



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 3 Iúil 2019

Wednesday, 3 July 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

*Paidir.
Prayer.*

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Beef Industry

44. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine his views on the criteria set down in the EU Commission implementing regulation providing temporary exceptional adjustment aid to farmers in the beef sector; when beef farmers will be able to apply to the national scheme; when payments will issue from the EU fund; and if there will be a 100% Exchequer top-up on the €50 million EU fund provided by the EU Commission. [28505/19]

Deputy Charlie McConalogue: I ask the Minister his views on the criteria set down in the EU Commission implementing regulation providing temporary exceptional adjustment aid to farmers in the beef sector. When will beef farmers be able to apply to the national scheme? When will payments issue from this fund? Will there be a 100% Exchequer top-up on the €50 million fund being provided by the EU Commission?

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I am keenly aware that the past few months have been very challenging for beef farmers in particular following a difficult year for farm incomes in 2018 arising from weather conditions and price challenges. There was a prolonged and exceptional period of depressed prices lasting from autumn 2018 to spring 2019, with the ongoing uncertainty surrounding the outcome of Brexit, among other factors, contributing to this market disturbance.

In this context, the recent announcement by Commissioner Hogan of European Union exceptional aid for the Irish beef sector is very welcome. I have been making the case for some time for an exceptional aid package from the European Commission for Irish beef farmers at EU Council of Agriculture and Fisheries meetings and in direct consultation with the Commission. The submission made by my Department to the European Commission in request of the aid package is available on my Department's website at www.agriculture.gov.ie/farmingsectors/beef.

This exceptional aid has been granted by the European Commission on the basis that the Irish beef sector is heavily reliant on export markets and is uniquely exposed to shifts in the UK market in particular. In addition, Ireland's extensive beef system with its comparatively long production cycle presents challenges in responding to these market shifts. The Commission has also recognised that it is in the interests of the market stability of the EU beef sector to avoid a situation where downward price pressure on Irish beef spills over to other European member states.

This temporary exceptional aid provision is given effect through a Commission implementing regulation. This regulation, the draft of which is available on the Commission's website, will be published soon. Article 1.3 of the implementing regulation provides as follows:

The measures taken by Ireland shall be aimed at reducing production or restructuring the beef and veal sector and one or more of the following objectives:

- (a) implementation of quality schemes in the beef and veal sector or projects aiming at promoting quality and value added;
- (b) boosting market diversification;
- (c) protecting and improving the farmers' environmental, climate and economic sustainability.

Ireland must now notify the Commission, no later than 31 July 2019, of the measures to be taken in accordance with the regulation. My Department is currently working on the detailed parameters of an exceptional aid scheme, in co-operation with the Department of Public Expenditure and Reform and the European Commission. Further details on the aid scheme will be announced in due course following the appropriate stakeholder consultation. As the Deputy is aware, the Government has committed to matching the funding provided in this regard.

An Leas-Cheann Comhairle: We will have to respect the time if we are to get through as many questions as possible this morning. I will be reminding Deputies of that. Deputy McConologue has one minute for his first supplementary question.

Deputy Charlie McConologue: As the Minister rightly points out, the last 18 months have been very difficult for farmers and the beef sector, particularly in light of Brexit. Incomes were down by as much as 25% last year as a result of the distortion in the market arising from Brexit. Just before the local elections the Minister and Commissioner Hogan made a big announcement and engaged in a PR drive about how funding had finally been secured to address the loss of income farmers had suffered as a result of Brexit. It was said that this would comprise €50 million from the EU and €50 million from the State. There was no mention of this funding being tied to stock reduction or restructuring before voters went to the polls in the local and European elections. It was entirely sold as a market disturbance measure to address income loss. Farmers

were misled by the Minister and Commissioner Hogan in that regard.

We on this side of the House had looked for aid under Article 219 of the Common Market organisation regulation, which specifically deals with income reduction. Why did the Minister not manage to get the European Commission to deliver funding under that regulation rather than what has been delivered here?

Will the Minister clarify whether the €50 million co-funding to be provided by the domestic Exchequer is available and will be in place? Will he indicate today when the money will be delivered to farmers?

Deputy Michael Creed: My objective has always been to provide the maximum level of support to Irish beef farmers. My track record, whether on additional payments under areas of natural constraint, the beef environmental scheme or the beef data genomics scheme, speaks for itself. It is a particularly income-challenged sector. While we cannot intervene on the price paid for commodities to farmers, we have some liberty to deliver income supports in other ways and that is what we have been about. The case we made to the Commission is on the Department's website. It is that from the back end of 2018 into the spring of 2019, there was a prolonged period of price depression for Irish beef, which arose in particular from sterling shifts and our exposure to the UK market. I note our previous experience with the Commission, including in relation to the dairy support measure of 2016. Interventions by the Commission come with terms and conditions attached and we make the effort to ensure the Department and the agriculture community are in a position to live within those terms and conditions. In that context, we will engage in the coming days with farm organisations and devise a scheme for submission to the Commission by the end of July. My objective has been to get the money to farmers at the earliest possible date and I am convinced we can do so.

Deputy Charlie McConalogue: Under Article 219 of the Common Market Organisation Regulations, (EU) Regulation No 1308/2013, it is possible for the Commission to provide funding directly to address income reduction as a result of market disturbance. However, that is not the regulation under which the Minister and Commissioner Hogan have delivered this funding. The irony will not be lost on people that there are strings attached to this fund, which includes a requirement to restructure or reduce the production of beef in Ireland at the same time that the Commission and the Minister and his European counterparts are proposing under the Mercosur deal to increase the amount of beef coming into the EU from South American countries.

I asked the Minister specifically about the €50 million. Is that funding set aside within the Department's budget to ensure it can be delivered to farmers this year? When will the funding actually be delivered to them? Farmers took this income hit last year. They are already out of pocket and need this funding promptly. How will the funding be distributed? It is essential to have a mechanism which properly reflects the losses people had through the selling of cattle and finishing of cattle over that period. The funds must be delivered proportionately to those who suffered those losses. Can the Minister please clarify the €50 million question, when the funding will be delivered and how it will be distributed to farmers?

Deputy Michael Creed: The how will be in consultation with farm organisations. That will take place in the coming days and will be subject to approval by the Commission. The ambition will be to pay in 2019 at the earliest possible date. The funding is €50 million from the European Union and I have committed to match that funding from the Exchequer. The terms and conditions are what they are. I am convinced that we can live within them without an adverse

impact on the beef sector. It is naive to suggest funds could come from the European Commission without terms and conditions. The precedent I quoted in respect of the dairy industry had a supply-reduction measure within it as well. I am satisfied that we can live within the terms and conditions as envisaged without any adverse impact on the Irish beef industry.

Deputy Charlie McConalogue: I asked about the €50 million.

Deputy Michael Creed: I answered it. There is a commitment to pay the €50 million.

Deputy Charlie McConalogue: But is the money there?

Deputy Michael Creed: Yes. Do not worry.

Beef Data and Genomics Programme

45. Deputy Martin Kenny asked the Minister for Agriculture, Food and the Marine the underspend in the beef data genomics scheme; his plans for the funds; the number of farmers who have withdrawn from the scheme; and if he will make a statement on the matter. [28197/19]

Deputy Martin Kenny: Many farmers went into the beef data genomics programme, or BDGP, and will remember that when it came out first, there was a statement in red ink on the form that if they breached the scheme, all funding would be clawed back. It worried a lot of farmers at the time. Recent reports suggest that up to 22 farmers a week are dropping out of the scheme and in the first four months of 2019, 322 farmers dropped out of it. That tells us there is a problem here. At this stage, there is an underspend running to almost €10 million per annum in the scheme. Can the Minister clarify the number of farmers who have dropped out of the scheme, what his plans are for the funds that will be underspent in the scheme and whether he can make a statement on the matter to bring clarity to the situation?

Deputy Michael Creed: I thank the Deputy. BDGP I and BDGP II commenced in 2015 and 2017, respectively, and both will run for six years. They represent a significant commitment for participating farmers over the duration of the programmes. The number of active participants in BDGP I and II fluctuates on an ongoing basis as a result of participants withdrawing or being disqualified for non-compliance from the programmes and due to participants being re-admitted following successful appeals. In 2015, 29,903 participants applied to participate in BDGP I. However, 6,858 of those have either withdrawn or have been disqualified with 23,045 eligible participants remaining in BDGP I. In 2017, 1,896 participants applied to participate in BDGP II. However, 397 withdrew subsequently or were disqualified with 1,499 eligible participants remaining in BDGP II. Therefore, the total number of active eligible participants in the two programmes currently stands at 24,544.

All funds allocated remain committed to the BDGP for the duration of the current rural development programme. Generally, withdrawal cases will require any moneys paid over the course of the programme to be repaid in accordance with the regulations. However, where withdrawals are due to reasons such as ill health and *force majeure*, provisions of the EU regulations and the terms and conditions of the programmes may be applied with no recoupment of moneys paid. Payments totalling €42.8 million have been made to date to 23,483 participants, which represents approximately 96% of those still active in the BDGP programmes.

I note to the Deputy that the correlation between the number of applicants and the payments

made is not linear. The experience is showing that while a number of applicants have left the scheme, they tend to be, albeit not exclusively, those participants with lower levels of financial commitment from the scheme. While there is a reduction and there will ultimately be some headroom in respect of the targeted expenditure, it will not be that significant.

Deputy Martin Kenny: The Minister is clearly acknowledging that there will be an underspend in this programme. Much of that is due to its onerous nature. That is what farmers are telling us on the ground. Does the underspend open the possibility of new applicants being able to enter the scheme? There are some farmers who want to get back into the scheme or who did not apply in the first place and want to apply now. It is also clear from what the Minister said that there will be a clawback from a number of the farmers who have dropped out. Even on the numbers the Minister quotes, the underspend will be even larger than currently appears when the clawed-back funds are returned. We need to see whether it is possible for more farmers to get into the scheme and to have its onerous nature addressed. Some of the rules and issues around star ratings mean a lot of farmers have found it very difficult to meet the criteria of the scheme to date. A review of that must take place. Where that number of applicants drop out of a scheme, there is clearly a problem and a need to reassess.

Deputy Michael Creed: This is a very important scheme, albeit it may not be perfect. Unfortunately, only approximately one in three suckler farmers are in the scheme. Nevertheless, the data from the programme are showing real progress. In participating herds, calving interval days have been reduced by 20 days. That is a significant efficiency. The number of calves per cow in programme herds has increased also, which is another significant efficiency. The number of births per known sire is up 8% and with AI breeding it is up 2%. We have made some concessions recently on terms and conditions for stock bulls so we are tweaking the programme where possible. It is driving efficiency and it is regrettable that more farmers do not participate. We will have to look at how to devise a scheme in the next round of CAP which takes into account the weaknesses in the current programme. I am not saying it is perfect but it is delivering efficiency. It is often said that the quality of stock going through the factories is dropping. That may well be so. There is an increase in the volume of non-suckler beef and beef from herds which are not participating in BDGP. However, BDGP herds show that significant economic and environmental efficiencies are being delivered. To come to the core of the Deputy's question, there may be an underspend. We have launched new initiatives in the solar panel area, for example. It is a new area of support. We do not yet have the overall figure, but we do not expect it to be significant.

Deputy Martin Kenny: The Minister is saying there will be an underspend, but he will not reopen the scheme to allow new applicants to avail of the underspend. He seems to be telling us that he will move the funds to other schemes. It would be disappointing if that were to be the case. As we have said, many farmers who are not in the scheme could benefit from it if they had an opportunity to participate in it. I would like to refer to other schemes that might come into play. All of this is relevant to the debate we will have later today. Farming in Ireland is more onerous than farming in other jurisdictions with which we are trying to do deals. The pressure on farmers to comply with rules and regulations under the various schemes in place is brought into sharp focus in that context. Will farmers have to carry out similarly onerous tasks under the €100 million scheme about which Deputy McConalogue asked? All the schemes are doing is giving farmers a little extra money to keep them afloat. The beef sector in Ireland is in dire straits. Many beef farmers will depend on this and other schemes. If they have no possibility of making a profit from their farming activities without such schemes, we are in a very difficult

place

Deputy Michael Creed: We need to be careful because we want to encourage farmers to avail of schemes such as this. The Deputy seems to be intent on talking down the achievements of the scheme, although I am not saying it is perfect, but we can learn from its imperfections when putting together its next iteration. The savings will be modest. The number of participants in the scheme has decreased from just over 29,000 to just under 25,000, but the expenditure on the scheme has not decreased *pro rata*. The larger farmers have tended to remain in the scheme. There may well be some savings. We recently launched new initiatives under the rural development programme, particularly in the area of solar panels, but the expenditure will not represent a significant saving. I will try to get more data for the saving for the Deputy, but it is not significant. We need to be careful not to talk down the benefits of a scheme such as this. It has been argued that it should be opened up to more applicants, but we cannot have it both ways. The scheme is delivering. As I said, it is not perfect, but we can use it as a template to make more progress.

Trade Agreements

46. **Deputy Jackie Cahill** asked the Minister for Agriculture, Food and the Marine the position on the latest Mercosur talks; the steps he is taking to protect farmers by ensuring beef will not form part of a final Mercosur deal at EU level; and if he will make a statement on the matter. [28506/19]

Deputy Jackie Cahill: The question of Mercosur has become more relevant in the last week. We had been asking the Minister to protect beef farmers under any Mercosur deal, but, unfortunately, beef production is part of the proposed deal. I ask the Minister to set out how he intends to protect the beef industry.

Deputy Michael Creed: I appreciate that we had a discussion on this matter yesterday and I am sure we will have more engagements on it after Question Time. Such debates reflect the significance of the issue.

On the evening of Friday, 28 June, the European Commission announced that political agreement had been reached on a trade deal between the European Union and Mercosur countries. As a small open economy, Ireland is supportive of international trade deals. However, I am concerned about the impact elements of the deal could have on the beef sector. At a time when the beef sector in Europe is facing significant uncertainty because of Brexit, the agreement includes a significant tariff rate quota for South American beef. Over the full 20-year history of the negotiations, we have worked closely with member state colleagues and engaged directly with the Commission to make concerted efforts to minimise the EU offer on beef. While evidence of these efforts appears to be reflected in the final offer, I am deeply concerned about the potential impact on the beef sector. There may be opportunities for other parts of the agrifood industry such as the dairy sector and the drinks industry, but we will need to examine the text carefully to assess the full impact. It is worth noting that the agreement will not come fully into effect for some years. First, it will go through a process of legal scrubbing, which could take up to two years. Subsequently, it will be put before the EU Trade Council for ratification by qualified majority vote before being put before the European Parliament. If the agreement passes these hurdles, it is expected that the trade elements which fall under the competence of the Commission will be phased in over six years.

Deputy Jackie Cahill: I have sympathy for the Minister because he is trying to defend the indefensible. The beef industry is under significant economic pressure. This is the first week of July and beef prices have decreased for the third successive week. The Minister has said there will be a time lag before the deal hits us fully. I suppose it will coincide with the date on which we will have to meet the targets under Food Wise 2025. That shows that it will be impossible to meet those targets. Beef producers are annoyed because the European Commission is speaking out of both sides of its mouth. On the one hand, the need to combat climate change means that European beef producers have to meet conditions that will increase the cost of production. On the other, it is proposed to give free access to beef from South America. Farmers believe they have been let down completely by the Commission. It is all the more galling for beef producers because the Agriculture and Rural Development Commissioner who is leading the Commission team is an Irishman. Farmers who have been despondent about the returns from beef production for many years believe this is the final nail in the coffin.

Deputy Michael Creed: The Deputy will not find me defending the indefensible. I have stated my view clearly. I have a responsibility to use the time available to us following the announcement of a headline agreement between the European Commission and Mercosur states to ensure everything is done to frustrate and mitigate, dismantle the ambition and protect the interests of the Irish beef sector. As I said, the deal that has been reached at a high political level has not been endorsed by a single member state or national parliament, the European Parliament or the Council of Trade Ministers. There is a significant distance to travel. It is right that attention has been drawn to environmental and climate issues in the context of this proposal. We will, rightly, be implementing significant measures to make progress on climate issues, with which a significant element of the proposed deals. If we can use it to frustrate and thwart the ambition of Mercosur and make sure our efforts are legally robust, it may be possible to use the well documented disregard for climate issues of the Mercosur states to our advantage. That is one area. As I have said previously, we are not without friends in dealing with this issue. We have made common cause with other member states in the beef sector. Collectively, the challenge is to make progress on these matters in a way that will diminish the ambition of Mercosur.

Deputy Jackie Cahill: In a previous life I had a lot of experience of negotiations in Brussels. Unfortunately, I have never seen anything promoted in Brussels not happen eventually. It might be in gestation for a long time, but in my experience it will happen eventually. Farmers believe the major industrial powers in Europe want this trade deal for their economies and that European beef farming is the scapegoat. It is proposed to provide for significant imports of pig meat, poultry, sugar beet and ethanol. Many sectors will be affected. I know that the Minister will do his best to try to thwart the proposed deal, but it will be pushed through by the higher powers that be. We are seeing senior people being appointed in the Commission this week. We are a small pawn in the game of world trade, although we can try to thwart those who are proposing the deal, but in my experience, when the Commission sets off on a certain path, it is very hard to turn it from that course.

Deputy Michael Creed: The Deputy might be throwing in the towel, but I am not. I appreciate the context his experience at European level lends to his views, but we can try to find common cause. I understand why the Deputy is focusing from a political perspective on the Agriculture and Rural Development Commissioner, but there is also a Trade Commissioner. The Deputy's extensive contacts in Europe may be of benefit to us in that context. We do not have a legally binding agreement. We have a considerable amount of time in which to influence the shape of the deal and secure reinforcements and guarantees in that context. If we find

common cause in that endeavour, we may make progress.

Question No. 47 replied to with Written Answers.

Animal Welfare

48. **Deputy Catherine Murphy** asked the Minister for Agriculture, Food and the Marine the controls his Department exercise over the intake register of category 1, 2 and 3 knackeries; the controls that exist to oversee and enforce the regulations relating to use of animal by-products from category 2 plants to ensure no cross-contamination between categories; his views on whether these controls are robust enough for his Department to guarantee the integrity of the food chain; and if he will make a statement on the matter. [28550/19]

Deputy Catherine Murphy: This question is a follow-on from the RTÉ “Prime Time” report. It seeks to find out about enforcement. How does the Department ensure there is no cross-contamination? Are there audits of the registers of the knackeries? What is the effect of enforcement in closing down, prosecuting, etc., facilities that have so egregiously breached the conditions they are allowed to function under?

Deputy Michael Creed: Category 2 intermediate plants, knackeries, and collection centres are approved and supervised by my Department in accordance with the EU Animal By-Products Regulations (EC) No. 1069 of 2009 and its implementing Regulation (EU) No. 142 of 2011, which lay down the health rules as regards animal by products and derived products not intended for human consumption.

Category 2 intermediate plants, knackeries, and collection centres play a vital role in the agri-sector. They play an important role in combatting illegal burial or the dumping of fallen stock, and are a vital conduit between the herd owner and the Department for traceability of

all fallen bovines by their submission of documentation to the animal identification and movement system. They also serve as centres at which my Department can carry out statutory BSE and TSE sampling on cattle and sheep which serves to underpin Ireland’s bovine spongiform encephalopathy, BSE, and transmissible spongiform encephalopathies, TSE, status and is a necessary part of the surveillance needed to ensure compliance with EU rules.

Official controls are carried out in the knackeries by veterinary personnel of my Department to ensure compliance with the EU and national animal by-product regulations and also compliance with the specific operational conditions laid down for category 2 intermediate plants. The Department carries out, on an ongoing basis, audits and routine and-or unannounced inspections at the category 2 intermediate plants. In addition, Department inspectors take samples from dead cattle and sheep at knackeries for the purpose of disease surveillance under EU Regulation 999/2001.

As part of their conditions of approval, knackery operators are required to keep an up-to-date electronic intake register, completed appropriately, in chronological order. The intake register is audited as part of the inspections. Senior veterinary inspectors at regional veterinary offices and veterinary inspectors working in headquarters carry out verification visits to verify effectiveness of official controls.

The rationale for the animal by-products, ABP, regulations is to create and ensure a one-way flow for ABP material which ensures that such material is dealt with appropriately and prevents the occurrence of cross-contamination with other categories of ABP. Enhanced controls have recently been put in place to ensure that no category 1 ABP material, which is designated under EU Regulation as lower quality ABP, may enter the intake area of the knackery. The stringent official controls in place as required under EU and national regulations, together with the frequency of inspections carried out by officials from my Department, provides a robust system of controls to ensure the highest standard of compliance is maintained.

Deputy Catherine Murphy: It is very hard to match that with what we saw two nights ago and it is very difficult to see what the sanction is from the Minister's response. The Irish Coursing Club's figures show that between 2013 and 2017, 86,754 individual pups were registered and 6,700 were reported to have died during that period. Much of the emphasis is on the post-2015 microchipping. Where have all those dogs gone? For example, if they were disposed of in incinerators would the microchips have survived? The export of dogs to the UK could hardly account for that number, nor could the rehoming of dogs. There is a statistic here that cannot be squared. It is very difficult to see what the sanction is for people who breach the rules in these facilities.

Deputy Michael Creed: In the context of the broader exposé and the public service journalism conducted by RTÉ in that "Prime Time" programme the Department will give no comfort to anybody shown in that programme who is in breach of regulations. The content of the programme has been rightly commented on as being grotesquely offensive to people in the industry and to society in general, and in the context of animal welfare regulations.

The Department is examining all those issues in the operation of knackeries which serve a very important function in the broader agrifood sector, particularly for the livestock sector in respect of fallen animals. Insofar as there may be shortcomings in our own regime to deal in particular with the disposal of pets, which die for many reasons, including humane killing in veterinary practices for good reason, or fallen pets, road victims, we will consider all of that. It is somewhat reassuring that even in the programme there was evidence of Department inspections.

Deputy Catherine Murphy: I have also been contacted by good people in this sector who are trainers and breeders. They have no confidence in the Irish Greyhound Board, IGB, in the regulation of this area. Is the Minister going to close these places down if they will not comply with the rules? I understand that they have to exist but the ones that are breaking the rules should not be allowed to continue in the sector. It is all very well saying it is robust but what does that mean? What action is open to the Minister to take?

Deputy Michael Creed: They perform a really critical function in the operation of the broader agrifood sector. There is a specific focus on their activities and the legality around their dealing with the putting down and disposal of greyhounds. Insofar as there may be shortcomings in our regulations and a requirement to prosecute where there are breaches of the law, the Department is considering all those matters. In terms of closing down knackeries, we should make haste slowly. They perform a really critical function. There may be breaches of regulations or there may be weaknesses in the law as regards how they operate in the disposal of pets and that is an issue we will examine.

Ceisteanna Eile - Other Questions

Beef Industry

An Leas-Cheann Comhairle: Deputy Carey has permission from Deputy Heydon to introduce his question.

49. **Deputy Martin Heydon** asked the Minister for Agriculture, Food and the Marine the details of the new aid package for beef farmers based on EU exceptional aid; and if he will make a statement on the matter. [28264/19]

50. **Deputy Aindrias Moynihan** asked the Minister for Agriculture, Food and the Marine the way in which he plans to administer the recently announced EU beef fund; when farmers can expect payment; and if he will make a statement on the matter. [28261/19]

53. **Deputy Bobby Aylward** asked the Minister for Agriculture, Food and the Marine if the distribution of the €100 million Brexit fund for farmers will be subject to preconditions and or specific categories of farmers such as beef finishers as has been reported; if the fund will be available to farmers at stages along the beef chain (details supplied); and if he will make a statement on the matter. [28230/19]

56. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if in the submission submitted to the EU Commission by his Department for special assistance due to the beef price crisis, a proposal was made do reduce the suckler cow herd; if so, the details of such a proposal; and if he will make a statement on the matter. [28082/19]

62. **Deputy Lisa Chambers** asked the Minister for Agriculture, Food and the Marine the details of the €50 million fund announced to help farmers cope with the impact of Brexit; and if he will make a statement on the matter. [25181/19]

81. **Deputy Thomas Byrne** asked the Minister for Agriculture, Food and the Marine the status of the latest EU-Mercosur talks; when payments will issue under the EU beef compensation fund; and if he will make a statement on the matter. [28254/19]

83. **Deputy Martin Kenny** asked the Minister for Agriculture, Food and the Marine when beef farmers will receive money from the €100 million beef Brexit fund; the terms and conditions of the scheme; and if he will make a statement on the matter. [28157/19]

87. **Deputy Aindrias Moynihan** asked the Minister for Agriculture, Food and the Marine when he plans to meet the farming stakeholders to discuss the recently announced EU beef fund; and if he will make a statement on the matter. [28262/19]

88. **Deputy Willie Penrose** asked the Minister for Agriculture, Food and the Marine if there will be no compulsory reduction of cattle numbers linked to the €100 million Brexit emergency package; when it is intended that farmers will be paid the funds arising from the package; and if he will make a statement on the matter. [28078/19]

Deputy Joe Carey: This question is to ask the Minister the details of the new aid package for beef farmers based on EU exceptional aid and if he will make a statement on the matter.

