I would just like to say a few words about gambling. If the figure of 40,000 is correct for those who have a gambling addiction or a gambling problem, or to put it another way are gambling beyond their wealth, we need to think of the absolute scale of that. That number would fill most provincial football or hurling grounds to the roof. It is a huge amount of people. It could relate to three or four times that number in family members affected directly by it. Therefore, it is not an issue we can treat lightly.

The figure that the average we lose per adult is €470 a year is quite startling. I do not know how that figure was put together but I presume that is gambling other than what most of us do in terms of buying lottery tickets etc. in the local club, good cause or charity which is not really gambling. One would give that money and if one were lucky enough to win one would be happy, and if one were not to win that is not why one gave it. One did not give it to win. One did not give it to gamble. One gave it for a cause. Therefore, we must recognise that gambling is a major issue.

I also recognise the Government will not solve the problem and nobody will ever solve the problem. It is not soluble because people will find a way of gambling. There is a lot of talk here about online gambling, which is particularly insidious and easy. If one wants to gamble, however, one will find a way. People have done it with bingo and in buying lottery tickets. There is no way, therefore, of preventing people from losing money on gambling. We can reduce the incidence but we cannot eliminate it. We have to be realistic about that. It is not something that I take easily because I have seen the effects of gambling and of hidden gambling. I have known people, male and female, who would be the last people in the world, male and female, one would expect to gamble who I found out afterwards were gambling. There is a saying in Irish - "Níl a fhios ag aon duine cá luíonn an bhróg ar an duine eile" - that one never knows where the shoe is laid. One finds that people that one thought were in comfortable circumstances were up to their necks in debt because of gambling.

This leads me to how one helps those who will inevitably succumb, no matter what laws or precautions we bring in. We think that we can solve everything by law but we cannot. What sort of attitudes are we going to take to people who have an addiction to gambling? In more

recent times we have been more realistic about addiction to drink in that it is a disease that needs treatment. We have plenty of treatment centres around the country. We recognise that it is not so simple as to just blame people, we must try to help people to solve their problem. At a certain level of addiction it is hard to put culpability in there because the person loses control of their own actions. That is what an addiction is all about. We understand the same thing about drug addicts. Many people say we should get the drug pushers but should not start locking up the drug addict; instead try to get treatment and support for them and wean them off the drugs. I hope that society would take the same attitude to those who have an addiction to gambling, that it would be seen as a medical condition, like all addictions, and that we deal with it medically not criminally.

We have all seen sad cases in the newspapers over the years where people have been brought to court for theft, particularly theft against their employers. We have even seen people in the public service caught up in this particular situation. Inevitably, when one starts digging behind the stories, in a high percentage of cases one finds that the person has a gambling addiction. It is important, therefore, that we address and debate this issue and try to see how we change societal attitudes so that we can deal with it in the way that all addictions should be dealt with, which is by trying to assist the person.

I pay tribute here tonight to all of the people in Gamblers Anonymous and all of the different groups and charities who quietly help people with a gambling addiction. It is insidious and in certain ways it is worse than a drinking addiction. There comes a point when, if one keeps drinking, one will physically collapse. With gambling, one can keep going and going until one has taken everything, not only in one's own life, but in the lives of those around the person in money terms. I have seen that happen.

I believe, however, that there are small steps we can take to reduce the normalisation of gambling. The only gambling I ever do is to buy lottery tickets in local charities. People might think I am very prissy in that I have no interest in gambling on horses. I do not buy the national lottery tickets or Euromillions as they hold no attraction for me. I do not know what is in me but that type of gambling frightens me. There are people who are attracted to this gambling and often these are people with little means who dream some day that they will hit the Euromillions jackpot or whatever. They spend beyond their means on a fairly consistent basis. These people would not have an addiction but would be spending beyond their means.

We also have to recognise that there has been a huge increase in the talk about gambling, odds and bets. I do not like listening to radio or television commentators talking about the odds on various events, such as who is going to get the first goal, or will score within ten minutes of the beginning of a match, or whatever. It is not good practice and is unnecessary. For 99% of the public it just washes over them. For those who have this addiction, however, it is an unnecessary normalisation of gambling on every kind of conceivable thing that one could dream of. If one asked me ten years ago about football betting, I would have thought one might bet on the result of a match. There must be between 50 to 100 ways of betting on any one match and even during the matches the betting is going on and that is not going to be stopped. The promotion of that, however, on radio and television is not positive and is something we should talk to organisations, such as the Broadcasting Authority of Ireland, BAI, about because it is not conducive to addressing this issue.