Deputy Michael Creed: I propose to take Questions Nos. 49, 50, 53, 56, 62, 81, 83, 87 and 88 together.

I am keenly aware that the past few months have been very challenging for beef farmers in particular, following a difficult year for farm incomes in 2018 due to weather conditions. There was a prolonged and exceptional period of depressed prices lasting from autumn 2018 to spring 2019, with the ongoing uncertainty surrounding the outcome of Brexit, among other factors, contributing to this market disturbance.

The recent announcement by Commissioner Hogan of EU exceptional aid for the Irish beef sector is very welcome in this context. I have been making the case for some time for an exceptional aid package from the EU Commission for Irish beef farmers, at EU Council of Agriculture Minister meetings, and in direct consultation with the Commission. The submission made by my Department to the EU Commission in request of the aid package is available on my Department's website: <https://www.agriculture.gov.ie/farmingsectors/beef/>

I confirm to Deputy Ó Cuív that it did not request in any way, shape or form a reduction in suckler cow numbers.

This exceptional aid has been granted by the European Commission on the basis that the Irish beef sector is heavily reliant on export markets and is uniquely exposed to shifts in the UK market, in particular. Additionally, Ireland's extensive beef system, with its comparatively long production cycle, presents challenges in responding to market shifts. The Commission has also recognised that it is in the interests of the market stability of the EU beef sector to avoid a situation where downward price pressure on Irish beef spills over to other member states.

This temporary exceptional aid provision is given effect through a Commission implementing regulation. This regulation, the draft of which is available on the Commission's website, will be published soon.

Article 1.3 of the implementing regulation provides as follows:

The measures taken by Ireland shall be aimed at reducing production or restructuring the beef and veal sector and one or more of the following objectives:

- (a) implementation of quality schemes in the beef and veal sector or projects aiming at promoting quality and value added;
- (b) boosting market diversification;
- (c) protecting and improving the farmers' environmental, climate and economic sustainability.

Ireland must notify the Commission, no later than 31 July, of the measures to be taken in accordance with the regulation. My Department is working on the detailed parameters of an exceptional aid scheme in co-operation with the Department of Public Expenditure and Reform and the European Commission. Further details of the aid scheme will be announced in due course following the appropriate stakeholder consultation.

Deputy Joe Carey: I welcome the Minister's efforts in that regard. While the package is welcome, I have been told that the factories should not be the main beneficiaries of it. Will the Minister indicate that that will not be the case? Suckler cow and finisher farmers should be the primary and sole beneficiaries of the package. It is important that the terms and conditions of the scheme be correct. Will the Minister give more details of what has been done in the stakeholder consultation process? How confident is he that he will have it finished and the measures agreed to with the industry by the end of July?

Deputy Michael Creed: I have stated repeatedly that the money is for farmers. That is my intention. Within that category, I see two distinct beneficiaries, namely, finishers and suckler cow farmers. The submission to the Commission makes clear our thinking in that context. The case is made on the relative hit both sectors took in comparison with what happened in the previous 12-month period. From memory, the quantifiable losses were approximately €67 million on the finishers' side and €35 million on the suckler cow farmers' side. The submission has been made and it is my clear intention that the beneficiaries will be farmers only. It would be incorrect to have terms and conditions before we have the consultation process. It will take place shortly. The ambition is to have that engagement lead to the formation of a scheme. It is intended to have it approved by the Commission by the end of July. Thereafter, we will invite and process applications. It is intended to get payments out as quickly as possible in 2019. It is a challenging timeline, but we are doing our best to meet it.

Deputy Aindrias Moynihan: Beef farmers have been under phenomenal pressure for the past year, with Brexit impacting severely on the sector. There has been a 25% reduction in beef prices and incomes. Last week's Mercosur deal put the tin hat on it. The Minister can understand why anybody involved in the beef sector is angry and under pressure. The scheme was initially announced before the local and European Parliament elections and appeared to be a Brexit relief scheme to aid farmers. Now it is being linked more with reducing production. At what point did the Minister become aware of that element of the scheme? Was it part of the original submission or more recent? While the consultations are ongoing and due to finish shortly, has the Minister set a timeline for when farmers will be paid the money? Will it be paid in the third or fourth quarter of this year? Are funds in place to make the payments this year?

Deputy Michael Creed: On the terms and conditions and supply reduction, I point the Deputy to my original reply. Our submission is on the Department's website. It contains no proposals for supply reduction. That is a term and condition attached by the Commission. We became aware of it once it was published by the Commission. In previous interventions under the Common Market organisation, CMO, regulation, supply reduction was an instrument used by the Commission to address difficulties in the marketplace. I presume it is connected to the economic laws of supply and demand. Kill levels in the beef industry are high and there has always been a market issue once the level moves above 32,000 or 33,000.

One of the other issues with which we are dealing is Brexit. A hard-deal Brexit will have a different and significant impact. However, we are also dealing with the competitive challenges arising from the currency difficulties.

Deputy Éamon Ó Cuív: The Minister has said he only became aware of the proposal to reduce production when the Commission published the regulation. Is he stating categorically that there was no tic-tacking with the Department about the proposal until the Commission published the regulation? Once again, we are being shown courtesy by the European Com-

missioner, Mr. Phil Hogan. The Minister has been given a scheme, about which the Commissioner conveniently forgot to tell us before the recent elections, which requires a reduction in production. Will he give us some indication of his thought processes in that regard?

Deputy Michael Creed: My thought process is that it is manageable. We managed it in the dairy industry without damaging the sector and can also manage it in the beef sector. The Department has extraordinary levels of data for stocking densities on all farms. By the creative management of individual farmers' stocking requirements, it is possible to deal with the issue in a way that will not inflict any long-term structural damage to supply in the beef industry. The first we became aware of the reduction issue was when the Commission published its terms and conditions. As I said, our proposal which is on the Department's website is clear in quantifying the scale of the challenge and contains no reference whatsoever to supply reduction.

Deputy Martin Kenny: When will beef farmers receive money from the €100 million Brexit beef fund? What will be the terms and conditions of the scheme?

Deputy Michael Creed: The conditionality set by the Commission is in the public realm, but the scheme has yet to be devised. The schemes we have devised, including the beef environmental efficiency programme, are straightforward. Our ambition will be to have the scheme as straightforward as possible for those who have taken the hit, namely, finishers and those who suffered back along the line in producing weanlings with the prices reflected in their sale. The scheme will be devised following the engagement with stakeholders. It will then be approved by the Commission and followed by the invitation of applications. Payments will be made as quickly as possible.

Deputy Joe Carey: It is important that the Minister outline a timeframe for the scheme and when farmers can expect to receive payments under it.

Deputy Aindrias Moynihan: Earlier I asked the Minister to lay out a timeline for when farmers could expect to receive payments under the scheme. Is funding in place to pay it this year? Does the Minister envisage having that fund or ensuring that farmers receive cheques in quarter three or four of this year? I understand consultation is ongoing and that much of the next number of weeks will be focused on that but the Minister will have all the information and consultation he needs finished by August. Surely then a timeline must be set out regarding when those payments will be issued.

I understand that the submission in April referred to by the Minister set out one of the conditions as being the application of extensive production methods. What was meant by that? Does it mean that the smaller-scale farmer will go away? What was intended by that?

Deputy Éamon Ó Cuív: Could the Minister clarify what he means by the term "application of extensive production methods"? Is he saying that the more intensive beef farmers will take the hit? Is that the suggestion? What does it mean because it seems to open a door for the response the Minister got from the EU?

Deputy Martin Kenny: I would like some clarity regarding suckler cow farmers. We understand that a large portion of this fund would probably go to the finisher. The Minister mentioned what would happen down the line but often times its a case of wait horse and get grass and they seldom get fed. That is the problem here. Will a specific portion of this money be allocated? What *pro rata* amount will it be? Will it be 2:1 or a 50:50 split between the finishers and the suckler cow farmers?

Deputy Michael Creed: I will start with the last question. The submission we made to the Commission quantified the relative hits that finishers and producers of weanlings, particularly from the suckler herd, had taken. While I do not want to stand up here and say I have the scheme now, broadly speaking, that will be reflected in the final shape insofar as targeting the €100 million where the hit impacted most. My recollection is that the figures in the finisher and suckler area are €67 million and €35 million. Let us wait and see what happens subject to consultation and approval by the Commission, which is a critical hurdle.

My ambition is to do it as quickly as possible. I do not underestimate the challenge in terms of designing a scheme and giving farmers an appropriate time to apply bearing in mind that the scheme will, hopefully, over the line from Brussels. The deadline is 31 July. We will then put together the necessary administrative arrangements to invite applications, a closing date, processing of applications, a payment system and the back office requirements in terms of systems to support the payment and processing of all those applications. This is not an insignificant task but it is certainly my ambition to do it at the earliest possible date in 2019.

Regarding Deputy Ó Cuív's question about intensive or extensive, the measure will deliver support where losses were felt. They are in both intensive and extensive systems and I hope would be reflected in that context. The ambition is to focus the resource wherever the hit was felt be it anybody who sold finished cattle regardless of whether that was an extensive system of finishing, or anybody who reared sucklers regardless of whether that was a highly stocked intensive system or an alternative system bearing in mind that the average suckler herd is 15 suckler cows which broadly speaking is not considered to be an intensive system of production.

Felling Licences

51. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine the number of tree felling licences issued in each year since 2014, the number of trees felled in each year, the proposed contribution to the climate action plan 2019 targets from hedgerows and tree cover here; and if he will make a statement on the matter. [28120/19]

Deputy Thomas P. Broughan: I wish to ask the Minister about the number of tree felling licences issued in each year since 2014 and what role he thinks trees and hedgerows can play in the climate action plan. I know it is governed by the Forestry Act 2014. The question is prompted by the fact that quite a few constituents have contacted me about people moving into a property and immediately cutting down major tree cover. There seems to be no control over that whatsoever. Many agencies do not have to get permission from the Forest Service to do so.

Deputy Michael Creed: The felling and thinning of trees is an activity that is governed by the Forestry Act 2014 and the accompanying forestry regulations of 2017. My Department is the consent authority for the issuing of felling licences and does so in accordance with detailed procedures that take account of relevant environmental regulations and the principles of sustainable forest management. There are certain exemptions under the Forestry Act, including, for example, felling in urban areas or felling of individual trees in certain circumstances.

The number of felling and thinning licences issued since 2014 is as follows. In 2014, 2,390 licences were issued; in 2015, 2,518 licences were issued; in 2016, 6,514 licences were issued; in 2017, 3,003 licences were issued; in 2018, 3,603 were issued; and to date in 2019, 2,948 licences have been issued. It is not possible to give a precise estimate of the number of trees

felled in any one year under licence as this will depend on the area of the forest being felled, the species being managed, the age of the crop and the type and nature or cycle of the silvicultural interventions. This is influenced by whether it is a first, second or later stage thinning or clearfell and-or whether the forest is managed under a continuous cover management system.

The licensing process makes it obligatory to replant a clearfelled site in forests in all but the most exceptional cases. This avoidance of deforestation is essential in terms of meeting our climate change objectives. The climate action plan 2019 recognises the key role afforestation has to play in climate change mitigation particularly through carbon sequestration. Under current rules agreed as part of the EU effort sharing regulation, forestry can contribute some 2.1 million tonnes of CO₂ per annum of carbon towards Ireland's emissions targets under the next climate mitigation period 2021 to 2030. The climate action plan now sets a target of an average of 8,000 hectares of new planting per year. While this will mostly yield benefits in the longer term post-2030, it will also contribute to our 2030 target through carbon sequestration.

My Department has approved an average of 9,000 hectares for new planting each year for the last three years. This means that there are almost 10,000 approved and shovel-ready hectares available to the forestry sector that could be planted today. The challenge is to ensure that all of the effort that goes into securing and approving new sites results in those sites being planted if planting levels are to increase and the target of 18% land cover is to be achieved. I am committed to working towards this target through the continued provision of generous grants and premiums, engagement with a range of stakeholders from farmers to public bodies and a dedicated promotion and communication campaign and by examining ways in which farm forestry can be better integrated into the new CAP. Knowledge transfer programmes and other initiatives that raise awareness of the economic and ecosystem benefits of forestry will continue to play an important role in tackling some of the barriers to planting. Hedgerows are an important landscape feature that have been supported by various agri-environment schemes over the years. In fact, my Department has facilitated the planting of around 11,000 km of new hedgerows and the rejuvenation of some 6,000 more under successive agri-environment schemes.

Additional information not given on the floor of the House

These hedgerows could possibly represent a significant carbon sink and could potentially be used as a mitigation option. In view of this, the climate action plan commits to ensuring that local authorities extend hedgerow surveys nationwide. Once these are completed by 2020, the Government will commission a study to quantify the climate mitigation and adaptation potential of this resource by 2021.

Deputy Thomas P. Broughan: The Minister mentioned the planting of 10,000 hectares per year - 22,000 hectares in all. How does that fit into the overall targets under the climate action plan because clearly it has a key role? This is a significant issue even when we discuss the Mercosur trade deal on the broader international scale involving climate change involving as it does the fact that Brazilian agriculture is devastating one of the great forestry resources in the world.

Does the Minister think that planning permission should be required for major cutting of trees in urban areas? I also note that the Government's felling and reforestation policy does not cover a range of national agencies such as Bord Gáis, Aer Rianta and CIÉ. There seems to be great scope for organisations to be able to just remove trees. As the Minister is aware, there is considerable controversy over BusConnects in Dublin city because it is feared that around 5,000 trees, including 700 or so in my constituency of Dublin Bay North, could be demolished.

This will result in a loss of carbon sequestration and mitigation.

Deputy Michael Creed: The Deputy will forgive me if I am not familiar chapter and verse with BusConnects. However, there is an increasing awareness in society generally and in public bodies of the requirement to do the right thing by the environment. Broadly speaking, I have found local authorities to be aware of tree management in urban settings. Sometimes the awareness is not communicated in terms of the rationale behind some of the interventions they make.

On hedgerows, the climate action plan commits to ensuring local authorities extend hedgerow surveys nationwide. When these are completed in 2020, the Government will commission a study to quantify the climate change mitigation and adaptation potential of this resource by 2021. The Deputy is right that we are concerned that we are missing our afforestation targets and anxious to make more progress in that area in the context of the next Common Agricultural Policy because afforestation is a critical element of that.

Deputy Thomas P. Broughan: I grew up in a rural area. It is unbelievable that we do not have even a rough estimation of the extent of our hedgerow cover, although 600,000 km has been suggested. Hedgerows could potentially sequester between one tenth and half of a megatonne of CO₂, which could make a very significant contribution towards our overall mitigation figures in respect of agriculture in general. We have not thrown that figure into the equation when discussing the matter in Europe and so forth. Is it not important for us to get the right figures so that we know the extent of the country's hedgerow cover?

Clearly we should have very ambitious targets in forestry and in building up the number of urban trees. I understand London has a target of planting 1 million trees in the next couple of years. All our urban areas, including Dublin, Cork and Waterford, should have similar targets to help the national effort and to mitigate carbon in the general area of agriculture.

An Leas-Cheann Comhairle: Deputy Michael Healy-Rae missed his priority question on beef. He has told me he has a short supplementary question on forestry. It has to be on forestry.

Deputy Michael Healy-Rae: I thank the Leas-Cheann Comhairle for giving me permission.

This is a debate I have had with the Minister already. Despite the Government's climate action plan, not enough is being done to encourage people to plant forestry. The period has been reduced from 20 years to 15 years. The grant involved does not cover the cost of planting a forest, fencing it and fertilising it in the same way as it did in the past. The Minister has a look on his face as if I am wrong; I am actually factually correct. I have spoken to foresters this morning who would back up what I am saying. Not enough is being done to encourage people. They no longer have incentives that existed in the past. What is the Minister proposing to do about that?

Deputy Michael Creed: I do not often have the opportunity to engage with Deputy Broughan on agriculture questions. It is useful to exchange information because there is a view that the agricultural sector is indifferent to biodiversity and is facilitated by a Department that also does not have an interest in it. However, nothing could be further from the case. Under the green low-carbon agri-environment scheme, GLAS, we have supported the planting of 11,000 km of hedgerows. In the area of biodiversity, we support 20,000 ha of wild bird cover. All this is about biodiversity and the environment, and things farmers are actively doing in managing the landscape and delivering.

We need to do more on the narrative around forestry. I take the point Deputy Michael Healy-Rae makes. We recently reviewed the existing forestry programme and will be introducing a new one. Regrettably the narrative on forestry in rural areas is not a positive one, as the Deputy and I both know given where we come from. However, we need to get the message across that food production emits greenhouse gases meaning we need to do that as efficiently as we can. We need to sequester as much carbon as we possibly can. That can be done through appropriate soil management and also through afforestation. That means looking at the incentives and also using the next CAP to deliver in that regard.

Beef Industry

52. Deputy Eamon Scanlon asked the Minister for Agriculture, Food and the Marine his plans to reduce the suckler cow herd to facilitate the expansion of the dairy herd; and if he will make a statement on the matter. [28218/19]

Deputy Eamon Scanlon: The Minister has answered most of the questions I had. I represent the north west, where 95% of the farming is suckler cow farming. There is serious concern that the suckler farmer will lose out at the expense of the dairy industry. In my area dairy farming is impossible because the farms are so scattered with small fields. What are the Minister's views on that?

Deputy Michael Creed: I have no plans to reduce the suckler cow herd to facilitate the expansion of the dairy sector. Decisions to expand or reduce herd sizes in any sector are matters for individual farmers, determined by their own best interests and, of course, subject to adherence to relevant environmental regulation.

My Department provides significant support for suckler farmers, through measures such as the beef data and genomics scheme, the beef environmental efficiency pilot scheme and support for beef producer organisations as well as GLAS, the basic payment scheme and investment supports which are also available to farmers in other sectors. Furthermore, under the current Common Agricultural Policy, my Department has facilitated a convergence of basic payments which, by 2020, will have resulted in €100 million having been moved from farmers on the highest payments per hectare to those on the lowest. Many suckler farmers have been beneficiaries of that process. In providing these very significant supports to suckler farmers, my objective has been to introduce measures that encourage farmers to make the best decisions possible to improve profitability and the environmental and economic efficiency of the farming system. I will continue to support suckler farmers and to be guided by those principles.

I have also succeeded in obtaining temporary EU aid for beef farmers to assist with market difficulties. This relevant Commission regulation provides €50 million in exceptional European Union aid to beef farmers in Ireland and allows national co-funding of up to 100%. The details of the scheme, which will be entirely voluntary, have yet to be finalised. However, I can confirm that these provisions are a market response and have nothing whatever to do with dairy expansion, nor could they require any permanent reduction or adjustment in Ireland's beef herd.

Deputy Eamon Scanlon: That perception exists and we would not like that to happen. I welcome the exceptional aid for suckler farmers. Will that money be paid out in 2019? We are faced with Brexit and the upcoming Mercosur deal. With 270,000 tonnes of beef already come into Europe and a further 99,000 tonnes set to come in, it will distort the market. If we are seri-

ous about supporting small family farmers and keeping them living on and working the land, they will need considerable help. We need strong supports through the exceptional need fund and also through CAP in future if we are serious about keeping the small suckler cow farmer on the land.

Deputy Michael Creed: I repeat my opening sentence. I have no plans to reduce the suckler cow herd to facilitate the expansion of the dairy sector. I appreciate the Deputy's assistance in allaying the perception to the contrary that may exist. No policy that the Department has introduced could sustain that perception. All the efforts we have made have been about trying to deliver supports. These include restoring €50 million to the areas of natural constraint, ANC, scheme, bringing funding for the scheme to €250 million; the beef environmental efficiency programme; and the current EU aid scheme that we will administer before the end of the year. In all of these endeavours, any funds we can get our hands on have been targeted at the beef sector. It is intended that the latter scheme will be paid in 2019.

Question No. 53 answered with Question No. 49.

Question No. 54 replied to with Written Answers.

Beef Exports

55. Deputy Pat Deering asked the Minister for Agriculture, Food and the Marine the potential opportunities for the beef sector in recently opened markets and in the context of trade deals negotiated at EU level in recent times; and if he will make a statement on the matter. [28266/19]

An Leas-Cheann Comhairle: Deputy McLoughlin has been given permission to ask Question No. 55.

Deputy Tony McLoughlin: I thank the Leas-Cheann Comhairle for allowing me to ask this question on behalf of Deputy Deering.

The question relates to the potential opportunities for the beef sector in recently opened markets and in the context of trade deals negotiated at EU level in recent times. I ask the Minister to make a statement on the matter.

Deputy Michael Creed: Irish beef exports increased in value to €2.4 billion in 2018 and were exported to approximately 70 countries all over the world according to trade statistics from the Central Statistics Office, CSO. Opening new markets and expanding existing markets are a key part of our response to the challenges and uncertainty posed by Brexit and are in line with the market development theme of the Food Wise 2025 strategy. In April 2018, the Chinese market was successfully opened to Irish beef and my officials continue to work towards opening and enhancing access to as many markets as possible. Beef markets have also recently been opened in Ukraine, Kuwait and Qatar.

The EU-Japan economic partnership agreement, the largest free trade agreement agreed by the EU, entered into force on 1 February 2019. This provides for considerable additional market access in Japan for beef in the amount of approximately 65,000 tonnes. This presents a significant opportunity to grow Irish beef exports to Japan, which in 2018 were worth some €3.6 million. Furthermore, earlier this year my Department secured an agreement to remove the 30-month age restriction on beef exports to Japan, the first EU member state to achieve this.

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The Comprehensive Economic and Trade Agreement, CETA, between the EU and Canada, which entered into force provisionally in September 2017, removed more than 99% of tariffs. Enhanced access to the Canadian market for EU beef was secured as part of the agreement. In 2018, some €2.8 million or 585 tonnes of Irish beef was exported to Canada and this is expected to increase over time.

The role of my Department is to open markets for the industry and it is then up to the industry, with the support of my Department and Bord Bia, to avail of these opportunities.

Deputy Tony McLoughlin: The biggest issue and concern for us all is Brexit. The Minister mentioned additional markets in Japan, China and perhaps Canada. The opening of more markets to the beef farming community is vital in the present climate. All of us are being lobbied and there are serious concerns around Brexit. I am sure the Minister will also examine other markets to establish if additional business opportunities can be pursued through his Department.

Deputy Michael Creed: It is a matter of opening as many markets as possible and improving, where possible, the terms and conditions under which trade is done. Hence the removal of the 30-month age restriction in the Japanese market is significant. Much has been rightly said about the UK market and the volume of Irish beef exported to the UK, which amounts to more than 50% of our total produce. It is our ambition to have a future trading relationship that is as close as possible to the current one in a post-Brexit scenario but that all remains to be seen in the context of those negotiations. The UK is our most valuable market. While we open up many other markets and there is potential through CETA and in Japan and Mexico, the market we can access most cheaply and which pays the best price has consistently been the UK, followed by other markets in the European Union.

We will visit China in the next month and meet Chinese officials to approve additional plants with a view to facilitating future trade. Opening up new markets is a constant endeavour.

Deputy Tony McLoughlin: As the Minister stated, the UK is currently our biggest market. In the event of a no-deal Brexit, what are the implications for future trade with the UK market?

Deputy Michael Creed: Access to the UK market is in peril in a worst-case scenario. It must be borne in mind that the UK will have to conclude a trade agreement with the European Union. Our belief is that the best way to do that is through the withdrawal agreement, a transition phase and a negotiated free trade agreement that is as comprehensive and ambitious as possible. It remains to be seen whether the UK decides to pursue an alternative course of action but that market should always be important to us. We have done the yards in that market and won space on supermarket shelves in the UK through relationships that have been built up over many years. We have good knowledge and understanding of the UK market because it is English speaking and culturally and in terms of taste preferences similar to us. It is also the market that is the easiest for smaller food businesses to dip their toes into first. Our ambition is to have the most comprehensive free trade agreement with the UK in a post-transition period after the withdrawal agreement is confirmed.

Question No. 56 answered with Question No. 49.

Sheepmeat Sector

57. **Deputy Tony McLoughlin** asked the Minister for Agriculture, Food and the Marine the opportunities for sheepmeat in the Japanese market; and if he will make a statement on the matter. [28268/19]

Deputy Tony McLoughlin: This question relates to the opportunities for sheepmeat. There has been some discussion about the opening of the Japanese market for sheepmeat. I ask the Minister to make a statement on the matter.

Deputy Michael Creed: My officials continue to work towards opening and enhancing access to as many markets as possible. During my recent successful trade mission to Japan, I had the pleasure of announcing the agreement in principle on access to the Japanese market for Irish sheepmeat. This agreement was the culmination of ongoing collaboration between my Department, assisted by our embassy in Tokyo and the Japanese Ministry of Agriculture, Forestry and Fisheries and Ministry of Health, Labour and Welfare. Details of the agreement are expected to be finalised shortly by an exchange of correspondence between my Department and the relevant Japanese officials.

Japan is one of the top five markets identified for the meat sector by Bord Bia as part of the market prioritisation exercise carried out under my seven-point action plan on market access and exports. The country offers an important opportunity for sheepmeat export. According to a Bord Bia study, Japan imported 24,565 tonnes of sheepmeat at a value of more than €170 million last year. The Japanese sheepmeat import market has grown approximately 82% in value in the past five years alone.

The role of my Department is to open up market access and remove barriers to trade. The industry must then take advantage of these opportunities. I am hopeful that Irish sheepmeat exports will achieve the same success that our dairy, pigmeat and beef sectors have enjoyed in Japan.

Deputy Tony McLoughlin: I know the Minister's recent visit to Japan was successful. The Japanese market offers enormous potential. The Minister mentioned that Japan imported sheepmeat valued at more than €170 million each year. Have all the barriers been removed? Were obstacles removed during the Minister's recent visit to allow the start of an export business to Japan?

Deputy Michael Creed: As I said, it remains for the i's to be dotted and the t's crossed. We are on the cusp of gaining access to the Japanese market and we have agreement in principle. It is interesting, in the context of that market, that the average consumption of sheepmeat in Ireland is approximately 3 kg *per capita* whereas in Japan it is in the region of 150 g. Japan represents a growing market opportunity and the trade statistics show that sheepmeat is a meat of preference that has grown significantly in recent years. There are, therefore, significant opportunities. We have gained a foothold in Japan for pork, dairy and, more recently, beef exports and the removal of the 30-month age restriction will mean a higher volume of exports going in that direction. Sheepmeat is a new venture in the Japanese market but there is potential. At the moment, for obvious geographical reasons, Japan is predominantly supplied by the sheep sectors of Australia and New Zealand but there are opportunities for us, particularly in conjunction with other efforts we are making in broader meat protein areas in that market.

Deputy Tony McLoughlin: As the Minister can appreciate, the sheep sector is vital in my constituency. There is a large sheep population in the constituency and surrounding counties in the north west. It is vital that we secure access to the Japanese market and other markets. Having more markets open for sheepmeat would be beneficial to the farming community.

Deputy Michael Creed: By way of evidence of the significance of the market, between 2013 and 2018, the value of imports in the Japanese sheepmeat market has jumped by over 80% from €93 million to €170 million. During the same period, the quantity of imported sheepmeat has grown by only 33%. It is a premium product in Japan and we have opportunities in that regard. I appreciate that it is a matter of having as many markets as possible and the industry then availing of the market that delivers the highest price to the sector. Japan is a highly sophisticated and developed market where food is a premium product and it is a market we could usefully exploit in the years ahead.

Question No. 58 replied to with Written Answers.

Common Agricultural Policy Negotiations

59. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the actions he is taking at EU level to ensure the proposed budget cuts for the 2021-2027 CAP programme are reversed; and if he will make a statement on the matter. [28222/19]

Deputy Charlie McConalogue: I ask the Minister to outline all the actions he is taking at EU level to ensure that the proposed cuts to the Common Agricultural Policy, CAP, for the period from 2021 to 2027 are reversed; and if he will make a statement on the matter. It is well known that the current multi-annual financial framework, MFF, outlines an overall proposed cut of 5% over the next seven years of the CAP programme, comprising of 4% to Pillar 1 and a cut of up to 15% to Pillar 2. When inflation is taken into account over the seven years, that 5% overall cut is projected to amount to a 15% real deduction unless it is addressed. I seek an update from the Minister today on the efforts at European level to have that addressed and to ensure there is no cut when the final agreement is made.

Deputy Michael Creed: As the Deputy alluded to, we must bear in mind that CAP funding forms part of a broader European Union budget which is agreed by Heads of State and Government and ministers for finance.

The European Commission has proposed, as part of the MFF for 2021 to 2027, that funding for the Common Agricultural Policy should be set at €365 billion. This is a cut of approximately 5%. I consider that the proposed cut is unacceptable for Ireland. The retention of an adequate budget for the CAP post 2020 is a significant priority for me and for the Government.

Negotiations on the MFF proposals have commenced and are running in parallel to the CAP negotiations. I continue to work towards building consensus among my agricultural colleagues in Europe to maintain the CAP budget. I co-signed a joint memorandum in Madrid in May 2018, to call for the CAP budget to be retained at current levels. The memorandum has been supported by up to 20 other EU agriculture ministers. Ireland needs to work closely with its European Union colleagues to build a consensus to maintain the CAP budget. I meet regularly with ministers throughout Europe to continue to build momentum on this. At the Agriculture and Fisheries Council, I have consistently highlighted that the strong ambition of the CAP must

be backed with strong financial support. I would like to reassure the Deputy that I will continue to do this, and to fight for a strong CAP budget as the negotiations progress.

Deputy Charlie McConalogue: I understand that the Netherlands, Sweden and Denmark, in particular, have been resisting any increase to the CAP budget. I ask the Minister about his approach in his engagement with those countries at EU level? On the existing proposals which have been published, which involve a 4% cut, what is the view of those countries to those proposals? Are they accepting that as a baseline or are they contesting it?

Furthermore, on being able to build a coalition, which will need to include those countries because unanimity is required to get to a situation where there is no cut to the final CAP budget, what is the Minister's position on his legal engagement with other European countries on that?

On the overall European Union budget, if there is an increased allocation from member states to that, there is no guarantee that will go towards the CAP budget. I ask the Minister to outline his engagement with other countries to ensure that any budget increase is directed at CAP. What is the status of the Minister's consultations with them in that regard?

Deputy Michael Creed: I do not underestimate the scale of this challenge at all because of the unanimity requirement. As the Deputy alluded to, the critique of some member states to the Commission's proposals of June 2018 has been that the published proposals for financial cuts do not go far enough. That is a particularly challenging starting point. Those countries, namely, the Netherlands, Denmark, Sweden and Austria, take a polar opposite view to us. We have argued that in many ways, the CAP is a template that could be usefully emulated in other areas where the EU faces other big challenges such as in the areas of migration and security. Those challenges are not a reason to raid the CAP budget, and the Taoiseach has been quite strong on this in the context of his address to the European Parliament in early 2018, when he clearly stated our willingness to pay additional money into the European Union, but on the basis that it supports programmes that are important to us. This is a really difficult challenge on the basis that unanimity is required. We remain steadfast in our view that the budget should be protected. There is a judgment call to be made here and I do not detect any momentum for increasing the budget. If we can get to a situation where we get a protected budget, that would be as good as it would get.

Deputy Charlie McConalogue: We cannot overestimate the importance of the CAP budget, given that it makes up 75% of average farm incomes here. For some sectors, such as the beef and sheep sectors, it makes up over 100% of net income for farmers. It is essential that there is a positive outcome in this regard. The seven-year CAP programme from 2021 to 2027 was predicated on the draft regulations and the draft proposals being agreed by the outgoing European Parliament, which did not actually happen. As it looks as though there will be a delay, can the Minister enlighten us, from the point of view of the Department, as to what is the expectation on how long that delay might be? Many of the existing schemes in CAP form a critical part of farmers' incomes, particularly those under Pillar 2. Can the Minister assure us that schemes such as the environmental schemes and beef data and genomics programme will be extended? If there is a gap of one year or two years where schemes are not in place, that will have an exceptional and unacceptable impact on farmers' incomes and is something we cannot allow to come to pass.

Deputy Michael Creed: On that point, I am acutely conscious of the requirements for the roll-over should the delay continue. On the other hand, I am equally concerned that the roll-

over continues to exclude people whose contracts have already expired. In that sense, we need to pursue an approach to bring the CAP negotiations to a conclusion at the earliest possible date in order that we do not repeat the situation where those whose previous environmental schemes that expired, be they the agri-environment options scheme, AEOS, or the rural environment protection scheme, REPS, did not switch over into the current green low-carbon agri-environment scheme, GLAS, arrangements. I am very conscious that those concerned are currently without a support scheme, and they are not insignificant in number.

It is one thing to look for roll-over. That is important and we have engaged with the Commission on that. The Commission has not yet indicated and that may have been to do with the fact that it wants it to conclude and to keep the pressure on but we are now in
11 o'clock a situation where this Commission is going out the door, there is a new Parliament and there will be a new Committee on Agriculture and Rural Development. It remains to be seen whether it will feel hidebound by the deliberations of the previous committee or whether it will look at it afresh. All of that is in play. The optimum solution as I see it, is a new CAP in place at the earliest possible date but in the event that there is delay, roll-over is something we will be raising as well.

Question No. 60 replied to with Written Answers.

Climate Change Adaptation Plans

Acting Chairman (Deputy Eugene Murphy): We have a short amount of time left before we commence another important debate. Deputy McLoughlin was to take Deputy Deering's Question No. 61. I propose that he will forgo the initial introduction, let the Minister answer and then I will let him make one comment before receiving another reply from the Minister.

61. Deputy Pat Deering asked the Minister for Agriculture, Food and the Marine the details of the climate action adaptation plan recently launched by his Department; and if he will make a statement on the matter. [28271/19]

Deputy Michael Creed: Just last week, I launched a public consultation on the adaptation plan for the agriculture, forest and seafood sectors. This is our first statutory adaptation plan and it is about preparing our systems to deal with the inevitable changes in climate, including preparations for events such as flooding, fodder shortages or damage resulting from extreme weather storms in our harbours and forests.

The overall adaptation goal of this plan is to build resilience to the effects of climate change and weather-related events in the agriculture, forestry and seafood sectors, to reduce any negative impact where possible, to take advantage of any opportunity that may exist and to contribute to the achievement of the Department's statement of strategy goals. The four overarching objectives to help achieve this goal are centred around ensuring a joined-up approach to adaptation planning, raising awareness of the impacts of climate change, reducing vulnerability and embedding adaptation planning in decision making.

The central element of the plan is the 13 case studies, which highlight examples of where the sector has been impacted by changing weather patterns, future projections and how we might see similar events happen, with a focus on steps to build resilience and reduce vulnerability to reductions in productivity. At all levels, our system must be prepared and must consider

alternative options to manage our exposure to climate change risks. By taking steps to reduce exposure to prevent climate variability, we can inform future climate adaptation requirements and increase resilience.

Deputy Tony McLoughlin: I thank the Minister for his comments. I look forward to the outcome of the consultation on the climate action adaptation plan from his Department and to getting further details.

EU-Mercosur Trade Agreement: Statements

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): As Members will know, the agreement reached last Friday was arrived at following 20 years of negotiations. First and foremost, it is important to acknowledge how vital international trade deals are for Ireland. As a small, open, export-led economy we very much support balanced international trade. The key word is “balanced”. As a Government, we need to go through this deal in detail to see whether it strikes the right balance for Ireland. As somebody who lives on a beef farm, I absolutely recognise and appreciate the very genuine concerns expressed by our farming community in relation to the Mercosur deal. I say very clearly to farmers that the Government hears their concerns and understands them. It is important to recognise that there are positives in this deal for Ireland and significant benefits for Irish exporters in sectors such as business services, chemicals, the drinks industry, machinery, medical devices and the dairy industry, with the reduction or elimination of tariffs and barriers to trade for these sectors.

In 2018, Ireland exported almost €2 billion-worth of goods and services to the Mercosur region. Trade with the region has grown by almost one fifth in the period from 2010 to 2016. Against this level of export trade from Ireland to the Mercosur region, we anticipate that the EU-Mercosur agreement will allow Irish exporters to expand faster and take advantage of new opportunities. Analysis by my Department estimates that a potential doubling of annual goods and services exports from Ireland is possible over the period to 2030. The deal ensures that Irish whiskey and Irish cream liqueur are protected under the EU’s GI scheme. It is also important to point out the special provisions for SMEs in the agreement. SMEs benefit most from the simplification of exporting and customs procedures, as the savings accrued are proportionately greater for them. There are also positives for the dairy sector, with tariffs on 45,000 tonnes of product, including cheese, milk powder and infant formula, moving from circa 19% to a zero tariff over a ten-year period, presenting significant opportunities for the sector.

Those are some of the benefits from this deal and it is important that I put them on the record. However, I am not going to stand here and say that this deal is perfect. As I said at the outset, I absolutely recognise the concerns of our farmers. While beef has been in the headlines in recent days, there are also very real concerns in relation to the poultry and pig sectors. Sometimes, it is easy to stand on the opposite side of this House and criticise the Government and play politics with an issue like this. I am from a rural community and have lived all my life on a farm. As a Government, we absolutely fought to achieve the best deal possible for our farmers.

This deal was negotiated at EU level. As a member state, Ireland has raised serious concerns over a long period in relation to beef access. For my part, I raised these concerns at every opportunity at European Council meetings on trade. I also raised concerns directly with the

Trade Commissioner, Cecilia Malmström. As recently as 31 May, I wrote to Commissioner Malmström to once again highlight our serious concerns, particularly given the current challenges and uncertainty facing the Irish beef sector in the light of Brexit. There has been a sustained effort across Government in relation to this, with both the Minister, Deputy Creed, and the Taoiseach raising it at the highest levels.

Initially, the South American countries were looking for a beef quota of 300,000 tonnes. The deal on the table offers 99,000 tonnes, and while that is still higher than we would want it to be, it is important to remember that it is less than one third of what was originally sought. That reduction is due to the active efforts made by Ireland and other member states. That 99,000 tonnes will be split between 45% frozen and 55% fresh and is carcass-weight equivalent; this is the whole animal and not just prime cuts.

The agreement ensures that there will be equivalent standards. EU SPS standards will not be relaxed in any way and remain non-negotiable. The highest EU standards will be applied to all imported goods, especially food, so no hormone beef or GMOs will be allowed. I assure farmers that equivalent standards are an integral part of this agreement.

In relation to concerns regarding climate change and deforestation, the Mercosur countries, including Brazil, will have to fully implement the Paris Agreement as part of this deal. If they do not, the deal is void and will fall.

I appreciate that when this deal was announced last Friday, it understandably struck fear within the farming community. It is important to remember that it is far from a done deal. This is an agreement in principle and has to go through a legal process, which could take up to two years. The deal then has to be voted through by a qualified majority on the Trade Council and go through the European Parliament, where the outcome is far from certain. After all that, it is highly likely that more than 40 Parliaments, including this House, will have their say on it. The quota for beef would be on a phased basis over five years, so we are talking about a deal that might not be fully felt until 2028. Meanwhile, we are staring down the barrel of a possible no-deal Brexit on 31 October, which could deliver a serious shock to our economy and in particular have damaging consequences for the agricultural sector. It is in the context of serious challenges such as Brexit that we need to step back and look at the bigger picture. In conjunction with the Department of Agriculture, Food and the Marine, my Department will proceed to ensure that a comprehensive independent economic assessment is carried out on the Mercosur deal. We have the time and space necessary to do that. The shape that Brexit takes and the impact that has for the agricultural sector will be a key consideration of this economic assessment.

The Taoiseach has made it very clear that the Government has an open mind in relation to this deal. As I have outlined, there are benefits in certain sectors but there are also negatives. We need to determine whether overall this will be a win or a loss for our economy. We should not lose sight of the fact that in recent years, we have had EU trade agreements with Japan, Vietnam, Singapore and Mexico, which are very positive for our agricultural sector and provide for the export of 105,000 tonnes of European beef.

Acting Chairman (Deputy Eugene Murphy): The Minister must conclude. We are on a very tight timescale and we have to allow everybody a chance to come in on this.

Deputy Heather Humphreys: I accept that the Mercosur deal is a difficult one, and as a Government we have to look at it in the round. The economic assessment will ensure that the

Government makes a fully informed decision when deciding what position to take when the ratification process on this deal commences.

Deputy Charlie McConalogue: I welcome the opportunity to debate this deal. As per the Order of Business yesterday, it is essential that further time be set aside next week to thrash out this dangerous deal for the Irish agricultural sector and ensure that there can be proper examination and questions. As a party, Fianna Fáil believes that trade is good for the country and has been very supportive of the recent Canadian and Japanese deals. When we look at this deal, and the impact it will have on the beef sector in particular, there is no doubt it will not benefit the Irish agricultural sector. It represents a tremendous political failure by our Government. It has not ensured that this deal is a balanced one from our national perspective. It is certainly not that.

We are different from many other European countries in that the domestic agricultural sector, and the beef sector in particular, plays a significant part in our economy. It plays a disproportionate and exceptionally valuable part in our economy, unlike in other European countries where the agricultural sector is much less significant. I welcome the representatives here today from the Irish Farmers Association, IFA, the deputy president, Mr. Richard Kennedy, and the livestock chairperson, Mr. Angus Woods. They are here because, as the Minister, Deputy Creed, heard over the last few days, they are extremely worried about the impact this deal will have on the future livelihoods of the farmers whom they represent.

I know the Minister indicated this morning that this deal would have to go through legal processes and would then have to go before the Trade Council for qualified majority voting. There is no doubt, however, that what is on the table now is almost 100,000 tonnes of beef. That would have a massive impact on our agricultural sector. This agreement has been delivered at a high political level between the European Commission and its counterpart in South America. The Irish Government representative on the Commission, Mr. Phil Hogan, was a key part of that process.

I know the Minister will tell us that he has made representations in recent times about the threat this deal poses. From the questions we asked here in the past, however, there is no doubt that it was clear that the Government had accepted the suggested figure of 70,000 tonnes for beef imports that was on the table until some months ago. The answers to the questions we asked clearly show that was something that the Government had accepted. We now see that what is finally delivered is 100,000 tonnes of beef imports. The EU's own impact assessment, which was published in 2016, shows that the impact of beef trade deals would lead to a hit of some €5 billion on the EU beef market and a cut of up to 16% in European beef prices.

The farmers here today and those all over the country who have been expressing their concerns in the last few days will tell the Minister very clearly that this is a hit that they simply cannot take. This situation has to be examined in the context of Brexit as well. European consumption of beef is relatively static and Ireland supplies 102% of the Europe Union's beef needs. If we take Britain out of that equation, then that figure would go up to 116%. We know what that would mean in respect of the pressure on farmers and the downward spiral in beef prices that would cause.

The other key issue which makes no sense is the impact of this deal on climate change. This deal has been the subject of negotiations for 20 years and it predates many of the climate change targets and the threats that will result from the effects of climate change. This deal, however,

has come up with an offering that involves taking beef from South America. In Brazil, for example, beef is produced with four times the carbon footprint that it is in Ireland. This is at a time, as we heard earlier, when the European Commission is providing funding aimed at reducing domestic beef production in Ireland.

The beef offering within this deal is something that the Minister for Agriculture, Food and the Marine, Deputy Creed, and the Minister for Business, Enterprise and Innovation, Deputy Humphreys, have to resist at all costs. They have to bring about some change in that part of the deal because our agricultural sector cannot take such an impact. It is a tremendous failure that we have found ourselves in this position.

Deputy Jackie Cahill: The Minister's opening statement definitely did not fill me or any other beef farmer with confidence. I am a dairy and beef farmer and I know full well the major economic pressure that our sector is under. The Minister also referred to the fact that other trade deals had been made in recent years. It is the case that numerous markets have been opened up for Irish beef. We have sold very little beef into those markets outside of the EU, however. The Minister stated that we had to look at the bigger picture. I interpret that as meaning that the Minister is stating that he is going to sacrifice our beef industry for the sake of other sectors.

She also asked if this deal represented a win or a loss for our economy. Ireland's rural economy cannot survive without our beef industry. It is the cornerstone of rural Ireland. If this going to be another occasion when something adjudged as good for the Pale is also seen as good for the rest of Ireland, then this Government will be neglecting rural Ireland. Our poultry and pig sectors will also come under pressure as there are concessions regarding those areas in the deal as well. We are going to be 116% self-sufficient in beef production in Europe when Brexit happens. It is incomprehensible that anyone would contemplate allowing beef from South America to enter the EU market in this context.

Deputy McConalogue mentioned climate change. This is the issue that is really annoying Irish farmers. They are prepared to adapt to climate change and they know that that adaptation will increase their costs of production. They are, however, prepared to do that because they recognise that climate change is a fact of life. What farmers cannot understand is this two-timing that the Commission is engaged in at the moment. It is agreeing a deal that will help the large industrial powers in Europe and that will be good for the Germans, the French and the Italians as it will allow them to sell their industrial goods in South America. We in Ireland, however, will be asked to tackle climate change while farmers in South America will be able to go ahead and do whatever they want.

There has been much publicity in the past concerning production standards in South America. We are told that there will now be an insistence on adherence to certain standards. A significant amount of South American beef is already entering Europe. This deal will put the final nail into the coffin of not just the Irish beef industry but the European beef industry.

Deputy Martin Kenny: The real issue with the Mercosur countries, as both of the Ministers are aware, is that they have a much lower production cost for beef than we do in Ireland or anywhere else in Europe. Standards in South America are much lower, however. That means that beef can be produced at a lower price compared with EU farmers and as a result South American farmers can undercut the market. The market is what all of this is about. There are also consumer protection issues with this deal in respect of the hormones and pharmaceuticals used in the production process in South America that are banned in the EU.

The problem we have is that the model of farming in the South American countries is entirely different from the model of farming that we have in Europe generally and that we certainly have in Ireland. Livestock farming in Ireland is a managed process. Farmers work with their cattle every day and know them. In Argentina and Brazil, beef farming is based on a ranching model where thousands of cattle are spread over a huge area that is probably the size of a county. In Ireland, we are talking about farms with an average size of 30 ha to 80 ha. It is entirely different. That means that cattle in South America are allowed to roam free. There are no tags, no traceability and no disease prevention. The animals there are treated for various diseases, mainly coming from mosquitoes and other things, *en masse* with pharmaceutical products that would be banned in Europe. South American beef farmers do not have to register or tag their cattle until 90 days before they are ready to be slaughtered and exported.

That gives us the context of farmers in Ireland compared with those in South America. That is the situation that we have to understand. It is clear that the farm organisations in Ireland and most other European countries oppose this deal with Mercosur. It will allow a sharp increase in the production of Brazilian beef and its importation into Europe with preferential tariffs. The reality is that that will throw the EU beef sector over a cliff. This deal is bad for European consumers because Brazil and other South American countries fail to meet EU standards. The key issues involved are traceability, food safety, animal health and environmental controls. Research conducted by the European Commission Joint Research Centre suggested that if imports of beef from Mercosur countries into Europe were to rise dramatically that would drive EU beef prices down by 16% and would cost the EU beef sector as much as €5 billion in revenue.

The potential impact on Irish beef farmers could be a loss of between €500 million and €750 million. The Minister, Deputy Creed, has already stated that this is a very disappointing deal for Irish beef farmers. The deal is coming at a time when 300,000 tonnes of beef exports into Britain annually are under threat because of Brexit. The Minister has also welcomed the deal and said that it removes tariffs of 28% on Irish dairy products going into the Mercosur countries. The reality is that our dairy industry is already at top capacity. It is already doing very well and there are already major export markets available in places such as China. We do not need to export our dairy products into Latin America, even at reduced tariff rates. The Minister is not comparing like with like and that also has to be part of this context.

In a recent interview in *The Irish Times*, the Minister also stated that the beef agreement was the sweetener in this deal. I know he was putting that aspect into context, but that tells us where we are regarding the Irish beef sector. The Irish beef sector, which is on its knees, is being used as a sweetener to achieve a deal that will allow cars and pharmaceuticals to be sold to Latin America. The use of these pharmaceuticals would probably not be allowed in Europe. That is the position.

As has been mentioned, one of the biggest impacts this agreement will have is on the environment. The rainforests in Latin America comprise half of the world's remaining rainforest and represent the largest and most biodiverse tract of tropical rainforest in the world. It is under threat as it has never been before. This deal will facilitate the aims of a right-wing Brazilian Government which denies climate change and is in cahoots with Donald Trump. It says that it wants to continuously expand into the rainforest and does not want to conserve the environment or protect the native people who live in those areas in any way. The President of Brazil is on record as saying he wants to withdraw from the Paris Agreement on climate change. This Mercosur deal involves many contradictions.