There is a lot of talk tonight about online betting and I accept that that is the big one. It is very hard to control that. With drink ads, one has the person selling the drink as hard as they

can, and then at the end of the ad they talk about being aware of problem drinking or whatever it is they say. Similarly, one has these ads promoting lotteries - I am not talking about the lottery in one's local club but the big national and European lotteries - and then at the bottom of these ads there is the warning to beware of abusing this. Why do all of this advertising if one is not trying to suck people in? It is a contradiction in terms and I do not buy the industry's argument that if we put a little statement at the end, that is going to frighten off the person with the addiction. That is slightly disingenuous.

We need a debate about how we treat the people who will inevitably get into trouble and who we will never prevent from getting into trouble. One could bring all the legislation one wants into this House and it would be about as effective as prohibition was in America, a point which I recognise. I am not a killjoy for people who bet responsibly. For the vast majority of people who have a bit of a flutter, it does not impact on their resources or their family's resources. That is not a problem. We have to decide how we are going to support and help those who do get into trouble, who get the addiction, and whether to criminalise them - which I think is wrong - or try to support them and wean them off the addiction. That is a debate we need to have in the near future. Is the State willing, for example, to levy the industry through the tax system to provide supports for people who get into gambling difficulties and the families who suffer hugely from the effects of gambling?

On the other hand, I say to the Minister that I like section 9, if I understand it correctly. If we look at the big scene in this, and then look at what many people have lotteries and draws for, my big concern and that of others relates more to the charity regulation side of this business, to ensure that moneys collected by local lotteries go to the sources intended. I have always had the view that for the big corporates or somebody on a national body running a raffle, it is right that there is a huge amount of control. In the case of a local parish draw, however, the fewer controls there the better. People know who they are their giving money to. Normally, it is well announced how much money has been made, the cause is fairly transparent to one's parish and people know exactly what is going on. I welcome section 9 where it is stated that one can have a lottery. We might allow up to a tenner for the price of the ticket. This is not gambling. The Minister of State knows it is not. I get people coming in to me all the time trying to sell me tickets. A certain group sticks me for nearly a fiver a week. It is harmless and I know it is for a very good cause. I admire the tenacity with which they have gone about collecting a massive sum of money for a very genuine and good cause within one of the parishes in my area. I do not expect to win and do not care if I win. If they come back some day and tell me I have won €50 or €100 or €200, I will be happy. I do not do it for that. Those types of lotteries are very different. They are not the ones that cause addictions. That is not where someone goes who has an addiction, looking for a lottery here and there for a local cause. That is not what happens. I welcome the very pragmatic approach the Minister of State is taking in separating the bigger, higher-level problem from the ordinary thing we all do to collect money for the million good causes in our parishes, towns and villages, where it is done for the cause and the prize is not the inducement. The real prize is the cause for which the money is being collected.

I welcome the Bill. If I am reading his body language right, the Minister of State recognises that the Bill is limited in what it is going to achieve and does not claim to be the solution to all problems. On the wider issue of problem gambling, we need a debate and we need to set the tone of how society is going to deal with this. Advertising and promotion of big-time gambling is something I have a bit of an issue with and I think we have to look at it.

Minister of State at the Department of Justice and Equality (Deputy David Stanton):

I thank Deputies who have contributed to the debate. The Bill that I have proposed will have the effect of modernising and clarifying the provisions of the Gaming and Lotteries Act 1956. It is time to update this outdated law. The debate was pretty good and quite instructive. I look forward to Committee Stage. I thank Deputy Ó Cuív in particular for his fine analysis. Experience tells here, when we say we are not going to cure addiction. It is going to be always with us but we can help in a way. I have been saying again and again that primarily, addiction is a health issue. We can do a certain amount from the justice end and on the regulator's side but that is where it lies.