The Minister stated that EU standards “will not be relaxed in any way” and that “they remain non-negotiable”. That position does not stand up to any logical consideration when dealing with Latin America and the current President of Brazil in particular. Nothing we see coming from that country suggests it wants to meet EU standards. In fact, it is saying it wants to move in the other direction by withdrawing from the Paris Agreement and increasing the size of its already expansive cattle herd. It wants to cut down the rainforest to do this and continues to do so apace. In the month of May alone, an area the size of County Leitrim was cut down to make space for cattle ranching. The situation in this regard is absolutely dire.

The Minister also mentioned that the 99,000 tonnes of beef is one third of what had originally been sought, which was 300,000 tonnes. What else would one expect? Parties negotiating a trade agreement always set their targets much higher than what they expect to achieve. I am quite sure the Latin American parties to the agreement were more than happy to get 100,000 tonnes of beef into the European Union.

Another issue which comes into play is the manner in which this trade deal will be ratified. As we know, it will be another two years before it goes through and it must first go to the European Council of Ministers. Will our Minister vote against it? Will the Irish Minister work with ministers from other countries that have expressed doubts about this deal, such as Poland, France and Belgium, to build a bloc large enough to prevent it going through? If it goes to the European Parliament, will Government and Fianna Fáil MEPs vote against it? I assure the Minister that Sinn Féin MEPs will vote against it. Will the Dáil vote on this issue and, if not, why not? Is it because of the Lisbon treaty or the Nice treaty? We need to make that clear.

We need to understand where we are in this regard and make a very firm political choice. Are we going to stand up for the Irish farming community and the environmental lobby around the world or are we going to stand for big business? That is the choice. At this time in the development of global capital, we must state clearly whether we are going to stand with big capital against the environmental lobby and the farming community in Ireland because that is what we are talking about doing. This choice lies with the Government and its Ministers in Europe as well as those political parties which have MEPs. We have to make that choice.

I appeal to the Government to stand firm and to understand that, if the future is to be worth anything for the generations to come, any trade deal must be measured against the 17 sustainable development goals. People all over the world are talking about climate change while we are talking about allowing a trade deal that flies in the face of the sustainable development goals to which this Government and all governments around the world have signed up. This particular trade deal flies in the face of more than half of those goals.

Deputy Willie Penrose: I have already indicated that this deal will have a significant impact on rural Ireland. It has taken 20 years to get the EU-Mercosur deal to this stage and we now have agreement in principle. There may be many a slip between the cup and the lip, as they say. It must be approved by the European Parliament and by a qualified majority of the Council of Ministers. That is a worry. While we can talk about vetoes and so on, our vote may well have little impact on the overall result. We have to see this as an opening shot. We can try to amend and improve this deal.

I have been here for longer than some of those who have spoken. I remember the guts of 20 years ago people were talking about between 70,000 and 75,000 tonnes of beef. That was the idea at that time, as I recall very well. It will be another five to seven years before any of

this deal will be implemented so there is lots of time and considerable scope to make changes. There will have to be changes and I look forward to some emerging from the proposed economic assessment.

I will make four short points. It is unfortunate that this whole issue has emerged just before Brexit is finalised. We need to know where we stand with Brexit because, with the way it is heading, there will be significant problems ahead. We know what will become of the British market. The market will be oversubscribed and saturated and there will be less consumption because the British market will not be available. Britain will also bring in goods to replace those supplied by our market. There will also be an impact on the Common Agricultural Policy arising from the loss of Britain's contribution of between €10 billion and €12 billion. These are all serious issues.

The Labour Party has never advocated free trade. We are in favour of fair trade. There is a significant difference. Conversely, many of those involved in industry, particularly the agriculture industry, are firm proponents of free trade. They have taken issue with me many times because we have always advocated market intervention at various points, much to the chagrin of many of those people. Some recent deals have resulted in significant benefits. We have to acknowledge that. If a trade deal is well regulated, it can raise the living standards of workers and consumers not just in Ireland, but across Europe and in the countries with which the deal is made. That has to be taken into consideration.

I am always concerned by the strategy pursued by the United States of America. We now have a man tearing around the world tearing up international agreements. It is time for us in Europe to show that making deals is better for workers and the environment than protectionism. That is what we are seeing and it is the reason I do not believe anything coming from the US.

As the Minister outlined, parts of the economy, including the dairy and pharmaceutical sectors, would benefit from this deal. Not all sectors will benefit, however. In my area, the beef and pig industries will be particularly affected. It is clear that the deal is bad for Irish livestock farmers and the wider meat industry. The Minister for Agriculture, Food and the Marine has admitted that. It is as simple as that. We all know that bringing beef into a saturated market will present a problem.

Spokespersons have been jumping up and down trying to outdo one another in saying how bad the deal will be for farmers. It will be bad but in addition to roaring and shouting we must have solutions. I told the Minister he should oppose the deal, which is grand but, when he opposes it, where will it go? He will have to work with others to deal with the qualified majority vote, about which I am very worried. The agreement will go through regardless of our opposition because it seems President Emmanuel Macron is happy with it, which is something of a change on his part. This deal must be subject to critical review, analysis and assessment in order that we can see where positive changes can be made. We have to look at the rest of the deal. What alternative will deliver higher wages for workers and lower prices for consumers? What alternative will save the rainforest? We need to get into the detail of the agreement and next week's debate will be very important in that regard. We must get down to the minutiae of the deal.

The inclusion of 99,000 tonnes of beef in the deal is a serious problem for Ireland because we export nine out of every ten animals we produce. The Minister has said that imports under the Mercosur deal will have to meet EU food standards so there will be no access to Europe

for beef from animals treated with hormones, for example. That is a concern. Deputy Martin Kenny is right. I was in South America and I saw the ranches that produce this beef. How can we ensure these standards are met? The European Food and Veterinary Office is based in County Meath. It will be responsible for ensuring that low-standard food does not enter the European market. Phytosanitary controls and so on are of great concern. Will they be implemented in time?

The cost base for Mercosur farmers is much lower than that for Irish farmers. I saw that in the ranches where production is extensive. This will make it impossible to compete at market level. Will the 99,000 tonnes comprise premium steaks? Will it be frozen or fresh meat? These are all issues. Will the beef be hormone-free? If it was made up of steak, the industry could close down. That would wipe it out altogether, which be unacceptable. Can we modify that part of the deal? Quite apart from quantity, can we deal with the issue of quality? The bottom line is that either we achieve changes to the trade deal to protect our meat industry, which has to be our first priority, or we will have to have a very serious conversation with our farmers on financial systems to allow the meat sector to diversify and secure alternative markets. Seeking alternative markets is not easy. When one sees 25,000 tonnes going somewhere, one thinks it is great, but four times that amount is coming in here. We might well see changes to beef production in other EU member states to try to create more space for our beef. I would not rule this out because grass-fed Irish beef has a lower environmental impact and is better quality. It is hormone-free, green and fresh and other member states may well, in light of their industrial bases, see benefits of giving ground to Ireland in that regard. We should try to secure that.

Calling for the scrapping of the deal is great. I am calling for it myself. However, we should be clear and we should not be trying to fool anyone. That is just populism and grandstanding, which are things of which I am sick. One has to get in there to see whether one can make effective changes because if one works global rules right, they will bring significant benefits. I hope, therefore, that what emerges is positive action on the part of our Government to achieve significant changes that will benefit Ireland.

Acting Chairman (Deputy Eugene Murphy): I thank Deputy Penrose for sticking to the time limit. Deputies Paul Murphy and Boyd Barrett are sharing time. Is that agreed? Agreed.

Deputy Paul Murphy: “This trade deal is a double whammy for the planet: it will exacerbate deforestation and encourage the production of big, dirty cars. This might just be the EU’s worst trade agreement for the climate”. That is the view of Perrine Fournier, a campaigner with the forestry NGO, Fern. Every time these free trade agreements, FTAs, are negotiated, the real character of the European Union is exposed as an organisation which exists to promote the interests of big business within Europe and which pays lip service to human rights, sustainability and the environment, all of which it is willing to sacrifice on the altar of profit. It is an organisation which engages in trade negotiation behind closed doors, with privileged access for big corporations while even governments fail to get access. Just recently, the French Government complained that it did not have access to the latest papers in these negotiations with Mercosur.

A couple of years ago, the EU pledged that it would halt global deforestation by 2020. In the Trade for All strategy of 2015, the EU stated, as it has on multiple occasions, that trade would be used as a lever to promote sustainable development and human rights. All of that is to be sacrificed, however, in the interests of, on the one hand, the big car companies in Europe and, on the other, big ranchers in Mercosur countries, particularly those in Brazil. That is the way these deals work. They can only be derailed by a mass movement from below of people who

stand for a very different model of trade based on solidarity, mutual assistance and co-operation. This is a complete disaster for the environment and the halting of deforestation. In the context of the latter, the Bolsonaro Government has put indigenous lands demarcation under the jurisdiction of the agriculture Ministry deliberately to pave the way for the cattle and soy agribusinesses to accelerate their sweep through the Amazon. This deal makes the EU complicit in the extensive attacks on human rights the Bolsonaro Government is carrying out. During the election campaign, Bolsonaro promised to end all forms of activism in Brazil and he has begun to implement that promise since he came to power. This is a disaster for the indigenous people in Brazil in particular because at least 14 protected indigenous territories are reported to be under attack from invaders. In many cases, those invaders are sponsored by the big corporations that want them off the land so that they can raze the forests and use the ground for ranching. The Bolsonaro Government has also abolished 35 national councils of social participation involving indigenous people. That is the logic of the model of trade pursued by the European Union. It is a logic accepted by the big parties, including Fianna Fáil, when it comes to most trade agreements, and it must be resisted from below if it is to be stopped.

Deputy Richard Boyd Barrett: This deal should be opposed completely. The Government should oppose this deal if it cares at all and if there is any meaning to its concerns about the environment, the protection of human rights and the protection of the interests of farmers. Any equivocation about that exposes whose agenda this Government and the EU are really championing, namely the agenda of big business and major corporations which could not give a hoot about climate change, the environment, the struggle of our farmers to maintain a livelihood or the struggles of indigenous people and small producers in the Mercosur countries themselves. All of those will lose out as a result of this agreement. That is extraordinary when all of the debate in this country and globally is about the need for emergency action. The Government says it is interested in the climate emergency yet it wants to sign off a deal under which we will export fossil-fuel-guzzling German cars to Mercosur countries in order that they can send us beef which is produced by cutting down thousands of square km of rainforest. Goods will travel thousands of miles to Europe, leading to more greenhouse gas emissions being pumped out, while we send manufactured cars over there to pump out more. This beggars belief. The irony is that the entire country has been gripped by the fear of Brexit but this agreement is Brexit writ large and on a scale ten to 15 times greater in respect of the race to the bottom these deals promote. It is truly shocking.

The Government states that it will carry out an economic assessment of how the deal will impact on our economy. I say, “Farmers of Ireland, beware; the sell-out is coming”. Just as the fishing industry was sold out to Europe, farmers will now be sold out for the benefit of certain manufacturers, particularly in the pharmaceutical and medical instruments industries. Farmers across Europe are about to be sold out for the benefit of the German car industry. It is not just about that, however. It is also about the globe. It is about the planet that the Government states it cares so much about. In the past ten years, rainforest covering the same amount of land as Portugal has been cut down. Bolsonaro is stating unequivocally that he is a climate change denier. He does not give a damn about the climate and he is waging a war against the indigenous people, small farmers and small producers, crushing their human rights and cutting down these forests to produce cheap, lower-quality beef for the benefit of the ranchers and major agricultural producers of Latin America. This deal should be opposed root and branch. Anything less is a sell-out.

My final point is a bit of an “I told you so” but it has to be made. This deal is the reason the

left opposed the Lisbon treaty and the other treaties that introduced qualified majority voting on global trade deals. We said they would lead to what we see here; an attack on environmental standards and an attack on small producers and SMEs. The chickens have come home to roost on the rotten deals signed up to by Fianna Fáil, Fine Gael, the Labour Party and so on.

Deputy Maureen O'Sullivan: On post-European Council statements last week, I used some of my time to discuss the Mercosur deal from a number of perspectives, but not particularly that relating to Irish beef. I will begin now with those general points. The first relates to trade agreements generally and the need to proof them against climate change and the undermining of workers' rights. Free trade agreements include the investor-state dispute settlement, ISDS, which we have debated on many occasions. It is a system which threatens public budgets and the environment. At the heart of ISDS is a mechanism for foreign investors to sue national governments. Recent examples include two oil firms which used ISDS to avoid paying tax in Vietnam and a similar case in Croatia. There was also an example in France where a company was able to weaken a climate change law by threatening an ISDS suit. ISDS is biased in favour of the interests of investors at the expense of the public interest because the public cannot sue the companies involved on human rights grounds.

I would like to mention another aspect of Mercosur to which I drew attention last week. Recently, representatives of over 350 civil society organisations sent a letter to the EU asking it to halt the negotiations on the basis of the deteriorating human rights and environmental conditions in Brazil. In April, 600 scientists and representatives of more than 300 indigenous groups called on the EU to support human rights and sustainable development in light of increased human rights violations and threats to indigenous peoples and their lands in ecologically valuable areas. Civil society in Brazil is under severe threat because of President Bolsonaro's campaign of ending any form of activism. Under a plan he is implementing, the Brazilian Government has the power to supervise and monitor the activities and actions of international agencies and non-governmental organisations in Brazil that are drawing attention to these matters. It is telling that the Brazilian foreign affairs and environment ministers are global warming deniers and the Brazilian department of climate change has been abolished.

We debated climate change last week. Is there any realisation that massive numbers of cattle in Brazil need grazing land? Some of this land is being provided by taking lands belonging to indigenous people and removing forests that are valuable from a biodiversity perspective. At the same time, Irish farmers are being asked to grow more trees. The irony is just in the middle of it. It is totally illogical because we are not being loyal to what we have been saying about climate change recently.

It is incredible that it has taken almost 20 years to get to this point. It is still not right. Twenty years ago, there was little or no discussion about climate change. This is the first area that must be re-examined because of what we now realise. The second area is human rights and labour rights, which should be central to trade agreements. A new business and human rights committee has finally been set up with a chairperson and a meeting is planned. Will that committee have a role in examining the Mercosur deal from a labour rights perspective? That is what the committee is supposed to be doing.

We know what is involved in this deal. The EU is Mercosur's largest trade and investment partner and second largest business, trade and goods partner. The EU is the biggest foreign investor in the area. Mercosur is a major investor in Europe. In the middle of all of this, a trade war is taking place between the US and China. Venezuela was suspended from Mercosur in

2017. We can see that there is a political aspect to this as well.

We are all very concerned about food safety. We do not know enough about what is being fed to cattle in Mercosur countries. The details we have are very disturbing. We know it is going to be challenging for Ireland and for agriculture here. The Irish beef sector is dominated by big farmers. We are conscious of how cattle are fed. It is good to see movement among small farmers, who are becoming more proactive in taking on the big farmers in terms of the kind of meat they are producing. It is possible that there are opportunities here. There is space for the smaller farmers.

The Mercosur deal has been seen as a landmark decision and a truly historic moment. We know that tariffs for the Mercosur countries have been eliminated. There will be increased access to the EU market for agricultural goods from those countries. There will be an improved export environment for the EU. There is a perception that agriculture is the trade-off to facilitate the gains being made elsewhere.

If the forthcoming Argentinian elections bring change, it is possible that Argentina will not stay in Mercosur. The opposition leader, Alberto Fernández, has said that there is nothing to celebrate in the agreement, but lots of things to worry about. As we know, there are concerns throughout Europe.

Many advocates of trade deals use all the usual clichés in pointing to the liberal economic agenda, referring to trickle-down economics and suggesting that growth equates to prosperity. We know trade deals like this one prioritise the interests of large multinational companies above all else. That is essentially what this deal is doing. It is disappointing that it has taken a trade deal that affects agriculture in this country to bring about a reasonable conversation on the merits of trade deals. This issue had gone off the agenda.

It has been suggested that the German car industry is at the centre of this. There is a belief that this deal is a back door for EU cars to get into South American countries. Much more scrutiny is needed in this regard. The number of people working in the lobbying industry in Brussels is 30,000 and counting. According to one critic, it is like an invasion from the corporates there. We know how much influence this €1 billion industry is having on legislation. We need to be aware of all the lobbying that is going on and of whose interests are being looked after and whose services are being paid for.

Deputy Michael Healy-Rae: I would like to share time with Deputies Danny Healy-Rae and Michael Collins.

Acting Chairman (Deputy Eugene Murphy): Is that agreed? Agreed.

Deputy Michael Healy-Rae: Over the last week or ten days, I have read and followed closely the ministerial comments about the Mercosur trade deal. There seems to be a conflict. The Minister for Communications, Climate Action and Environment, Deputy Bruton, tried to sell the deal when he took Leaders' Questions in this Chamber yesterday. He did this in his answers to Deputies Micheál Martin and Mary Lou McDonald, as well as myself and others, from the moment he stood up until the moment he sat down. He said many times that the deal had to be looked at "in the round". He said that the deal had positive aspects, but I do not believe that to be the case. It is a negative deal for our farming community. It is wrong for an Irish Government to try to promote such a deal by suggesting it has positive aspects. I am fully aware of the other aspects of the trade deal.

It would be totally negligent for any Minister for agriculture, Taoiseach, other member of the Government or backbench Deputy who supports the Government to say he or she would support this deal. It would be a sell-out of Irish farmers, who work hard to produce quality beef. The excellent product they produce has no hormones and can stand up to any traceability requirements. The record of our farm produce stands up favourably to what we will be getting from South American countries.

I was disappointed when the Minister, Deputy Bruton, let the cat out of the bag yesterday. I am not sure whether the Minister for Agriculture, Food and the Marine, Deputy Creed, agrees with him. I would love it if the Minister, Deputy Creed, would contradict me in this regard. Maybe he will stand up here today, on behalf of the farmers he represents, and say he does not agree with the deal. He is from a farming community. He is not some townie who rolled up to Dublin. I know where he came from. His feet are on the ground. I trust him and rely personally on him. I am worried he will take the Government line, which is that there are positive aspects to the deal and that it has to be examined. It is rubbish to talk about evaluating it. I advised the Minister yesterday to ask any farmer who is trying to produce beef for his evaluation of the deal. All such farmers will tell the Minister that they are not making money. They will make even less money as a result of this deal.

Deputy Danny Healy-Rae: I am glad to have an opportunity to highlight what farmers are saying to me about this deal. They are very angry. They are on their knees and have been for all of this year and a good part of last year. Today, the factories will not even take beef. The farmers have to wait 30 days for the factories to accept animals. The Minister knows how much that is costing. Farmers are in a trap or vice because of Brexit, the Mercosur deal and the activities of the factories. They are facing extinction. The Government is suggesting that there is some good in this deal, but there is no good at all in it for farmers in rural areas, including the area between the Minister's home town and the county bounds. From the county bound back to Slea Head, Valentia Island, through Kenmare, Sneem and Cahirciveen, and on the other side of Kenmare Bay in Bonane and Lauragh, they are predominantly beef and suckler farmers. They are facing a wipe-out if the Minister does this and allows beef in from South America where they are cutting down the rainforest.

Commissioner Hogan and, I believe, the Minister mentioned that farmers must cut production and plant forestry. Forestry will wipe out the rural communities forever because when 1 acre or 100 acres is planted there is no life in that side of the country. To think that the Minister is even dreaming of doing this is terrible. The Government is already making farmers feel guilty for producing beef. The Taoiseach has said he is doing his bit to reduce the carbon footprint. We can prove that our animals are reared in green grass up to their eyes. In Brazil and Argentina they have humps on them and are in dirty dusty yards with troughs around them. We are doing it the right way.

Deputy Michael Collins: In its programme for Government this Government promised to ensure the national interest would be protected in any future trade discussion with a particular focus on beef and safety standards. This Government has failed on both counts in the Mercosur deal which looks like it will allow 99,000 tonnes of beef into the EU each year from the Mercosur countries. My concern is that if we use beef from these countries, where already there are traceability and safety issues and the environmental standards are below EU standards, the beef industry will face decimation and the safety of the public will be at risk. If this Government agrees to a Mercosur deal, it will wipe out beef farmers throughout Ireland.

My calls for stand-alone Ministers for agriculture and the marine, respectively, have been criticised by the Government. Both it and the European Commissioner, Mr. Phil Hogan, are asleep at the wheel. Apart from kicking the can down the road past the next general election, what concrete steps will this Government take to protect the beef industry and the public? My colleagues in the Rural Independent Group are calling on Fine Gael to table a motion on this deal next week. Irrespective of whether this happens, we will be calling on Fianna Fáil to bring down the Government immediately. It has to fall because if rural Ireland is to be saved from further ruination under the most arrogant and anti-rural Government this island has ever seen, this is the only way out. Next Wednesday, the Beef Plan Movement, which has 20,000 members, will lead a protest to Leinster House. These are beef and suckler farmers who are on their knees. Despite having 20,000 members, the movement feels it has no voice.

I asked the Minister last week about the €100 million to be spent. He has spoken to the affected farmers previously but he told me he had spoken to them about how the €100 million that is coming will be spent. He needs to correct the Official Report in that regard. These farmers have not spoken to anybody and they have asked me who, if anyone, the Minister spoke to about this funding. The importation into Europe of 99,000 tonnes of beef from the Mercosur countries is a public safety issue and I am calling on the Government and Opposition parties to ensure that all beef on sale in Ireland and the rest of the EU meets current EU standards.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): The announcement on Friday last of an EU-Mercosur trade agreement marks the end of 20 years of negotiations between the two blocs. While I acknowledge the importance of balanced international trade deals for Ireland's economy, including its agricultural sector, I am disappointed that the agreement includes a significant tariff rate quota, TRQ, that would allow the importation of beef from Mercosur to the European Union at preferential tariff rates, at a time when the beef sector in Europe is facing significant uncertainty because of Brexit. I and my colleague, the Minister for Business, Enterprise and Innovation, along with others, have worked hard with colleagues in other member states to mitigate the potential impact of a Mercosur-EU agreement on European agriculture. While the outcome is disappointing, the length of time it has taken to arrive at this point is at least in part due to the concerted efforts over many years and by many governments of Ireland and other like-minded member states to protect the European Union agriculture sector to the maximum extent possible. In addition to pointing out the considerable difficulties that the concession of a significant beef tariff rate quota would create for the Irish beef sector over a period when the EU beef market is likely to continue to be very delicately balanced, and against the backdrop of a potentially very damaging impact from Brexit, Ireland repeatedly called for a coherence between the European trade policy's objective and its climate change responsibilities to be demonstrated by not extending more favourable conditions to beef imports from trade partners that are producing in a less environmentally sustainable manner. We have focused not just on these market impact and sustainability aspects but also on the size of the quota, the technicalities associated with quota management and the cumulative impact of potential concessions under the range of current and future negotiations in order to mitigate the outcome of these negotiations.

The beef TRQ agreed is considerably less than had been sought by Mercosur countries, which at one point were demanding a quota of 300,000 tonnes. In addition, the TRQ is split between fresh and frozen and will be phased in over several years. As such, if the agreement were to be implemented, its full impact is unlikely to be felt for a considerable time. We must also acknowledge that there may be some opportunities for other sectors, including the dairy

and drinks industry. In addition, our colleagues at the Department of Business, Enterprise and Innovation estimate that a potential doubling of annual goods and services exports from Ireland is possible over the period to 2030.

It is early days yet and there are still several steps to be taken before the agreement can be implemented. It will first be put through a process of legal drafting and translation which could take several years. It will then be submitted to the Council for approval by a qualified majority vote and then to the European Parliament for its consent. If provisionally applied at that point, it would still take several years to come into effect. The Oireachtas and other national parliaments will also have a role in ratification. We will examine the text carefully to assess its impact on the Irish economy and on the agrifood sector generally and reflect on the appropriate next steps in terms of engaging further with member state colleagues and examining ways to diminish the potential impact of the agreement.

This is an agreement between an outgoing Commission and Mercosur countries. It is a deal that has not been ratified by any member state or government, the Council of Ministers, the European Parliament or any state parliament. There is some considerable distance to travel, as Deputy Penrose reflected quite accurately. Members have rightly alluded to the environmental concerns around our systems of production relative to those of South American countries and in particular Brazil and the Bolsonaro government. The very fact that within this agreement there is for the first time in a trade agreement a chapter that makes environmental standards a critical issue is an opportunity for us. We can use that and in the intervening period ensure the drafting of the agreement double-stitches that in and so thwarts the ambition of those countries if their environmental standards do not meet the standards required of European farmers. It is a deal breaker. While I do not wish to celebrate the lack of environmental ambition or commitment in those countries, that this is an issue we can use to our advantage should not be overlooked. No agreement has been ratified by anybody yet.

From an agricultural point of view, I consider the deal to be deeply disappointing. I acknowledge that there are opportunities in other areas, including in some respects the drinks industry and dairy sector, but overall in terms of the rural economy and the impact on the beef sector and the 100,000 who gain some element of their income from that sector, it is deeply disappointing.

There are Members in this Chamber who have consistently opposed every trade deal while, at the same time, refusing to acknowledge that the European Union has been a champion of environmental standards and workers' rights. This deal, which is the first that has included a specific reference to environmental standards, may well be an opportunity for us. There is a considerable way to travel and, as Minister with responsibility for agriculture, I will exhaust all opportunities. We are not without friends in this debate. Other member states have expressed serious concerns. The French, in particular, who have concerns about beef, have expressed reservations about sugar and ethanol. We will forge alliances and work to ensure that in the intervening period we salvage the best possible outcome from what is proposed.

I appreciate Deputy McConalogue's point about Commissioner Hogan. In all my dealings with the Commissioner, I have found him to be an ally in trying to mitigate the worst excesses of this deal. I remind the House that working collaboratively with him, the lead negotiator, the Commissioner for Trade, is a member of the Alliance of Liberals and Democrats for Europe, ALDE, which is aligned with Fianna Fáil.

Acting Chairman (Deputy Eugene Murphy): I thank the Members for their contributions. I was particularly delighted to chair this debate. It was also great to see leaders of the farming community in the Visitors Gallery.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: The housing crisis is deepening and Government efforts are failing to impact significantly on it. The cost of housing is growing at twice the rate of average earnings across the country. Rent prices have soared by 8% nationally. In Dublin, the cost of rent makes up more than half of the minimal living costs. At 68%, which is a stark number, the rate of home ownership is now the lowest since 1971. The younger generation, 12 o'clock essentially, have been locked out of home ownership and have lost confidence in ever being able to afford to buy a house. The new average before people can buy a house is now 35. In the 1990s it was 26 years of age. When Deputy Varadkar became Taoiseach two years ago the number of children homeless was at 1,881. Today, the figure is over double that at 3,794. I recall the then Minister for Housing, Deputy Coveney, promising in June 2016 that child homelessness would be over by the end of that year.

This, by any yardstick, is a litany of failure. Plan after plan has been produced and they have not worked in accordance with the targets set in each plan. There was an over-reliance on the free market, the private market, to solve all the issues. I suggest that over-reliance has backfired and failed.

There have been attempts to engineer a change from home ownership to rental. The current budget alone in terms of rental schemes is anywhere up to €900 million, an extraordinary figure. It is in the billions of euro when one goes back over the last five or six years. In terms of house building, either council houses or affordable houses, it has dwarfed any of that. That was a clear policy to engineer and to contrive people to move away from ever owning homes to renting. All the initiatives that were announced from rapid build, the affordable rental schemes, the repair and leasing scheme to the home loan scheme have failed spectacularly in the targets they set. They have not reached their targets. They have been bedevilled with bureaucracy, lack of urgency and delayed delivery. Rent pressure zones have now been extended to 19 areas but rents continue to soar.

Will the Taoiseach answer clearly when does he expect we will have a situation where children will no longer have to live in hotel rooms or emergency accommodation and will have access to public housing? When will we see meaningful progress in the provision of affordable homes for people? Does the Taoiseach accept that home ownership is no longer attainable for young people under the current policies and that they have no confidence in ever being able to buy a house?

The Taoiseach: The Government acknowledges the enormous challenges we face as a country when it comes to housing. All of us feel particularly strongly about the fact that there are families living in emergency accommodation. While the family hubs are much better than hotels and bed and breakfast accommodation they are by no means a long-term solution. It is our objective to reduce the number of families experiencing homelessness, living in emergency accommodation, month on month, year on year. There was a slight fall in the number last

month but we want to see it continuing to fall very month into the future. We want to minimise the number of people who end up in emergency accommodation and, if people end up in it, we want to make sure it is for a very short period of time, for weeks or maybe a few months but certainly not for years.

I do not think it is possible for anyone to say there will never be anyone who has to go into emergency accommodation. There always have been a certain number of people in emergency accommodation for one reason or another, particularly people who become homeless suddenly who were not on the housing list, but it should not be the type of figures it is now. We want to make sure it starts falling and continues to fall.

With respect to housing, I am somebody who is very committed to home ownership. This Government believes in home ownership. As the Deputy pointed out 68% to 70% of people in Ireland own their own home, which is much higher than in most European countries. I know others prefer a European housing solution based on renting for life, a public housing and social housing-based solution. I believe in home ownership and that people should be able to own their own home, that that is a socially desirable thing. In order to deliver high levels of home ownership, we need the private market and the private sector because it has never been the case that Governments build houses for people to own. Governments build houses for people to rent-----

Deputy Timmy Dooley: They eventually bought them out when matters improved. That was the model.

The Taoiseach: -----for those who are not able to own their own house. That is why we need the private market so that people can purchase and own their own homes. I want that 70% home ownership to be a reality for people in the 20s and 30s. As to what are we doing about it, there is the help-to-buy scheme which has already benefitted 10,000 people, mostly people in their 20s and 30s, helping them to get a deposit to buy their own home. It will help many more people in the future. Approximately 1,000 more people have been helped with the Rebuilding Ireland home loan to get a low interest rate home loan to be able to buy their own home.

The other area is supply. In the past 12 months, 22,000 new homes have been added to our housing stock. That is 22,000 new houses or apartments. We are meeting our targets in terms of supply. If there was a way to do it quicker I guarantee the Deputy we would do it. Given from where we have come with a collapse in the financial and construction sectors, we can only ramp up supply so quickly. This year we will see between 22,000 and 25,000 new homes built, with next year probably hitting higher than that again, and we will get to the point where the additional supply is meeting the demand. We are seeing some progress already because of the additional housing supply with house prices levelling off and even falling in this city.

Deputy Micheál Martin: The Taoiseach's comments regarding homeless children living in emergency accommodation are quite depressing. He said there was a slight fall in the number. I am not talking about the situation we had in the past where a very small number of people were homeless for a variety of reasons. We are talking about families who ordinarily in previous times would have had access to a council house within a reasonable period of time but who are now living in hotel accommodation for a prolonged period of time. We know the psychological impact of that on children in terms of their development. The Taoiseach has offered no hope here this morning in terms of making any significant dent in the numbers who are living in emergency accommodation with all of the societal damage and potential impact of that on

those families and children.

At 68%, home ownership is at the lowest level since 1971. That is the reality. Despite what the Taoiseach said in terms of his stated position, the reality is there was a significant shift in the past five to six years towards the housing assistance payment, HAP, scheme model and various rental approaches which have absorbed huge amounts of money with less emphasis on house building, particularly the building of council houses in terms of broader social housing areas. The delayed delivery on all of those has been quite shocking given the urgency of the situation. Rent prices have continued to soar. There is no point in saying we aspire to homeownership if the nuts and bolts that govern that are not dealt with by Government. To date, they have not been dealt with in the context of people's capacity to afford to buy homes. The Taoiseach might indicate the progress that has been made in terms of the affordable homes scheme.

An Leas-Cheann Comhairle: I call on the Taoiseach to respond. We have exceeded the time. We cannot continue like this.

The Taoiseach: I will ensure that the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, provides the Deputy with an update on the affordable homes scheme.

Deputy Dara Calleary: The Minister will be providing one for himself first.

The Taoiseach: As the Deputy will be aware, the scheme is going towards a shared equity model. We will provide the Deputy with more information on that.

Deputy Micheál Martin: Has the Taoiseach not had it?

The Taoiseach: I am advised that the level of home ownership fell faster under Fianna Fáil than it has under the current Government. It is worth referring to that point. We really should not forget from where we are coming. We should not forget what happened ten to 12 years ago on Fianna Fáil's watch. When Deputy Micheál Martin's party was in office, we had a boom-and-bust cycle in construction. As a result, the industry was totally destroyed and hundreds of thousands of workers left their jobs and had to emigrate.

Deputy Fiona O'Loughlin: Eight years later.

Deputy Michael Healy-Rae: That was a long time ago. We do not need a history lesson.

The Taoiseach: The banking sector collapsed and was unable to lend people mortgages for a prolonged period.

Deputy Mattie McGrath: The banks still are not working.

The Taoiseach: We had, on Fianna Fáil's watch, ghost estates, Priory Hall, problems with mica, hundreds of thousands of people in negative equity-----

Deputy Timmy Dooley: Fine Gael builders.

The Taoiseach: -----and hundreds of thousands of others in mortgage arrears. Deputy Micheál Martin is not in a position to lecture or advise anyone on housing.

Deputy Michael Healy-Rae: Fine Gael was asking them to spend more at the time.

Deputy Thomas Byrne: Let us think of the children.

An Leas-Cheann Comhairle: Please.

Deputy Michael Healy-Rae: What was Fine Gael doing at the time?

Deputy Thomas Byrne: Not a word about the children.

(Interruptions).

An Leas-Cheann Comhairle: There has to be some order. If there is, Deputies may get an opportunity to contribute..

Deputy Thomas Byrne: The Taoiseach does not care about the children.

Deputy Timmy Dooley: It is all just politics. There is nothing about the children. Suffer little children.

An Leas-Cheann Comhairle: If they are orderly, they might have a better chance of getting it.

Deputy Michael Healy-Rae: He must remember that he is the Taoiseach.

Deputy Mary Lou McDonald: The living wage technical group published its assessment of the living wage for 2019 this morning and its report makes for a sobering read. They have found that the living wage - the rate of pay that a full-time worker requires in order to enjoy a socially acceptable standard of living, in other words, an income floor of such a level as to allow him or her not to live the high life but, rather, a decent one - has risen to €12.30 an hour. The increase is of the magnitude of 40 cent per hour and is largely accounted for by increases in the cost of living in particular and in the cost of housing and, more especially, because of runaway rental costs. The Taoiseach will be aware that the living wage - now set at €12.30 - is considerably more than the minimum wage in this State which stands at €9.80 an hour. The gap between the two is sizeable. Workers deserve to be treated fairly and paid fairly for their work. People who are at work have every right to expect that they can have a decent standard of living. As a result, it is not acceptable that tens of thousands of workers and their families endure poverty, uncertainty, stress and substandard living conditions as a result of low pay. We are not talking about a small number of people. According to the most recent figures from the Central Statistics Office, CSO, 140,000 individuals are in receipt of the minimum wage. The majority of those 140,000 are women, and the vast majority of them work in the services sector.

There is also another big group of people who earn just above the minimum wage. Their income lies between the minimum wage and what the living wage ought to be. All of these are hardworking people. They are childcare workers, members of the Defence Forces, hospitality workers and shop assistants. They are people with whom we interact and on whom we rely on a daily basis. The situation of poverty at work in which they find themselves is simply not acceptable. We need to start moving to ensure that all workers in the public and private sectors are paid the living wage.

The State should lead from the front on this matter and the Taoiseach should introduce the living wage for all civil and public servants. The latter has been a pre-budget proposal from Sinn Féin for many years. Last year, it would have cost just in excess of €35 million, as per costings provided to us by the Department of Public Expenditure and Reform. This is a minor

and modest sum in the greater scheme of things, particularly when one considers the benefits that it would bring to workers and their families. Will the Taoiseach move to ensure that the State is a living wage employer in the next budget? When will the Government legislate for the living wage? When will it legislate and ensure that workers can enjoy a wage that will afford them a decent basic standard of living?

An Leas-Cheann Comhairle: I call on the Taoiseach to respond.

Deputy Mary Lou McDonald: We are well behind the curve. Often one hears tributes to and, on occasion, one sees people shed crocodile tears for low-paid workers.

An Leas-Cheann Comhairle: I call on the Taoiseach to respond to the Deputy's question.

Deputy Mary Lou McDonald: These workers do not need not soft words, honey-coated words or tributes, they need to earn at least the living wage.

The Taoiseach: The answer to Deputy McDonald's question is "No". We negotiate public sector pay with the trade unions. That is done under the terms of pay deals that happen periodically and that do not require legislation. We have a pay deal with the public service trade unions. When that comes to an end, I imagine that we will have another pay deal with the public service unions. That is how we decide on pay levels within the public service.

The living wage, as the Deputy will be aware, exists in the United Kingdom. It exists in Northern Ireland where Deputy McDonald's party was in power for ten years. The living wage in the United Kingdom is actually lower than the minimum wage in Ireland. I would not like there to be a living wage that is lower than our national minimum wage.

Deputy John Brady: That says much about the State and the cost of living.

The Taoiseach: The national minimum wage is calculated by the Low Pay Commission, taking into account the views of workers and unions and also employers in the business sector. It is now the second highest in the European Union. Far from being behind the curve, we are well ahead of it. We have the second highest national minimum wage in the European Union. Even when one accounts for the fact that we have a high cost of living, we still have the sixth highest minimum wage in the world. We are well ahead of the curve, not behind it.

The living wage to which Deputy McDonald refers is drawn up based on research by NGOs without any input from employers and business. The Vincentian Partnership for Justice does good work. I have studied much of its work over the years. I studied it when I served as Minister for Social Protection. One of the interesting aspects of its research is that were it not for housing costs or rental costs, it would be proposing a reduction in the living wage because they state that the cost of living, other than that part of it relating to housing, has decreased in the past five years. The research assumes that everyone is paying rent. Of course, most people do not pay rent. Most people pay mortgages or own their own homes outright. In many cases, those who are on the minimum wage are students or those who are bringing a second income into their homes. That also needs to be taken into account.

The Low Pay Commission, the Government body that draws up the national minimum wage, takes into account the need to ensure that people get a decent wage. However, it also takes into account the views of businesses and employers. That needs to happen as we do not want a situation whereby businesses close. Those in the Border region would be the ones most

at risk in this regard given the much lower living wage that exists in Northern Ireland. We do not want to end up in a situation where workers lose their jobs or lose hours, thereby end up worse off. That is why we have a system that works. It is headed up by the Low Pay Commission, established by the Fine Gael-Labour Government, and it takes into account the bigger picture and the need for people to get decent wages. It listens to employers and unions and recommends an increase every year that will push up wages but that will not cost jobs or cause workers to lose hours and thereby ending up worse off.

Deputy Mary Lou McDonald: The Low Pay Commission should be looking at a living wage, not the minimum wage. The Taoiseach is wrong to state that those on the minimum wage are simply people who are working for pin money or to earn supplementary incomes. Almost half of those on the minimum wage are full-time workers. The minimum wage stands at €9.80 per hour. Everyone here, including the Taoiseach, earns multiples of that.

At least the Taoiseach gave a straight answer. He said “No” and indicated that he is not interested in improving the living standards and the quality of life of low-paid workers. What is proposed here is not a ransom, it is not a fortune. It is €12.30 an hour. The State ought to lead by example. It should be a matter of shame that the State has in its employment public servants and some civil servants who work for less than that. Shame on the Government. No wonder he is dragging his heels in respect of the soldiers, those who work in the Naval Service and the Defence Forces. As the Taoiseach just acknowledged, he does not care and the answer is “No”.

Legislation for a living wage would make provision for the health and financial circumstances of business. Of course that is the case. The Taoiseach knows full well that the minimum wage has latitudes like that; of course the living wage would have to take account of the financial state of health of any enterprise. As a matter of public policy and basic standards, people at work should expect that they can live a basic, decent life and that work actually pays. I have a document here laying out Sinn Féin’s position on the living wage. I am very happy to share it with the Taoiseach. I hope he will read it and, more importantly, act on it.

The Taoiseach: I did give the Deputy a straight answer-----

Deputy Mary Lou McDonald: It was “No”.

The Taoiseach: -----but unfortunately she chose to misrepresent it and put words in my mouth. While I give the Deputy straight answers, there is nothing straight about her whatsoever in the way that she responds to my answers when I give them to her. The Government is acting. The Deputy should look at the facts. We have more people at work in Ireland than ever before.

Deputy Aengus Ó Snodaigh: More homeless.

Deputy John Brady: Thousands more living in poverty.

The Taoiseach: We have an unemployment rate that it is at its lowest in 15 years.

Deputy Paul Murphy: Bogus self-employment and part-time work.

The Taoiseach: Poverty and deprivation rates have been falling for four years in a row and we have cut child poverty by 30% and we have increased the minimum wage every year for the past four years after it was cut by others. That is our record. It is a good one-----

Deputy Mary Lou McDonald: It is not. It is terrible.

The Taoiseach: -----and we are going to continue to build on it but we will do it in a way that is sustainable and not counterproductive. The risk of Sinn Féin policies that are not responsible is that they will be counterproductive.

Deputy Mary Lou McDonald: Sinn Féin will look after workers. How utterly counter-productive.

The Taoiseach: We would end up in a situation whereby people rather than getting an increase actually end up having their hours reduced or losing their jobs altogether and that is no good to anyone.

Deputy John Brady: The Taoiseach should read the document.

Deputy Thomas P. Broughan: I wrote to the Taoiseach and other Ministers at the end of May following the appalling series of gun murders in Dublin Bay North and asked what steps the Government was going to take. I detailed the outstanding work of our schools and a wide range of Dublin Bay North community bodies in fields like employment and enterprise, child-care and elder care, youth work and sports and drug rehabilitation. At that time, many community leaders who admired the Mulvey report on the north inner city, Creating a Brighter Future, believed that a similar programme and implementation board should be established for Dublin Bay North. The north inner city initiative, which my colleague, Deputy Maureen O'Sullivan, was heavily involved in bringing forward, includes tackling crime and drugs; maximising education and training; integrating social services; and improving the physical landscape. There is a strong belief that we need a co-ordinated response involving all the existing local agencies, perhaps led by the Northside Partnership, An Garda Síochána, Dublin City and Fingal County Councils and key Departments. It should be fully resourced to tackle all the issues which gave rise to the recent upsurge in crime.

Is there a case for a national programme of support? Seven or eight of the 40 constituencies are particularly badly affected; the Taoiseach's own constituency is one of them. Will he launch a new national strategy to support investment in all areas experiencing cumulative disadvantage, perhaps led by a high-level interdepartmental group? I know that Departments are engaged on their own in carrying out important work. The Department of Children and Youth Affairs is carrying out a major reform of youth services but funding in the sector for most of our constituency was less than €2 million in 2018. The Department of Rural and Community Development, whose Minister is seated beside the Taoiseach, runs the social inclusion and community activation programme, SICAP. However, as the Minister knows, the community enhancement programme only allocated €700,000 for Dublin. There is also continuing criticism of Seetec in respect of employment and youth employment.

With regard to legislation, after eight and a half years the Government has not brought forward the housing (regulation of approved housing bodies) Bill or reformed the Housing (Miscellaneous Provisions) Act 1997 to strengthen estate management. Despite the €1.76 billion 2019 Garda budget, people still feel generally that there needs to be much greater visibility of gardaí, especially in the evenings, with a doubling of community gardaí. When is the Government going to publish the long-promised policing and community safety Bill? The national recorded crime statistics for quarter 1 of 2019, which are statistics under reservation, show shocking increases across a whole range of crimes, including sexual offences, attempts or threats of murder and assault, kidnapping, robbery and extortion, fraud and deception, and controlled drug offences. All these are happening on the Taoiseach's watch and affecting all our

constituencies, rural and urban, with seven or eight constituencies particularly badly affected.

What is the latest position with regard to the report of the working group chaired by Mr. Justice Sheehan? It is considering decriminalisation in respect of small amounts of drugs for personal use, which would allow the Garda to focus on very serious crime and drugs pushing. I understand the Taoiseach has the report but has not yet brought it to Cabinet.

The Taoiseach: There are a lot of specific questions there. I will do my best to answer them in the time allocated. I did receive the Deputy's letter and have read it. I am not sure if he received the response-----

Deputy Thomas P. Broughan: Not from the Taoiseach himself.

The Taoiseach: -----but it is in train. In respect of legislation, we would expect to have the public and community safety Bill next year, which will bring into law many of the recommendations made by Kathleen O'Toole in the commission she led on the reform of policing. It is being worked on at the moment by the Minister, Deputy Flanagan, and the Department of Justice and Equality. Ideally, I would like to have the heads of a Bill this year and the legislation published and enacted through the course of next year.

On the housing Bill the Deputy asked about, I do not have a timeline but will ask the Minister, Deputy Eoghan Murphy, to communicate with the Deputy and update him on it. I do not yet have the report from Mr. Justice Sheehan. I have not seen it. I know it is quite advanced and once I get it and have a chance to read it, I will bring it to Cabinet and publish it thereafter. As the Deputy will be aware, it is examining whether we should change our approach to dealing with drugs, moving away from one that is founded on criminal justice and enforcement to one that is more based on treating it as a health issue. I look forward to receiving that report once it is ready.

Our response to crime has to be twofold. As a former British Prime Minister once said, we need to be tough on crime and also tough on the causes of crime. We are tough on crime by increasing Garda resources. There are unprecedented resources now for the Garda and they are continuing to increase all the time. Additional gardai were allocated to the Dublin stations quite recently, as the Deputy will know, reflecting the need for that to be done given the high levels of crime in Dublin. There has also been investment in ICT and equipment and vehicles, which will continue into next year and into the future. In terms of being tough on the causes of crime, that means tackling some of the underlying issues that cause people to choose a life of crime when others may not. Those are issues particularly related to social and educational disadvantage. We are doing that as well.

The north-east inner city initiative is a very good one. We have yet to see whether it has had good outcomes. What has been done has been very good. It is probably too early to judge whether the outcomes have been good because we cannot assess that at the moment. Unfortunately, as is often the case with a very targeted, very specific initiative, it would not be feasible to do that nationwide. We just would not have the capacity, the people, or the finances to do that in the ten or 20 other places that have been proposed, including places in my own constituency. Perhaps we can do something similar in those areas of deep disadvantage, including in the Deputy's constituency and in mine. We do have the community enhancement programme. One of the things we are examining is whether we should relaunch something similar to the revitalising areas through planning, investment and development, RAPID, programme which

existed in the past, and identify ten or 20 areas of particular disadvantage around the country on an evidence basis and target them to do something similar to but not the same as the north-east inner city partnership.

Deputy Thomas P. Broughan: Unfortunately, the Taoiseach is not tough enough on crime or on the causes of crime. We have a reasonably good social infrastructure in Dublin Bay North. Surely this is a moment when we need to be thinking about a national strategy. Some 25 years ago, the trade union movement led by Peter Cassells inspired the development of the whole local partnership approach. Surely there is a need at this time to do something similar. I am aware of budgetary matters and, indeed, will be meeting the Minister, Deputy Donohoe, at the Committee on Budgetary Oversight at 2 p.m. However, this is the kind of initiative we need.

Dublin Bay North has long been awaiting a new divisional Garda headquarters. I wrote to Commissioner Harris about that and urged him to consider a location for the headquarters in the greatly expanding north fringe. There is one site in particular just north of Darndale-Belcamp parish that would be a good site for that headquarters. In respect of the legislation available to An Garda Síochána, my former colleague on the Committee of Public Accounts, Deputy Durkan, has proposed that we should simply proscribe organised crime gangs and their members, because they are enemies of our State and our Republic. Many of us would agree with Deputy Durkan that we should take that initiative.

What is the Taoiseach's response to the recent Supreme Court decision on mandatory minimum sentences, where the court struck down part of the Firearms Act?

The Taoiseach: The answer to the Deputy's initial question is "Yes". We are considering a revised and new approach to target areas of particular disadvantage in the State. There are a lot of programmes already, as the Deputy is aware, such as the local drug and alcohol task forces, DEIS in education, the school meals programme and the community enhancement programme. There is also €2 million set aside in the new GP contract to provide extra resources for the first time to GPs who are working in areas with high levels of disadvantage. This recognises there is a link between disadvantage and poor health. This will be the starting point for having a system such as DEIS, but for healthcare. I believe this will make a big difference. What we probably do not do well enough is joining it all up together. This is what we need to do and I have asked Ministers to work on this over the next couple of months.

Deputy Róisín Shortall: I want to raise with the Taoiseach today the crisis in healthcare staff recruitment, specifically the crisis in recruitment of hospital doctors, and the serious implications for patient safety and the future of the health service.