I appreciate that there were lots of questions and I look forward to going through them in more detail on Committee Stage. I have expressed my commitment to bringing forward comprehensive reform proposals at the earliest possible opportunity. This is an internal measure we are dealing with tonight. As has come across from all colleagues who have spoken and from debate in the Seanad, this is a very complex area. It is extremely complex. The more we drill down into it, the more complex it gets. It has become more complex over the decades, especially with the online manifestation. The Government has agreed the plan for a comprehensive reform of our gambling licensing and regulation system. We have published the report of the interdepartmental working group on the future licensing and regulation of gambling. Based on that report and the 2013 general scheme of the gambling control Bill, my Department is working to bring forward revised modern legislation to address in a comprehensive manner the deficiencies in our current gambling licensing and regulatory infrastructure. The 2013 general scheme was just that. The legislation was never drafted. One of the things I have discovered even during the course of this Bill is that it is extremely complex to draft. It takes a long time. I was involved in the prelegislative scrutiny phase through a committee at that time. Since then, things have changed again. The legislation was not drafted. There was no Bill produced at that time, unfortunately. We are where we are.

I also want to set up a totally independent regulator. People have been talking about this. What was proposed in 2013 was an office in the Department of Justice and Equality. I want to go beyond that to have a totally independent regulator, self-financed, financed in the main by levies from the industry. It will be expensive to set up. It will be very complex and very big. This area is so large; as Deputies have said, the value of the industry is between €5 billion and €8 billion per annum. It is extremely complex. The gambling regulator will have to be flexible and able to move with the times. It is something we want to do. Deputy O'Callaghan has acknowledged that and I agree with him.

Deputy Murphy O'Mahony spoke about gambling addiction. A lot of people are speaking about gambling addiction. This Bill is not really about that but every time we speak about gambling, gambling addiction comes up. Deputy Scanlon spoke about taxation of online gambling and argued that we should help and support people who have gambling issues. I agree with him. Deputy Ó Laoghaire spoke about stakes and prize limits, which we have brought before the House. They will be brought before the House in time. We are updating them and a statutory instrument will be required in order to do that. The Minister will have the power to do that.

There is no proposition to ban gambling. If we restrict something too much, it goes underground. The Deputy mentioned prohibition, which is an example of this. We have to be careful that we do not drive things underground. There was a reference to an all-island approach to problem gambling. We are linking up with gambling regulators all over the world. Even where they have very powerful regulators, they still have problem gambling and addictions. We are financing another survey at the moment on problem gambling in conjunction with the Depart-

ment of Health.

Deputy Kelly spoke about mobile phones, predator companies and data profiling. He made the point quite well about how complicated this is. In order to regulate it, we will have to have a very complex, comprehensive regulator in order to make this work. He spoke about data mining, cooling off periods and so on. We have spent a whole year looking at this with an interdepartmental group, and all these points came up. Sports betting has been mentioned as has money laundering. It goes on and on. It is quite complex. The Deputy asked about what is legal and illegal when it comes to slot machines and so on. They are still regulated by the law as it stands. Deputy Maureen O'Sullivan spoke about awareness raising and I agree with her on that issue. Prevention is important. She spoke about a school in the north inner city that is doing some good work which I commend. She talked about money laundering. We have a money laundering regulation which looks after that.

A lot has been said which will be very useful in feeding into the wider debate we are having on this for when we want to bring forward the whole issue of regulation itself. I agree with Deputy O'Callaghan that there is much more to be done. We have made a start on that road. Deputy Pringle spoke about the Garda superintendent. This Bill does provide a role for the Garda superintendent, not the sergeant as the 1956 Act states, to issue a gaming permit for prizes up to €3,000 or a lottery permit for up to €5,000. They are the same limits as we have at the moment. Improved terms and conditions are also proposed for these permits. They do not concern online gambling or gaming machines. There is local, small-scale funding activity through lotteries, raffles and so on. I recognise and thank Deputy Ó Cuív, who is the only one who spotted the fact that we are trying to help the small-scale raffles and not put too much pressure on them.

I look forward to Committee Stage debate and thank everyone for their constructive comments and the responsible debate we have had tonight.

Question put and agreed to.

Gaming and Lotteries (Amendment) Bill 2019: Referral to Select Committee

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018, without amendment.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Thursday, 20 June 2019.