Currently there are 450 vacant consultant posts. Even if all of these posts were filled we would still have the lowest number of consultants *per capita* in the OECD. Downstream, there are also more serious problems that need to be addressed very soon.

Ireland trains high numbers of doctors at very high cost. The vast majority of these doctors emigrate. In 2014, for example, there were 684 medical graduates, 627 of whom left Ireland. In 2017, 700 medical graduates who left the country. A key contributor to the deplorable waiting lists is the shortage of hospital doctors. Nearly 1 million people are waiting on hospital care of one kind or another. In the last few days we heard that 30,000 women are waiting for gynaecological hospital services.

It is also a major contributor to the dysfunction within our health service. There are many reasons why Ireland cannot hold on to its hospital doctors. The unmanageable workloads and the inevitability of burnout is a key factor for a lot of doctors. There is also the hierarchical nature of the career structure for consultants and the lack of career prospects. Pay is undoubtedly an issue and the two-tier health system, as in many other careers, is hugely damaging with regard to hospital doctors and should be addressed urgently. The convoluted two-tier recruitment system in operation is also inexplicable. There is a lack of reform of the health service. Hospitals are stressful places for doctors to work and there is no indication that the Government is serious about a reform programme.

Getting timely access to care has a significant bearing on this because it means there are increasing difficulties for patients. This is also depressing for doctors. Knowing that delays have resulted in conditions becoming more serious for patients, knowing that treatment is less successful due to those delays and knowing that the system is failing patients, with doctors constantly having to apologise, is very stressful.

On top of all these issues is the recent HSE report that has pointed to serious problems around the importation of doctors with many doctors coming from developing countries, with questionable practices in relation to whether that is ethical or not, issues about the qualifications of those doctors, inadequate clinical oversight of those doctors and the transient nature of those foreign doctors, who are basically propping up our health system currently. We know that 50% of the non-consultant doctors are now called “non-training scheme doctors”. This is a new category. Non-training scheme doctors are mainly foreign doctors and in some hospitals 80% of the non-consultant hospital doctors fall into this category. I call on the Taoiseach to publish that report and let the House know what action the Government will take on the crisis in the recruitment of hospital doctors.

The Taoiseach: I am sure the Minister for Health, Deputy Harris, will publish that report in proper order. The Government very much acknowledges that we have real difficulties in our health service when it comes to recruiting and retaining staff, not just doctors but also nurses, midwives, therapists and others. Notwithstanding that, it is not acknowledged, and it should be acknowledged, that there are more people working in our health service than ever before. There are 115,000 people now working in our public health service, which is 10,000 more than three years ago. The impression is sometimes created that more staff are leaving than are joining but that is not the case. It is not the case for the health service in general and it is not the case when it comes to doctors. There is a record number of doctors now working in our public health service. We have never had more doctors working in our public health service than today and there have never been more doctors registered in Ireland. The Deputy just needs to check the register of the Medical Council if she does not believe me. This is the true picture. Yes there is a real problem around recruitment and retention but never were more people working in the health service and never had we more doctors working in Ireland or on the Medical Council register.

The Deputy referred to 450 consultant post vacancies but this figure is not verified. The Public Service Pay Commission examined that and was not able to verify the correct, exact number of consultant vacancies. Often when the term “vacancy” is used the impression is created that nobody is doing the job but very often there is and the role is filled through a temp or locum doctor, which in some cases are long-term temps or locums. Last week I checked on *publicjobs.ie* and saw there were only 20 vacancies being advertised. I appreciate that the voluntary hospitals advertise positions in a different way but there are only 20 vacancies advertised. It begs the question whether there are jobs that historically have not been filled and will

never be filled, and whether we need to take a more comprehensive look at what positions will actually attract staff and applications. I am aware of many registrars and doctors who are waiting for a job to be advertised. They are very keen to work in a particular area or hospital but the advertised jobs are in branches of medicine they do not want to be in, or for places they do not want to work. It is difficult to grasp that nettle but we do need to grasp it and advertise positions that will get applicants, rather than advertising for positions that, sadly, we know will not.

Deputy Shortall spoke about medical graduates emigrating. It is important to bear in mind that a very large number of medical students in Ireland are from overseas. When they emigrate they are actually emigrating back to the country from which they came in the first place. That was always their intention. A very large number of Irish medical graduates who were born and brought up in Ireland leave and come back. Not as many come back as used to but going away for experience is not a bad thing. It is a good thing.

Reference was also made to non-training scheme doctors. It is true there are a lot of doctors working in peripheral hospitals, what were called county hospitals, throughout the State who are not in training schemes. They are not on training schemes because the medical colleges no longer recognise those hospitals as being training or teaching hospitals. In the past we were able to attract people to work in those hospitals from Ireland and overseas because it counted towards their training. Medicine has moved on, however, and those hospitals are no longer recognised for training purposes and may never be again. We must also face up to this. It is not an easy one.

Deputy Róisín Shortall: The Taoiseach seems to be in denial about the facts of the matter. Ireland has the lowest number of consultants *per capita* but is the highest exporter of doctors. We are the biggest importer of foreign doctors in the world and there are huge problems associated with this. A number of those problems have been identified in this high-level HSE report, access to which we have had only through leaks to *The Sunday Business Post* and *The Irish Times*. I put it to the Taoiseach that it is undeniable there are serious problems with recruitment in the health service. There is a report with a detailed analysis of those problems. The report has been with the Government since last January. Why is the Government not publishing the report? Will the Taoiseach give a commitment today to publish this report as a matter of urgency so these serious problems can be addressed?

The Taoiseach: The Deputy mentioned the HSE report. It has not gone to Government yet so it could be difficult for me to answer that question as it is not a Government report and has not gone to Government yet.

Deputy Róisín Shortall: That is Jesuitical.

The Taoiseach: I will certainly make inquiries about it. I do not see any reason it cannot be published, although there may be a reason I am not aware of as it is not a Government report.

Deputy Róisín Shortall: Will the Taoiseach commit to publishing it this week?

The Taoiseach: I cannot make a commitment on behalf of the Government to publish a report that is not a Government report. I will have to find out if there is a reason it has not been published yet.

Deputy Róisín Shortall: The Government is in charge of the HSE.

An Leas-Cheann Comhairle: Order, please.

The Taoiseach: To answer the Deputy's question further, I think she accused me of being in denial about the facts. What we both did is this: the Deputy gave some facts which are true and I gave other facts that are also true.

Deputy Brendan Howlin: This is Trumpian.

The Taoiseach: I would ask Deputy Shortall to bear in mind that there is a bigger picture and, when we take her facts and my facts, we get to the truth. The Deputy is only talking about one set of facts.

Ceisteanna ar Reachtáiocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: I have a long list of Deputies. I ask all Members to observe the time limit of 30 seconds. I call Deputy Micheál Martin.

Deputy Micheál Martin: There are many challenges to the capital plan announced by the Government, particularly after the overspend on the national children's hospital and the national broadband plan. There is a huge difficulty in reconciling what has been announced with what is actually happening on the ground. In that context, one of the major infrastructure projects in the Cork area, which was due to start in 2018, is the upgrade of the Dunkettle interchange, where there has been an unexplained delay in progressing the project. Perhaps that reflects a wider problem with the capital programme, as illustrated by the Secretary General of the Department of Public Expenditure and Reform, Robert Watt, in that famous memorandum on broadband, where he said the figures do not match up.

The point I want to put to the Taoiseach is that there have been rumours to the effect there has been a major overrun on the cost of that project relative to the original estimate. We have tabled parliamentary questions, which are being referred to Transport Infrastructure Ireland, and it was stated "... it is hoped that TII will be in a position to agree and award the contract for the main construction works later this year". This has been going on for quite a number of years and there has been advanced stage preparation, but we are not getting any clarity or transparency in regard to the project. Can the Taoiseach shed any light on why there has been a delay in awarding this contract and getting the project under way? There was enabling work some months ago but that has all been demobilised, the situation seems sterile and there is no progress or movement. Is the Taoiseach aware of the cost escalation? Can he confirm to the House when he believes construction will proceed on this project?

The Taoiseach: I am afraid I am not but I will make inquiries with the Minister for Transport, Tourism and Sport and ask him to provide the Deputy with an update on the project. I am encouraged that the Deputy is in favour of the interchange project because there had been suggestions from many of his spokespeople that he believed the roads programme aspect of Project Ireland 2040 should be reviewed.

Deputy Micheál Martin: No, the only person to suggest that was Senator Jerry Buttmer.

The Taoiseach: The Deputy has yet to say which projects he wants to be reviewed.

Deputy Micheál Martin: That is very silly stuff. The people want to know. This has been going on for ten years.

The Taoiseach: They want to know if the Deputy is going to cancel the roads programme.

Deputy Micheál Martin: They do not want to know the rest. They do not believe in that silly carry-on. It is just because the Taoiseach's press office is on steroids.

The Taoiseach: He said it should be reviewed but he refused to say which projects he wanted reviewed.

(Interruptions).

An Leas-Cheann Comhairle: Order, please. I call Deputy McDonald. We have to move on. There has to be order in the House.

Deputy Mary Lou McDonald: Absolutely. There has to be order between the parties of Government.

Ulster Bank's announcement of the sale of €900 million worth of loans to vulture funds, including 3,200 family homes with domestic mortgages, is unacceptable and morally bankrupt. The sale is only possible because the Government has given political cover and support to vulture funds. Fine Gael is as responsible for this sale as Ulster Bank. Thousands of Irish families face the potential sale of their loans to a vulture fund and they need and demand urgent action. The reality is that no loan in arrears or otherwise is safe under the current rules.

Sinn Féin's No Consent, No Sale Bill, put forward by Deputy Pearse Doherty, is making its way through the Oireachtas. I believe this Bill is urgently needed as it would ensure that banks cannot sell on loans without the direct consent of the borrower. Given the urgency at hand, will the Taoiseach assure us and ensure that this Bill will progress quickly, that it is not subjected to delay and that it is not frustrated, because those families faced with this Ulster Bank sale and others require protection. I believe that is the least the Taoiseach could afford to those families. It is high time he sided with families as against siding with the vulture funds.

The Taoiseach: The Deputy is well aware I do not control this House or the other House so I cannot make any commitments when it comes to the passage of legislation or the speed thereof. What I can say is that Ulster Bank, as everyone will know, is not a State-owned bank and is, in fact, a UK-owned bank. It is really important to point out that anyone whose loan is sold on by a bank retains all the contractual rights that are in their contract and all the consumer protections they originally had. It is wrong to scare people and to suggest anything otherwise.

Deputy Brendan Howlin: I pay tribute to Mr. David-Maria Sassoli of the socialist and democratic group who was this morning elected President of the European Parliament. In recent days, we have seen a process of nomination of the leadership team for the European Union for the coming years. It obviously involves a lot of seeking of common ground between a variety of groups, geographies, genders, political traditions and so on. I welcome the gender balance of the leadership team. However, I have been very disturbed about how the Taoiseach represented the Government and this country in recent days. He has openly sided with the current leaders of Hungary, Poland and Bulgaria, who have set themselves against liberal democracy. By siding with them, he has reinforced the view that those who stand up for liberal, progressive, European democratic values will be punished. The candidacy of Frans Timmermans for European Com-

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mission President was, we are told, and I would be interested in hearing the Taoiseach's view, derailed because he criticised European countries which have undermined the rule of law. Just this morning, we have seen the 200-year-old Hungarian Academy of Sciences, an all-sciences institute, come under the direct political control of a director appointed by Viktor Orbán. Does the Taoiseach believe it is acceptable to punish European leaders who defend European values and is that an acceptable message to give to the people of Europe at this time?

The Taoiseach: As the Deputy knows, my preferred candidate for the position of European Commission President was Manfred Weber, the candidate of my party, and I fully appreciate that the preferred candidate for Deputy Howlin was Frans Timmermans, the candidate of his party. There is nothing wrong with supporting the candidates of one's own party group, and I would do that, just as Deputy Howlin did. However, neither was able to command a majority, either in the European Parliament or the European Council, so we came up-----

Deputy Brendan Howlin: The reason given was that Timmermans-----

The Taoiseach: I am coming to that. We came up with a compromise candidate, Ursula von der Leyen, the first female head of the European Commission, a really good candidate, a really experienced person, and somebody who comes from my own political family and who is known to many of us in government. The reason Mr. Timmermans did not have majority support in the European Council was that 11 countries did not support his nomination. Three or four did not support it for the reasons Deputy Howlin has outlined but the majority had many other reasons.

Deputy Richard Boyd Barrett: The Government has said it is committed to universal healthcare and to ending the two-tier health system. However, Professor John Crown highlighted recently the shocking situation where people with cancer, specifically stage III melanoma, cannot get the optimum healthcare - the drug pembrolizumab - and other potentially life-saving drugs because they do not have private health insurance, or do not have a particular form of private health insurance. In the last week, I received an email from a man whose wife has stage III melanoma and who has been told she cannot get this life-saving drug because she has the wrong private health insurance cover.

I think that is utterly outrageous. Does the Taoiseach agree it is utterly outrageous that whether people gain access to the best cancer treatment, potentially life-saving treatment, should depend on whether or not they have private health insurance, or have particular private health insurance? If the Taoiseach does not think it is acceptable, what does he intend to do about it? The person who emailed me says his wife needs this treatment now. If she does not get it, her life expectancy will be compromised.

The Taoiseach: It has been the case for a very long time in Ireland that when it comes to the reimbursement of new medicines the private system follows the public system and the private sector and health insurers only cover the cost of new medicines after the public system has decided to cover them for public patients. This is a new development. It is certainly not a welcome development. We are analysing what we can do about it. It is difficult to know what we can do about it because we cannot have a situation whereby the private sector and private health insurers are deciding for the State which medicines it should or should not reimburse. At the same time, is it really feasible for us to ban or prohibit the private system and private insurers from offering treatments to their own patients? It is a difficult one to deal with it. I know the Deputy's preference would be to abolish private health insurance and private medicine. I do not think we would go that far but we need to examine it and try to come up with a solution.

Deputy Richard Boyd Barrett: What about the medicine?

An Leas-Cheann Comhairle: I call Deputy Catherine Connolly.

Deputy Catherine Connolly: Le linn cruinnithe de Chathaoirligh na gcoistí éagsúla le déanaí d'adhmhaigh an Taoiseach go hionraic go raibh náire air agus mé ag ardú cheist Bhille na dTeangacha Oifigiúla beagnach chuile sheachtain sa Dáil. D'fhógair sé go raibh náire air agus go ndéanfaidh sé cinneadh maidir leis an mBille. Cén uair a bheidh sé foilsithe? Fuaireamar geallúintí solúnta go mbeidh sé foilsithe roimh an samhradh. Táimid i rith an tsamhraidh anois agus beidh an téarma Dála críochnaithe an tseachtain seo chugainn ach fós níl tásc ná tuairisc air.

The Taoiseach: Tá an Bille réidh anois. Beidh cruinniú deireanach an Rialtais ann i gcúpla seachtain. Beidh plean againn an Bille a fhoilsiú ag an bpóinte seo.

Deputy Catherine Connolly: Go raibh maith agat.

Deputy Mattie McGrath: I am happy the Minister for Education and Skills, Deputy McHugh, is here because I want to ask him about DEIS status in respect of five Tipperary town primary schools and the Holy Trinity national school in Fethard. This matter has been bandied around for a number of years. It is discriminatory to the pupils and families of Tipperary town and County Tipperary. The statistics in regard to some parts of Tipperary town are among the worst in the deprivation index, which is accepted by Government as an independent barometer, yet these schools are failed spectacularly in terms of inclusion in DEIS. These young people are as entitled to DEIS supports as pupils in any part of the country, be that Dublin, Cork or anywhere else. I hope that we will see movement in this regard. There was huge disappointment last year when these schools were excluded from the DEIS programme. These Tipperary schools need to be included immediately.

Minister for Education and Skills (Deputy Joe McHugh): This is an issue on which I have worked closely with political representatives and school principals. Deputy Mattie McGrath is aware that I met the principals. He is also aware that the Department is carrying out an audit of DEIS status in the main. A lot of people believe the geographical basis of DEIS status is redundant. I agree with that analysis and I am working with my officials on a more targeted approach. In the meantime, we are looking specifically at Tipperary Town and we will have a response in that regard in the not too distant future.

Deputy Róisín Shortall: The Government has promised for some time to address the issue of scramblers and quad bikes, which are a real scourge in many housing estates. They are becoming an increasing problem. People out walking in recreational areas and facilities and in housing estates are being threatened by the widespread and illegal use of these vehicles. A number of Deputies have been raising this issue for many years in the House. There seems to be no coherent response from Government. Is there any possibility that a Minister might give some thought to this issue and ensure that, as we approach the summer months, action will be taken to enable the proper policing of this highly dangerous activity which has already threatened the well-being and lives of a number of people?

An Leas-Cheann Comhairle: Before the Taoiseach responds, I ask Members - some in particular - to desist from taking calls in the House. There must be some regard for the House.

The Taoiseach: The Deputy raises a very serious and dangerous activity. It happens in my

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constituency and, I know, it happens in Deputy Shortall's constituency as well. There has been thought given to it. A cross-agency group was established in April 2018 to consider in detail the laws governing the issue. The cross-agency group has recommended the most effective response involves targeted enforcement measures, awareness raising and youth engagement programmes and these are being progressed at the moment. Rather than there being a need for a new law, this activity is already covered under section 30 of the Road Traffic Act 2004. What is required is better enforcement, education and awareness.

Deputy Róisín Shortall: That is not what the Garda is saying.

An Leas-Cheann Comhairle: I now call Deputy Danny Healy-Rae and I ask that he focus on promised legislation, as he did yesterday.

Deputy Danny Healy-Rae: I want to give credit where it is due. The Minister for Rural and Community Development, Deputy Michael Ring, reintroduced the local improvement scheme, LIS. However, Kerry County Council has received over 800 applications for funding under this scheme but it has only enough funding for 28 projects. I appeal to the Minister to give Kerry County Council additional funding for this important scheme.

An Leas-Cheann Comhairle: A question, Deputy, please.

Deputy Danny Healy-Rae: The people who drive these roads pay motor tax. They also pay property tax and most of them have their own water supply. These people are as deserving of good roads as the people in Dublin 4. I again ask the Minister, Deputy Ring, to give Kerry County Council additional funding for the local improvement scheme.

An Leas-Cheann Comhairle: It is not promised legislation.

Deputy Danny Healy-Rae: It is. It is related to the programme for Government. There are roads in the Leas-Cheann Comhairle's constituency of Donegal as well and the local authority there will need money for them. The Leas-Cheann Comhairle should take my side.

An Leas-Cheann Comhairle: I have to remain impartial.

Minister for Rural and Community Development (Deputy Michael Ring): I was delighted to reintroduce the local improvement scheme. To date, more than €48 million of LIS funding has been spent on roads. I allocated this year's funding in February. Kerry County Council might have already spent all of its funding but there are many local authorities that have not spent the allocation they received in February.

Deputy Michael Healy-Rae: We will take it.

Deputy Danny Healy-Rae: Yes, we will take it.

Deputy Michael Moynihan: The programme for Government refers to housing, an issue on which we have had many debates. I want to speak about the mortgage to rent scheme. People who get into financial difficulty and are unable to repay their mortgage can, by way of engagement with the banks and housing bodies, enter the scheme. In this regard, there are a number of cases on my books which I am trying to advance through the system. I am advised by people in the system that there is a shortage of funding for the mortgage to rent scheme. What is the status of the scheme and how many households are being approved for it?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for his question. The mortgage to rent scheme is an important scheme that helps to keep people who have run into difficulty meeting their mortgage repayments in their homes. We reformed the scheme last year and changed the eligibility criteria to allow more people to avail of it. As a result, new housing bodies and organisations have come to the fore to do that work. Arising from what the Government is doing, private entities have come in to do their own schemes. There is no shortage of funding on the Government side for the mortgage to rent scheme. It is a demand-led process. As people apply to either the housing bodies or the Department, their applications are progressed, as long as they meet the criteria. If there are specific examples where this is not the case, I will be happy to look into them. The funding is in place to progress the scheme in every local authority in the country.

Deputy Eugene Murphy: The programme for Government states that the development of the agriculture and food sector is a fundamental priority for the future direction of the country and that the priority must be to reward farmers for productivity and producing quality food, which brings me to the Mercosur deal. Many comments have been attributed to the Taoiseach over recent days. I have one direct question for him. Is he going to stand behind rural farming families in regard to this deal?

This is catastrophic. It is not a friendly deal or environmentally friendly. It will clear out small farming families. The Government must face down this deal.

Deputy Denis Naughten: The Taoiseach has given a commitment on behalf of the Government to produce an economic evaluation of the Mercosur deal. Will he follow the example of French President Macron to include an assessment of the environmental impact of this trade deal? Such an evaluation would expose the fact that the carbon footprint of Irish suckler beef is 35 times less than that of beef produced in the Amazon basin in Brazil. This is a bad deal for rural Ireland and for global climate.

The Taoiseach: The answer to both the Deputies' questions is "Yes" on both accounts. We currently have a political agreement between the EU and Mercosur. It will be about two years before we have a legal text. We will have an opportunity to vote on it but I certainly will not hesitate to vote against any trade agreement that I believe is not in Ireland's economic interest and will form alliances to block it if possible. Whatever happens, we will do everything we can to ensure that the interests of Irish beef farmers are protected. That means making sure that South American beef producers have to meet the same food safety and traceability standards that our farmers do, ensuring that South American countries have to honour their commitments to climate change under the Paris Agreement and compensating farmers for the loss of a market, perhaps by opening up other market opportunities in places such as Japan, Mexico and China. We will do a full economic and environmental assessment on the consequences of the Mercosur deal, recognising the fact that this is a market of 250 million people and while there may be losses for some sectors, there could be significant benefits for others. We need to look at that in the round.

Deputy John McGuinness: Earlier this morning, the Taoiseach said that his preference was for Irish people to own their own homes and that he supported that. I do not know how he can match that to his complete disregard for the 3,200 family homes that are now being sold to vulture funds by Ulster Bank and the 400 buy-to-let homes also included. These are families that tried to set out to do what the Taoiseach suggested and buy their own homes. They have

been restructured on a number of occasions. The Government is not offering those families any support with regard to the restructure that is now required as they are sold to vulture funds. What he said this morning about the protections in terms of the home travelling with the loan is simply not true in practice. The Taoiseach knows this, yet he will not introduce his own legislation to provide that protection. He dismissed the leader of Sinn Féin this morning about Deputy Pearse Doherty's No Consent, No Sale Bill. The Taoiseach could order that Bill to be before this House today if he so wished. The time has come for the Taoiseach to examine the legislation that is there and to bring legislation forward.

Deputy Pearse Doherty: Last week, the CEO of a vulture fund told its investors that Ireland is the gift that keeps on giving. By God did they get another gift yesterday when Ulster Bank announced that it was selling nearly 4,000 homes, including 3,200 family homes. There are up to 10,000 real people in those homes whose loans are now being sold to a vulture fund. The Taoiseach simply does not understand what happens when a loan goes to a vulture fund. I stood here and told him what happened with the last sale to a vulture fund by Ulster Bank. The fund sent letters to loan owners to tell them that they had to clear all of their loans, the €200,000 or €300,000, within 30 days. Banks do not do that. Vulture funds do because they only have a short-term interest. The Taoiseach said that he cannot dictate the pace of my legislation, the No Consent, No Sale Bill. Is it not true that the Taoiseach and the Government are doing their damnedest to try to block that using the mechanism of the money message? The Taoiseach's Government has facilitated this sale. The Fine Gael Government met the vulture funds 125 times. These are the same vultures that refused to come before the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, to answer the questions of parliamentarians elected on behalf of the Irish people. The Taoiseach needs to act now. We need to stop this type of sale to vulture funds and to protect homeowners who need the protection of the State.

Deputies: Hear, hear.

The Taoiseach: I would be happy to answer the Deputies' questions and charges if I am permitted to do so. The vast majority of people in Ireland own their own home. Approximately 68% of Irish people own their home and I want that to be a reality for people in their 20s and 30s too. That is why our housing policy is all based on the concept of home ownership, increasing supply and allowing people to acquire their own home which would be their home and private property. If a loan is sold on, the person continues to retain the same contractual and consumer rights as he or she had before. We should not scare people by claiming the opposite.

Deputy John McGuinness: Not in practice and not before the courts either.

The Taoiseach: We have to consult with the Central Bank about the legislation that the Deputies mention.

Deputy Pearse Doherty: It has already been done.

The Taoiseach: There is a real concern, which should be recognised in this House, that as is so often the case, well-intentioned legislation can be counterproductive. The result might be the shutting down of mortgage lending in the State, making it harder for young people to get a mortgage for the first time.

Deputy John McGuinness: That is rubbish.

Deputy Pearse Doherty: Nobody has even suggested that.

(Interruptions).

An Leas-Cheann Comhairle: The Taoiseach should be allowed to speak without interruption.

The Taoiseach: It would cause mortgage interest rates to rise for others.

Deputy Pearse Doherty: The Taoiseach keeps meeting the vultures.

(Interruptions).

Deputy Pearse Doherty: It is about time that the Taoiseach stood up for all the people.

The Taoiseach: That is a real risk in such legislation.

Deputy Pearse Doherty: Scaremongering.

Deputy John McGuinness: That is rubbish.

The Taoiseach: It is well-intentioned legislation that actually hurts many people, making it harder for them to get a loan in the first place. It increases interest rates for those who already have a loan. Once again, when the truth is spoken in this House, they cannot take it.

Deputy Pearse Doherty: The Taoiseach keeps on rolling out the red carpet for the vultures.

(Interruptions).

Deputy Pearse Doherty: The Taoiseach is sacrificing ordinary Irish families who try to do their best to make payments to these banks.

An Leas-Cheann Comhairle: Deputy Doherty is being disorderly. I call Deputy Michael Healy-Rae.

Deputy Michael Healy-Rae: The construction industry has called on the State's environmental watchdog to reclassify for recycling and reuse of demolition rubble that comes from building sites. There is no place in Cork to process crushed concrete. The nearest licensed facility is in Waterford. The Construction Industry Federation, CIF, is asking the Environmental Protection Agency, EPA, to reclassify crushed concrete to give the industry the option to reuse and recycle the material in a more environmentally friendly way. These products should be reused as an aggregate on existing projects but this is not easy as the current interpretation of regulations does not allow for that. It is allowed in other EU countries. Can we not do the same as other EU countries? It would help the construction industry and would be of benefit to all concerned.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): The Deputy will know that the EPA is independent in its evaluation of such matters but I am sure that it will give due attention to the request by the CIF and I will get a reply for the Deputy.

Deputy Margaret Murphy O'Mahony: This question is for the Minister for Agriculture, Food and the Marine and the Taoiseach might ask him to get back to me about it. I am looking for the results of the public consultation on the new pilot quota balancing scheme for fishing.

The Taoiseach: It is an important issue. I will see the Minister for Agriculture, Food and

the Marine tomorrow morning and will ask him to contact Deputy Murphy O'Mahony with a reply.

Deputy Michael Collins: The programme for Government addresses insulation of homes in the section under climate change and the environment. People who receive fuel allowance, and those meeting other criteria, can have their homes insulated under the warmer homes scheme. With just half the year gone, the budget for insulation of homes has been totally used up. This scheme is very important to the people of west Cork and throughout the country to help them to cut down on the use of fossil fuels when their homes are insulated. Will this Government provide funding for the much-needed scheme so that it can continue until the end of the year for the rest of the waiting list and so we can meet our environmental targets?

Deputy Richard Bruton: This is a free scheme, so everyone who applies can be considered. It has not used up its budget but nonetheless there is no doubt that there are pressures on the funding and it has to manage its resources carefully to stay within budget. It is a very popular scheme because it is 100% funded by the State. As the Deputy knows, the Government is considering, as part of its climate action plan, an approach that would look at the aggregation of a number of properties so that we would have a better area-based and easier to use scheme in future.

Deputy Mary Butler: The programme for Government notes that the preferred choice for older people is to live at home safely and securely in the comfort of their own house, with wrap-around supports. That is not always possible. A total of 18% of the older population aged over 85 now reside in nursing homes. I was deeply concerned at the weekend to read in an article in the *Sunday Independent* written by Maeve Sheehan that up to 45 State-owned nursing homes will fail to meet a deadline to comply with standards enforced by HIQA, putting them at risk of closure and giving rise to questions about the future care of older people. I do not expect the Taoiseach to be able to answer this question now, but I ask him to raise the matter with the Minister for Health. Is he concerned that 45 State homes might not be HIQA compliant? Will adequate funding be made available to ensure they can comply?

An Leas-Cheann Comhairle: The Taoiseach can pass on the question to the Minister for Health.

The Taoiseach: I read the report too and I share the Deputy's concerns about it. The standards have been in place for some time and they are designed to raise the quality, dignity and standards that exist in public and private nursing homes, moving away from a model of older people spending the last year of their life in a ward towards providing something much better such as their own room or a room for two people. They are good standards. I do not know the exact details but I will advise the Minister that the matter was raised in the House and ask him to provide a more detailed reply.

Deputy John Brady: The Taoiseach has constantly said that work is the best route out of poverty. However, Social Justice Ireland-----

An Leas-Cheann Comhairle: The Deputy should ask a question on promised legislation.

Deputy John Brady: -----informs us that more than 109,000 people, who get up early in the morning and go to work, live in poverty. We also know that in 2018-----

An Leas-Cheann Comhairle: Could the Deputy ask a question?

Deputy John Brady: -----the State paid out more than €431 million in family income supplement and working family payments. That is being used, by and large, to subsidise the wage bills of some of the largest companies in the State that generate significant profits.

An Leas-Cheann Comhairle: The Deputy should ask a question.

Deputy John Brady: Will the Taoiseach introduce a living wage Bill? Will the Government help lift workers out of poverty and stop subsidising some of the most profitable companies in the State through the working family payment-----

An Leas-Cheann Comhairle: The question is whether the Government will introduce legislation.

Deputy John Brady: -----and ensure that they pay their way and workers are lifted out of poverty?

An Leas-Cheann Comhairle: Is there promised legislation?

The Taoiseach: As I mentioned to Deputy Brady's party leader earlier, we already have the second highest minimum wage in the world. We are waiting for the Low Pay Commission to report on whether it should be increased for next year. Work is the best way out of poverty. We have an in-work poverty rate in Ireland of about 2%. It is one of the lowest in the European Union. The figure of 109,000 to which the Deputy refers includes those at risk of poverty, which means-----

Deputy John Brady: It is a growing figure.

The Taoiseach: -----earning less than 60% of the median income. It does not mean they are in poverty.

Deputy Gerry Adams: The programme for Government commits the Government to greater openness, accountability and delivery. On 13 June, I raised the report of the European Commission against Racism and Intolerance. The Minister of State, Deputy Stanton, said he would correspond with me on the matter but I have heard nothing since. I asked the Minister about the case of Sylva Tukula who died in a direct provision centre in Galway. The Minister of State told me he would also correspond with me on that case but I have heard nothing since. On 20 June, I asked the Tánaiste about the Government's failure to progress the health (transport support) Bill. The Tánaiste said he would come back to me but I have heard nothing since. On 25 June, I asked the Taoiseach about the international motor insurance card. The Taoiseach said he would make sure I got an update but I have heard nothing since. On 19 June, in the Topical Issue debate I asked about a primary care centre for Dundalk. As usual, the Minister for Health did not turn up. The Minister of State, Deputy Catherine Byrne, told me she did not know the answer to the question I raised and indicated the Minister would send a reply. I have heard nothing since. I have given five examples over four weeks of important issues I have raised to which Ministers promised responses which have not been forthcoming. Perhaps the Leas-Cheann Comhairle will direct the Taoiseach in respect of his accountability and that of his Ministers to this Chamber. Are these examples not evidence of Government incompetence and a lack of accountability?

An Leas-Cheann Comhairle: I cannot direct, I can only request.

The Taoiseach: I genuinely apologise if the Deputy has not received replies to those que-

ries.

Deputy Gerry Adams: I have not.

The Taoiseach: There is quite a glut of them. We will use the recess to try to catch up on matters that are in arrears. There may well be a bit of a glut in Deputy Adams's office too because I see that in at least one of the five cases raised, the health (transport support) Bill, a reply from the Minister of State, Deputy Finian McGrath, issued on 25 June. Perhaps it arrived in the Deputy's office but has not reached him yet.

Deputy Gerry Adams: Where is the Bill?

The Taoiseach: The Deputy should read his correspondence.

Deputy Gerry Adams: The Taoiseach should read his correspondence and respond to it.

An Leas-Cheann Comhairle: The last few speakers are very fortunate today because I feel Mark Killilea's hand on my shoulder and I think he is telling me not to cut them off because of him. They can thank Mark Killilea.

Deputy Charlie McConalogue: My question is to the Minister for Education and Skills on the programme for Government commitment to bring schools up to the appropriate standard. I refer in particular to Moville community college in County Donegal. As the Minister is aware, the project was added to the capital programme in 2013. However, designs have not yet been completed and the project has not gone to tender. The students are working without a gym or canteen. Despite this, the standard of education in the college is exceptional. The students need proper facilities, however. Will the Minister give an assurance that the project will go to tender promptly? Will he also give a date as to when that will happen?

Deputy Joe McHugh: The matter was the subject of a public meeting a few days before the local elections. An issue has arisen with respect to the architect, of which Deputy McConalogue will be well aware. We have reappointed an architect. The design of the school continues apace. We know as well that the standard of some of the prefabs is less than desirable. That is the reason we are committed to carrying out an enhancement job to make sure they are fit for purpose come September. We will ensure that we submit a planning application at the beginning of September. The commitment in that regard is on record. It is one of 15 projects in the county that will continue apace.

Deputy Peter Fitzpatrick: I refer to the communications regulation Bill. The local Oireachtas reports provided to South East Radio in Wexford, LMFM Radio in Louth, Northern Sound in Cavan and Monaghan and Galway Bay FM ended on 3 April last. The print services, which Tom Ryan provides to 17 regional newspapers, ceased in mid-March. The services have been running since 2010. The reports compile a summary of contributions made by Deputies and Senators and inform people of the work being done by elected Members in Leinster House on any given day. Radio listenership reached 500,000 and 200,000 people read the reports.

An Leas-Cheann Comhairle: Will the Deputy ask a question, please?

Deputy Peter Fitzpatrick: It has been said that the cost of the services does not provide value for money.

An Leas-Cheann Comhairle: He may not make a statement.

Deputy Peter Fitzpatrick: If value for money is the issue, what about Oireachtas TV, on which €3 million a year or €60,000 a week is spent?

An Leas-Cheann Comhairle: Deputy Fitzpatrick should be reasonable.

Deputy Peter Fitzpatrick: The audience of Oireachtas TV is between 10,000 and 15,000 on sitting days and only 200 on non-sitting days.

An Leas-Cheann Comhairle: We are moving on to the next Deputy. Deputy Fitzpatrick is taking advantage of my leniency.

Deputy Peter Fitzpatrick: I am not.

An Leas-Cheann Comhairle: The Deputy is taking advantage.

Deputy Peter Fitzpatrick: I am a Deputy and people in my constituency listen to the radio-----

An Leas-Cheann Comhairle: The Deputy must understand that we are discussing promised legislation.

Deputy Peter Fitzpatrick: I mentioned the legislation.

An Leas-Cheann Comhairle: Ministers are intelligent people. They know the answer.

Deputy Peter Fitzpatrick: Deputies Shortall and Howlin were given an extra minute. I am the only one-----

An Leas-Cheann Comhairle: If Deputy Fitzpatrick wants an answer, we will move on.

Deputy Peter Fitzpatrick: Will the Taoiseach answer my question?

An Leas-Cheann Comhairle: If the Taoiseach is in a position to answer, he can do so. It is a local issue.

Deputy Brendan Howlin: It is a matter for the Houses of the Oireachtas.

Deputy Richard Bruton: We hope to produce the Bill shortly.

Deputy Mattie McGrath: What does “shortly” mean?

An Leas-Cheann Comhairle: Deputy Mattie McGrath should look after his own interests.

Deputy Thomas Byrne: According to a written reply I received last night, the National Council for Curriculum and Assessment, NCCA, has forwarded its report on history in the junior cycle to the Minister for Education and Skills. When will history be restored as a compulsory subject in the junior cycle?

Deputy Joe McHugh: I confirm that the report has been forwarded. I am in the middle of reading it and I will consider its findings.

Deputy Fiona O’Loughlin: I am thankful for the hand of Mark Killilea on your shoulder, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: I am getting another message from him now.

Deputy Fiona O'Loughlin: Monday saw the entry into force of the Istanbul Convention or the Council of Europe convention on preventing and combating violence against women and domestic violence. That is very welcome and somewhat overdue. In order to meet the State's obligations, legislation must come into force in a number of areas, in particular legislation concerning efficient and proper data collection and the reporting mechanism, which are necessary changes to protect victims and children. The final one is access to specific and specialist support services. Currently, Ireland has only one third of the number of domestic violence refuges-----

An Leas-Cheann Comhairle: The Taoiseach or a Minister to respond.

Deputy Fiona O'Loughlin: Could the Taoiseach please advise me when we will be able to consider introducing the specific legislation to ensure the true ratification of the Istanbul Convention?

An Leas-Cheann Comhairle: Is the Taoiseach is in a position to answer on the legislation?

The Taoiseach: I also welcome the fact we were in a position to ratify the Istanbul Convention on 1 July. There is an epidemic of violence against women in this State and around the world, and it needs to end. Our ratification of the convention is part of the effort to tackle it. On the update on the specific legislation the Deputy raises, I will have to ask the Minister for Justice and Equality, Deputy Flanagan, to correspond with her. One thing in particular we want to do when it comes to providing refuges for women and families forced to leave their homes is change things so it is the abuser who gets kicked out of the home. That is the way it should be.

Deputy Aindrias Moynihan: Page 60 of the programme for Government has commitments on improving waiting times for patients. I have raised several times the issue of Cork University Maternity Hospital, whereby large numbers of women are kept waiting for gynaecological services. The inpatient number has doubled to over 1,000 over the past year. The business case has been made by the hospital. The Minister has reviewed the case and made a commitment on it. One of the key aspects is the opening of the second gynaecological theatre, a theatre that has never been opened since the hospital was opened in 2007. There are now over 1,000 inpatients on the waiting list. Can the Taoiseach intervene? Can he ask for the funding to be released and the business case to be approved?

An Leas-Cheann Comhairle: It is a question for the Minister. We have to review all of this during the summer.

The Taoiseach: I am afraid it is a question for the Minister for Health but I will mention to him that the Deputy raised it. I appreciate that there are very long waiting lists for gynaecological procedures in many parts of the country but I should acknowledge much of the progress that has been made. Just in the past two years, the number of people waiting more than 12 weeks for a cataract procedure, hip or knee replacement, tonsil operation, angiogram or vein procedure is down by more than half. In some areas, we are making some good progress.

Deputy Mattie McGrath: Thanks to the Belfast bus.

An Leas-Cheann Comhairle: I cannot deprive Deputies Ó Cuív and Coppinger. After they contribute, that will be it.

Deputy Éamon Ó Cuív: I will be very brief. There are two promised Bills on the transfer of sentenced persons. I am inquiring about the Transfer of Sentenced Persons (Amendment)

Bill. Could the Taoiseach update me on when it will be introduced in the House? There are many waiting for it because of a Supreme Court ruling.

The Taoiseach: I am advised the Bills are on the priority list. As the Deputy knows, there is a lot of legislation on that list so I will ask the Minister for Justice and Equality to correspond with the Deputy with a more detailed reply.

Deputy Ruth Coppinger: There are further regulations for fire safety, which all of us welcome. There is a problem, however. How are community centres, public buildings, etc., to pay for the emergency renovations? In the Taoiseach's constituency, Hartstown community centre has been faced with such a bill. It faces closure if it cannot carry out the renovations. There was a meeting of 200 people but I do not believe there was anybody from the Government side in attendance. Clubs and two childcare facilities are particularly dependent on the centre. With regard to legislation, some sort of fund needs to be put in place to help such centres to meet the bills. There are residents packing bags to keep a community centre in the Taoiseach's constituency open. Is that appropriate? Will the Taoiseach facilitate a meeting with the Minister and local Deputies on this issue so we can assist and determine how the State can intervene to help? The church owns the land but will not give a lease to the community centre.

Minister for Rural and Community Development (Deputy Michael Ring): The community enhancement programme is one of the schemes in place. I am considering this matter in my Department because it is a problem around the country. Community groups are finding themselves in difficulty over repairs. I need to examine the scheme. My Department will do so.

Health (Amendment) (No. 2) Bill 2019: First Stage

Deputy Anne Rabbitte: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Health Act 2007 to enable the Health Information and Quality Authority (HIQA) to enforce national standards in relation to foster care provision, children detention schools, children residential centres and the Child and Family Agency (Tusla); and to provide for related matters.

I thank the Leas-Cheann Comhairle for allowing me the time to introduce the Bill, which has one simple aim, that is, to allow HIQA to enforce national standards for centres and bodies providing services under the Child Care Act 1991 and the Children Act 2001. At present, HIQA does not hold such powers. It does in regard to nursing homes, for example. The current position means that even where HIQA finds repeated incidents of non-compliance with national standards in foster care settings, it is powerless to enforce its recommendations. This has caused a number of issues in recent years, with service providers failing to upgrade their standards of care after HIQA has pointed out such shortfalls in their reviews. It is an obvious flaw in the system and one which has an easy fix. This is the thrust of the Bill. I am thankful for the opportunity to introduce it.

An Leas-Cheann Comhairle: I thank the Deputy for her brevity. Is the Bill being opposed?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Anne Rabbitte: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2019: First Stage

Deputy Mattie McGrath: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Merchant Shipping (Investigation of Marine Casualties) Act 2000, to revise the requirements for composition of the Marine Casualty Investigation Board and to provide for related matters.

I am delighted to be able to introduce this Private Members' Bill today. I salute the work of the team in the Office of Parliamentary Legal Advisers for all its guidance and helpful suggestions on the draft. I salute, in particular, Ms Sinead Beirne, who was the point of contact for my office. I thank David Mullins in my office and my own staff. I welcome to the Visitors Gallery Ms Anne-Marie O'Brien and her father, Finbar. I offer a special mention to Anne, who is watching at home. Anne-Marie has been a champion in the cause of her brother John since that fateful day almost a decade ago.

The Bill itself is short and technical. It sets out to amend the Merchant Shipping (Investigation of Marine Casualties) Act 2000, to revise the requirements for the composition of the Marine Casualty Investigation Board, and to provide for related matters. In many ways, however, the Bill is an attempt to draw some good out of a tragedy that befell two families in my constituency on Sunday, 23 May 2010. On that day, on a beautiful sunny afternoon, John O'Brien and his good friend Patrick Esmonde went fishing off Helvick Head, County Waterford. Tragically they never returned to their loved ones. Since then, I have worked closely with John O'Brien's sister Anne-Marie to have a full, open and thorough investigation to establish the exact cause of death. The fight will continue.

What this Bill seeks to do is rectify the bizarre circumstances whereby there is no legal obligation whatsoever on the Minister for Transport, Tourism and Sport or his agents to ensure that members of the Marine Casualty Investigation Board have maritime or marine-accident experience. The Leas-Cheann Comhairle will understand that being from a sea-fishing county. It is a vital component, by anyone's yardstick. This has always been a major issue for the two families, who have never accepted the official outcome of the investigation into the deaths on the summer's day. If this Bill is accepted and passed, it will strengthen the onus on the Minister and his agents to ensure that qualified and suitable candidates are selected for the membership of the board. Maritime experience should be a prerequisite. It is a fair and reasonable requirement given the gravity of the cases that may need to be investigated. It stands in stark contrast to the equivalent board in the United Kingdom, where marine casualty investigation experience is a prerequisite and a requirement. We must have a similar situation in this jurisdiction in order

to protect the integrity of the process and ensure that no stone is left unturned for the loved ones left behind in cases involving marine accidents with fatalities. They happen, unfortunately, and it is a tragedy but we need to have the fullest possible investigations as well as expertise on this board which sadly we do not have.

I want to express my heartfelt admiration to the O'Brien and Esmonde families, who have persisted in their campaign for answers for almost a decade. It is so harrowing. In particular, I want to mention John's sister, Anne-Marie, who is with us here today with her dad, who has never given up the fight for justice and who looks after the late John's children every second weekend and is a great source of strength. We have young families left without a dad and no proper answers. John and Anne-Marie's families and the family of Patrick Esmonde can rightly be proud of the work Anne-Marie has done and will continue to do. I thank other colleagues who have supported her.

I am hugely disappointed with the Garda investigation, or lack of one. I want to thank the Minister, Deputy Ross, of whom I am often critical, as he visited Anne-Marie in her home, listened to her and is interested in making changes here. I certainly hope the Bill can be accepted by the Government and can be dealt with sensitively and appropriately.

I also want to welcome the Killilea family here today.

An Leas-Cheann Comhairle: Is the Bill being opposed?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under standing Orders, be taken in Private Members' time.

Deputy Mattie McGrath: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Death of Former Member: Expressions of Sympathy

An Leas-Cheann Comhairle: We will move to expressions of sympathy on the death of our former colleague, Mark Killilea. Before calling the leaders of the parties, I have the pleasure and the opportunity to express my sympathy to his wife, Anne, and to his family who are here with us, including his children, Éidín, Niamh, Deirbrin, Niall, Donagh, Medbh and Eimhín; his sisters Vera and Bríd; and his brother-in-law, Éamon O'Donoghoe, who was Superintendent of the Houses of the Oireachtas for years.

Mark was a man of the people. He was a hard-working public representative. His father was here for 34 years, from 1927 to 1961. Mark worked at all levels in politics, at council level, in the Seanad, as a Deputy, as a Minister and as an MEP. It is important to remember that he was a quaestor in the European Parliament and was elected by colleagues across the political divide.

He distinguished himself in every chamber he represented the people of Galway or Connacht-Ulster. I had the pleasure of working with Mark in Europe and in the Dáil Éireann. Mark had a long and distinguished career. As an MEP, he majored in agricultural and rural affairs and worked closely with a former colleague in this House, Ray MacSharry, who was a European Commissioner at that time.

He was a great mentor to me when I went to Europe in 1994 after an exciting campaign. Some of the people in Connacht-Ulster will remember that. He was generous with his time when showing me the workings of the European Parliament and the committee system.

In politics, as in life, we are fortunate if we meet people with exceptional qualities. Mark Killilea was naturally gifted, talented, sincere and generous with his time. When one meets someone like that, one always remembers them. I remember well our first campaign in 1994. When I go west, I still hear Tina Turner in my ear, singing “Simply the Best”. He felt he was simply the best and it was an exciting campaign.

It is popular to build walls now. Mark Killilea, while he was good at everything, he was not great at the geography of Ireland. He had an imaginary wall-----

Deputy Dara Calleary: The Leas-Cheann Comhairle was not too good at it himself.

An Leas-Cheann Comhairle: -----around Donegal.

Deputy Mattie McGrath: One could not get a wall big enough for the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: One could go no further, but I say that in jest. We were great friends, we survived that and had a great life together.

Let me clarify once and for all that it was Mark Killilea who said that he represented those who ate their dinner in the middle of the day. Ar lámh dheis Dé atá a anam uasal dílis.

As is customary, I call on the Fianna Fáil Party leader, Deputy Micheál Martin, to speak, as Mark Killilea is a deceased member of that political party.

Deputy Micheál Martin: Duine agus polaiteoir den scóth ab ea Mark Killilea. Tírghráthóir a bhí ann. Duine a thuig tábhacht an ghnáthdhuine agus bhí Mark dílis dá mhuintir féin agus dá dhúiche féin. Bhí suim dháiríre faoi leith aige i gcúrsaí reatha na tíre. Feirmeoir cumasach a bhí ann agus d'oirbrigh sé go dian dícheallach ar son fheirmeoirí agus mhuintir na tuithe ar fud na tíre. Fear cineálta, cairdiúil, grámhar ab ea é. Bhí sé páirteach in an-chuid rudaí agus go háirithe bhí grá faoi leith i gcúrsaí Chumann Lúthchleas Gael agus go háirithe Cumann Chora Finne, mar is eol dom féin. Bhí sé gnóthach in a lán rudaí agus bhí a lán cairde aige ach gan amhras bhí sé éifeachtach agus bhain sé an-chuid rudaí amach i rith a shaoil.

Mark Killilea was born in 1939, one of six children, in Ballinamore Bridge outside Ballygar. He was born into an intensely political family, a family that believed in developing an inclusive Ireland and a society that afforded opportunities to all, and he loved his country. He often spoke fondly of his late father who was also called Mark, who as the Leas-Cheann Comhairle said was first elected as a Deputy in the 1920s and served right up to the late 1960s, which was an extraordinary career in itself. Mark's father was an extraordinary man. He was a farmer and was an active member in the War of Independence and a founding member of Fianna Fáil. He was a person from that great generation that laid the foundations of the State.

It is not surprising then, given that public service ethos in the family and that commitment to country, that Mark himself would enter the political arena. Prior to politics, he too was a farmer, a beet grower, an auctioneer, an agricultural contractor and an extraordinarily multi-talented individual. I have listened to some of his interviews. He started out as a councillor, became a Senator in 1969 and a Deputy in 1977. He was a very effective Minister of State with responsibility for posts and telegraphs and he was a Member of the European Parliament from 1987 to 1999.

He too believed in public service and was a member of many organisations and had a particular love of the Gaelic Athletic Association and his beloved Corofin GAA club, which has achieved so much. Mark was a very gregarious and charismatic person and politician and drew people towards him. One of his great friends in politics, Ray MacSharry, summed up Mark very well when he said:

Markeen was friendly, humble, sharp, alert and confident. He was always a family man, a community man, a sportsman, and a great public servant.

As the Leas-Cheann Comhairle said, it was Mark who, when describing Fianna Fáil supporters, because the interviewer at the time had asked who were these people, said he represented the people who ate their dinner in the middle of the day. When one met Mark, one always remembered his relaxed witty and straight talking ways. When I became leader of Fianna Fáil, he was not slow to pick up the phone to give me advice on potential candidates, strategy and so on. He gave it to one straight because he had a passion about renewing and recovering the party.

Over the last few days I listened to his interviews. In his early days, as a councillor, he chaired the health board. He initially ran for the Dáil in 1973. In his own style, he said he was nixed of that seat when the Roscommon boxes came in. He lost by just 140 votes. In the great election victory of 1977, he won a seat. He was influential in the election of Charles J. Haughey as Taoiseach in 1979. He was then appointed as a Minister of State and worked brilliantly with his senior Minister, Albert Reynolds.

Many among our younger generations will find it difficult to comprehend how hard it was to get a phone into a house in the late 1970s. There were extraordinary delays of months. Between them, however, Mark Killilea and Albert Reynolds took the country by storm in terms of getting rid of the waiting times for telephones. That strategy transformed Ireland and prepared it for the subsequent economic development that took place. It was pivotal in attracting a great deal of inward investment. As Mark said, they went about it with energy and commitment. It came within budget as well. I will not mention broadband or anything like that but I suspect that if we had had Mark Killilea and Albert Reynolds around, we might not have been waiting so long.

The early 1980s, when I was a student in UCC, were a traumatic and difficult time for politicians. There were three elections in 1981 and 1982. It was a time of great instability and trauma for political families. Think about it - three general elections in 18 months. Mark was successful in two out of three of those, but alas not in the last one. He was subsequently re-elected to the Seanad. He was quite witty in his observations on the differences between a Seanad election and a Dáil election. He developed a great respect for councillors and their professionalism on the basis, he said, that they knew how to cod you. He said that, if one were to believe all those who said they would vote for one, one would end up with three quotas, but it never quite turned out that way.

In 1987, Ray MacSharry returned to Ireland from the European Parliament and Mark got his opportunity to become an MEP. He was returned to it in subsequent elections. It is fair to say that he saw his membership of the Europe Parliament as his favourite period of his political career. He was influential across the European Parliament, influencing much of the policy that emanated from it and elsewhere in the EU, particularly in the context of small and medium-sized farmers. He ensured that regional and technical colleges received EU social funding to commence research. At that time, universities were leading in that regard. He negotiated the western package, which allowed farmers from Donegal to Kerry to create vital farm infrastructure. He also helped to design the LEADER programme, which became a model for rural development.

I mentioned that he was a gregarious individual. He developed great friendships in politics across all parties. That is a trait of parliamentarians that we sometimes underestimate. It is important to be able to cross the floor and work alliances to get policies through. His friendship with former MEP Barry Desmond, for example, facilitated the socialist group supporting the Common Agricultural Policy reform deal when it was going through the European Parliament. He was particularly friendly with Ian Paisley. Interestingly, that was the experience of many of our MEPs. Mark would say that the image of Ian Paisley in the North, with all of his hardline rhetoric, did not quite materialise in the European Parliament context. He said that the late Ian Paisley often asked him for advice on the CAP reform package and was particularly praising of Ray MacSharry's lead in reforming CAP while a Commissioner. According to Mark, Ian Paisley would say that in Parliament only months after "he tried to run the Pope from [the same] Parliament". Mark was elected as a quaestor by his fellow MEPs. That was a significant election, as it showed the respect and esteem in which he was held across the Parliament. It illustrated the different perspectives from which Mark and Ian Paisley came. Mark organised a minor celebration in the bar with some colleagues. Notwithstanding the late Ian Paisley's puritanical attitude to alcohol-----

Deputy Brendan Howlin: The devil's buttermilk.

Deputy Micheál Martin: -----Mr. Paisley shouted in, "Will you give up drinking that devil's buttermilk?" Undaunted, Mark responded, "Come in and have one [yourself]." That was the nature of the banter and relationship between the two.

Mark always said that he could never have become a politician without his friendship and partnership with his beloved wife, Anne. They worked extremely hard as a team for their community. At times when elections did not work out for them, they worked even harder and kept going with the support of their large and extended family. Mark and Anne would canvass as two separate teams in some respects. We know the feeling. Anne would take her team to different parts of the constituency. They believed in knocking on doors and meeting people. Mark was unlucky with boundary changes, with his constituency changing three times, which posed significant electoral challenges for him. He and Anne were always best friends in that regard. He spoke on radio about this support during their 53 years of marriage. He said how he "would of course get the odd dressing down but overall our marriage was very satisfactory". They met and married at a young age and had eight children: Éidín, Niamh, Deirbrin, Niall, Donagh, Medbh and Eimhíne. Of course, we remember that Mark and Anne lost their son, Mark, who was taken from them in a tragic car accident. I remember Medbh describing her father as a man who taught them all to love politics, farming and food, that last being particularly important. He also taught them how to "live life with great common sense, a positive attitude and a twist of humour." I am delighted to hear that the wife of Councillor Donagh Killilea, Mark and Anne's

son, of whom Mark was particularly proud, gave birth to a baby yesterday. He has been named Mark. It is good to know that the dynasty continues.

All of the Killilea family will remember Mark as a great husband, a devoted father and grandfather, and someone who brought great love and fun to their lives. He was also a great public servant from our perspective, one who worked all his life for his community. He is sorely missed by all. Ar dheis Dé go raibh a anam dílis.

The Taoiseach: I never had the privilege of meeting Mark Killilea, but I am delighted to learn that we shared a love of Tina Turner. I am happy to advise the House that she and I are not currently in correspondence.

Deputy Dara Calleary: Currently.

The Taoiseach: Or ever, by the way, just in case the Deputies wanted to ask.

I am grateful to have this opportunity to pay tribute to a member of the Fianna Fáil family who gave a lifetime of service to our country. These tributes, which we pay on occasion in the Dáil, are very important occasions. They serve a higher purpose than simply honouring those who have served in this House and paying our respects to their families. They also remind us, across all parties and none, of the higher purposes of politics - about loyalty, about love of community and about helping others. Around the world, we have seen a coarsening of political debate, and a cynicism and nastiness about politics has crept into popular discourse. Paying tribute to honourable servants of our country like Mark Killilea sweeps away some of that cynicism and reminds us of what unites us all in politics instead of focusing on differences.

Mark devoted his life to helping others and to helping the country, and by honouring him and others like him, we remember why we became involved in politics in the first place and are inspired to try to do better and try to do more.

Bhí an-ghnaoi agus an-mheas ag an bpobal ar Mark Killilea mar pholaiteoir a rinne fónamh dár dtír mar chomhairleoír Contae, mar Sheanadóir, Mar Theachta Dála, mar Aire Stáit, mar Fheisire de Pharlaimint na hEorpa agus mar chaestóir. Bhí sé an-éasca dó cairdeas a dhéanamh le daoine ar chruthaigh sé nasc san Eoraip leo agus lenar bhain Éire tairbhe go buan astu. Ba pholaiteoir é a chreid go n-itear an dinnéar i lár an lae. Mar Aire Stáit, chuir se feabhas ar chúrsáí cumarsáide in Éirinn agus d'fhág sé oidhreacht shuntasach ar sheirbhís poiblí dúinn.

In many ways, Mark Killilea epitomised the spirit of public service. His father, also Mark, was a founding member of Fianna Fáil and served as a Deputy for almost 34 years. Markeen, as he was known to many of his friends, inherited a belief in helping others as well as a love of community. He served the people of Galway and our country with distinction.

As Deputy Micheál Martin mentioned, when Mark became a Deputy in 1977, the waiting list to have a phone line connected to one's house was legendary. Indeed, it was one of the queries most frequently received by Deputies. As Minister of State at the Department of Posts and Telegraphs from 1979 to 1981, he oversaw a revolution in our communications network which ensured that the problem was eventually fixed.

Mark made many telling contributions in the House, but perhaps most effective were the heckles he deployed against members of my party. He famously described Professor John Kelly as a pitch and toss merchant. *The Irish Times* reports that Mark had the ability to halt

an entire debate in its tracks with his interruptions. Indeed, we are told he bashed the Opposition's record on everything from security to potato plants. As an MEP from 1987 to 1999, he had many achievements, most notably working on reforming the Common Agricultural Policy such that small farmers would be able to prosper. Everyone liked and trusted Mark and he was able to make alliances and friendships, including with Ian Paisley. He often attempted to bring together countries that were arguing with each other and sometimes did so with success.

He loved sport, especially his beloved Corofin GAA club, fishing and horse racing, and won many prizes playing golf. Whether as a farmer, businessman, auctioneer or politician, he lived a life of hard work and integrity.

I offer my condolences and those of Fine Gael to his wife Anne, their children Éidín, Niamh, Deirbrin, Niall, Donagh, Medbh and Eimhín, and all of their family and friends. We also remember their son, Mark, who died tragically in 2009. Donagh has continued the family tradition of public service as a councillor representing the people of Tuam and I know Mark's daughter, Medbh, as a result of her excellent work for the Government Information Service, following on a proud family tradition of service to the State through politics and the Civil Service. Mark did the State much service. Ar dheis Dé go raibh a anam dílis.

Deputy Mary Lou McDonald: Ar mo shon féin agus ar son Shinn Féin, ba mhaith liom comhbhrón a dhéanamh le clann agus le cairde an iarTheachta Mark Killilea, a fuair bás i Mi na Nollag. On my behalf and that of Sinn Féin, I wish to express sincere sympathies and condolences to the family and friends of former Teachta Mark Killilea who passed away last December.

Bhí gairm fada ag an iarTheachta Killilea in oifig phoiblí agus táim cinnte de go bhfuil a mhuintir an-bhródúil as seo. As has been stated, Mark had a very long and, indeed, distinguished career in public office. I am sure his clan are extremely proud of that. He served as a member of Galway County Council, as a Member of the Dáil on behalf of the people of Galway, in the Seanad and, of course, at the European Parliament with great distinction. He also served as Minister of State at the Department of Posts and Telegraphs. It seems his record there is a matter of legend in the context of telephone connections in the early 1980s under the then Taoiseach, Charles Haughey, whom he, as a member of the so-called gang of five, backed during the Fianna Fáil leadership context in 1979, something which, I am sure, the Leas-Cheann Comhairle recalls. I will not elaborate on that, but I wish to recall, as others have, that he coined the famous phrase that the ordinary people of Ireland are those who eat their dinner in the middle of the day. If ever there was a political concept or phrase that will resonate down the generations, that for sure is it.

I did not know Mark, but he was evidently extremely in tune with the people of his constituency and this country. His work ethic, ability and achievements have been attested to and I wish to join with others in extending condolences to his wife, Anne, his children Éidín, Niamh, Deirbrin, Niall, Donagh, Medbh and Eimhín, and the rest of his family and friends. We recall also his son, Mark, agus cuirimid fáilte freisin roimh baby Mark as the family lineage continues. I am sure that, for all of them, he was and always will be simply the best. We extend our sympathies to our colleagues on the Fianna Fáil benches and the Leas-Cheann Comhairle on the loss of a colleague and a friend. Ar dheis Dé go raibh a anam dílis.

Deputy Brendan Howlin: It is my privilege on my behalf and that of the Labour Party to join colleagues in expressing appreciation for a life extraordinarily well lived and remember-

ing, on his passing, a Member of this House, the Seanad and the European Parliament who served our nation with such distinction. I send the condolences of my party to Fianna Fáil as well as the Killilea family. The Taoiseach is correct that it is important to take time out of the normal business of the House to reflect on colleagues who have passed on.

One of the words used in respect of Members of this House is “patriot”. Various Deputies would define that word in different ways. I regard Mark Killilea as a patriot. He genuinely loved his country and was passionate about it and his personal beliefs. I did not agree with much of what he espoused. Mark and I came into the Seanad at the same time in the 1980s. I was delighted to be there, but I am not sure he was quite as happy to become a Senator, having previously served in this House and as a distinguished Minister of State. He was a very careful thinker with a clear vision of politics. Many people underestimated him, but he understood what he wanted to achieve and worked very hard on his objectives.

I had occasion to meet him outside the Houses once or twice in the Thomas Moore Tavern, a place of imbibement in my home town of Wexford, where he told me he was related to a person with whom I worked very closely for a very long time, namely, my special adviser, Anne Byrne. I did not quite work out the relationship between them, although I may figure it out over the course of the day. Anne certainly believed they were close relatives and was always in very close discussion with Mark when he visited.

Reference has been made to his passion for agriculture and rural life, of which he was a great defender, as well as his service in terms of telecommunications. In many ways, his time as a Minister of State, in combination with the senior Minister for telecommunications, allowed us to move on from the farcical situation whereby people were waiting for two years for a telephone connection. Everybody in need of a connection went to their local Deputy to make strong representations to get it, which was very bizarre. I am not sure whether it is true, but I was told that Mark always had a number of telephone devices in his car which he would give to constituents. They would still have to wait two years for a connection, but it gave them hope that they were closer to getting a connection.

Deputy Marc MacSharry: They were halfway there.

Deputy Brendan Howlin: His service as Minister of State facilitated the leap from analogue to digital technology. In many ways, we moved very quickly from a very Third World telecommunications infrastructure to what was a First World infrastructure.

There are many stories about his passionate support for Charles Haughey. Many people think this Dáil is bizarre, but it is calm in comparison with some of the Dáileanna of that era. The *Irish Independent* referred to his role in the election of the Taoiseach in 1982:

Killilea would again come to Haughey’s rescue, although he had lost his seat in Galway in 1982, having switched to a new constituency because of boundary changes. When it came to a crucial vote for Taoiseach in the new government, Killilea was among those who thronged Leinster House to see whether the hung Dáil would vote Haughey or his nemesis Garret FitzGerald into the Taoiseach’s office.

The vote was so tight nobody really knew the outcome - and it seemed to be swinging away from Haughey when a farcical situation developed as three Workers’ Party TDs, who had pledged to vote for Haughey, were hampered by the crowds on the main staircase from getting into the chamber before the division bells rang and the doors were locked from the

inside, leaving them stranded.

Killilea's experience of the layout of Leinster House was invaluable. "This way, lads," he shouted and led them through a doorway to the press gallery, from which the three TDs were able to jump into the Distinguished Visitors Gallery - to the surprise of Maureen Haughey and various ambassadors seated there - and then into the chamber.

They were then able to vote for Haughey, who was elected Taoiseach...

To Mark Killilea's great satisfaction, Charles Haughey was elected Taoiseach. A Deputy needs guile, wit, knowledge and wisdom to operate well in this House. All of those attributes were amply demonstrated during Mark Killilea's honourable service here. It was my privilege to have known him. He has served our nation with great distinction.

I did not mention his European service, which was even more renowned. He served in the European Parliament. To be elected one of the five quaestors of the European Parliament is important because they look after the affairs of the MEPs. MEPs are rather discerning about

who they trust to look after their own affairs. This is clear from the fact that
2 o'clock only five are elected, while this week we are going to elect 14 vice presidents
of the European Parliament. Those from the entire body across all the nations
trusted their well-being and welfare in the hands of Mark Killilea. That speaks greater volumes
of praise than I can muster.

I offer my condolences to Anne and Mark's children, Eidín, Niamh, Deirbrin, Niall, Donagh, Medbh and Eimhín, as well as to his sisters Brid and Vera. We remember Mark, his son, who died tragically in 2009. To all of his family and the friends and acquaintances of this great individual I send the condolences of the Labour Party.

Deputy Noel Grealish: I welcome the Killilea family to the Distinguished Visitors Gallery today, especially his wife, Anne. The Minister of State at the Department of Communications, Climate Action and Environment, Deputy Canney, cannot be here today. He is caught up with ministerial business and he asked me to pass on his apologies.

I am delighted to have the opportunity to say a few words about Mark Killilea on behalf of the Rural Independent Group. I had the pleasure of knowing Mark. The first time I met him was in the 1980s. I was a member of Ógra Fianna Fáil and of the comhairle dál ceantair for Fianna Fáil. We were at a meeting in Flannery's Hotel after the local elections. We were waiting for the results of the council elections to see what had happened. The make-up of the council at the time was tight. The door burst open and in came Mark. He was absolutely fuming. They had lost the vote for the chain of office of Galway County Council that day. Two councillors who were members of Sinn Féin switched and voted with Fine Gael. Mark gave a memorable speech that night. I will not repeat any of it here.

My late father, Peter, was a great supporter of Mark. He canvassed for Mark during many elections. Deputy Howlin touched on the story of the telephone lines. I remember my father coming home one night when he was fuming. He said that if he saw another telephone handed or bought into a house he would be mad. People would point to the telephone and say that Mark gave it to them and told them they would have the line within three or four months, but they did not get it within that time. My father was getting abuse from the odd house. I am delighted to say the people did get the line eventually and the telephones began working.

He was a keen golfer. I often met him out in Ballyconneely when we had our Oireachtas outings. Mark was president when I was captain. People never really see Donie Cassidy losing his cool as secretary of the Oireachtas golf society but I remember the day I was captain. I was hosting the captain's prize. We allocated two hours in the morning for Mark from 8 a.m. to 10 a.m. Oireachtas Members then had from 10 a.m. to noon and then the guests had time. It was a bad wet windy morning but the weather was to clear at 10 a.m. Mark told all his guests and friends who were playing to turn up at 10 a.m. There was utter chaos. The Taoiseach at the time, Deputy Enda Kenny, came to play. He was supposed to be playing at 10.30 a.m. He did not get out until 11.15 a.m. Donie Cassidy lost it. There was chaos on the tee box. No one could find Mark. He eventually arrived at 11.30 a.m. or so with a smile from ear to ear. He told Donie to calm down and that it was alright because everyone had got out onto the course. I will not repeat what Donie said.

Mark had many highs in his life and many lows. I remember calling at the house at the time when his son, Mark, died tragically. It was a tough time and a sad time for his wife, Anne, and the Killilea family.

Mark had a long and distinguished career in politics. Deputy Ó Cuív might touch on the story told in Galway County Council. When the agenda came out, Mark would look at it. If there was nothing exciting or nothing to have a row about, he would contact John Donnellan, the Fine Gael councillor. John was another avid golfer. They would arrange among themselves to have a blazing row in the council chamber so that they could grab a headline. Perhaps Deputy Ó Cuív might expand on the matter, but that was the story we were told.

Mark had a long and distinguished career in politics. He was from a great political family. He served in the Seanad and Dáil. He was a Minister of State and a member of the European Parliament. On behalf of the Rural Independent Group and on my behalf I wish to offer my sympathies to his wife, Anne, following her loss. I also wish to offer my sympathies to Eidín, Niamh, Deirbrin, Niall and Donagh. I congratulate Donagh on the birth of the child. It is great to see the name Mark continuing the legacy. I hope Donagh will have a long career in politics and that Mark will follow suit. I offer my sympathies to Medbh and Eimhín, as well as to Mark's sisters, Brid and Vera, and his adored grandchildren. Ar dheis Dé go raibh a anam dílis.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I welcome the Killilea family to the Chamber. I welcome Anne and all her children who are present. I congratulate Donagh on the birth of his baby, Mark, in recent days.

I did not know Mark Killilea. To the best of my knowledge, we never crossed paths. I did not serve with him and I did not serve with Donagh. I had left the council before he joined. Of course, I know the Killilea name and I know Mark Killilea by reputation and by the regard with which he was held in Galway. I know him from the stories in the *Connacht Tribune* when I was a young person reading about politics. I know him as a larger than life figure. The best known stories have all been repeated here today, including Deputy Howlin's comments about the vote for Charlie Haughey and Deputy Micheál Martin's comments regarding the telephones and eating dinners in the middle of the day. Those are the three things that jump out in terms of the folklore that has gone down about Mark Killilea.

Like any politician, especially one who has served at county council level and as a Deputy, Senator and MEP, Mark did not get there by accident or chance but as a result of hard work. We all know that. Anyone who has served in those positions has a reputation for hard work.

Mark had that reputation too. Many people have faced difficulties when boundary changes arise. He was between east and west Galway. He was around Galway at the same time as some big figures in Fianna Fáil politics, including Máire Geoghegan-Quinn, Frank Fahey, Bobby Molloy and others, and, for the Labour Party, the current President. It was a tough area before the young whippersnapper, Deputy Ó Cuív, came along later in that period. There were large figures within Fianna Fáil politics in that area. Mark was part of that and went on to serve as a Deputy, Minister of State, Senator and MEP. This shows the regard with which he was held and the reputation that he had for hard work. Ar dheis Dé go raibh a anam dílis.

Deputy Éamon Ó Cuív: Is cúis bróin é seo, ach ar bhealach eile is deis é chun ómós a thaispeáint do Mark Killilea. Déanaim comhbhrón lena bhean, Anne, agus lena chlann Eidín, Niamh, Deirbrin, Niall, Donagh, Medbh and Eimhín. The biggest tragedy in Mark and Anne's lives was the death of their son Mark, which happened very suddenly, just ten years before Mark's own death. Ar dheis Dé go raibh sé.

The Killilea family history in politics goes back a long time, to the foundation of Fianna Fáil in 1927. I am delighted that my colleague, Deputy Haughey, is beside me because he is a grandson of Seán Lemass and our three families go back to those founding times. I knew Mark well because we shared a constituency, though Mark had been in politics a long time before I started and was in what was then the Galway East area. Galway West was initially a three-seat constituency, which incorporated Galway city and Connemara. Mark represented east Galway well in this House, having been elected to the Dáil in 1977 and having served in the Seanad before that. When the constituency review took place, Galway West became a large five-seat constituency stretching from Clare right up to Mayo, and the east of the city was added in as well. To say that constituency was competitive, especially within Fianna Fáil, would be the understatement of the year. Three elections were held between 1981 and 1982 and while Mark was elected in 1981, he lost out in 1982. Those were tough times for politicians, as they had to fund three elections only to find out at the end that they had lost their positions as Teachtaí Dála. Mark was then elected to the Seanad. Those were difficult times for politicians and their families, particularly for those who won some elections only to lose in the later ones. We should never forget the challenges they faced.

While our political careers overlapped, the only election I contested with Mark was in 1987. There were four Fianna Fáil candidates on that ticket, namely, Frank Fahey, Máire Geoghegan-Quinn, Mark Killilea and I. I came up the rear in fourth place and unfortunately for Mark, while he came in third, Fianna Fáil only won two seats. That was after Bobby Molloy had joined the Progressive Democrats. Shortly after that election, a rumour went around that Mark Killilea was about to return to Irish politics. The Leas-Cheann Comhairle can correct me but I recall that there were two people ahead of Mark on the list, namely, the Leas-Cheann Comhairle and Noel Treacy, and Mark was the third substitute. When Mark was asked about Europe he said he had not heard anything and did not know whether he would fall into that position but if he was called to go to Europe, he would drive off so fast people would hear the pebbles hitting the windows of his house. He had a fantastic turn of phrase for every situation and other phrases of his have been quoted here today. He had a fantastic way of relating to everyday things.

Mark went to Europe and although he had been a successful politician on the national stage, what he achieved in Europe may have surprised those who did not know him. The impact he made in the European scene was extraordinary. He sat in the European Parliament from 1987 to 1999 and could have gone on longer if he had so chosen. One of his greatest abilities was his ability to relate to ordinary people and their day-to-day problems. He spoke plain English

and could translate complicated concepts in such a way that the listener of a radio or television programme could understand them. He did not engage in hyperbole or beat about the bush. I remember how well he explained the changes that were taking place during the MacSharry reforms, when agricultural payments were first introduced. Those reforms changed the face of agriculture in Ireland, the west in particular. Mark Killilea was a legend, both in Fianna Fáil and in politics in the west of Ireland.

I was not on the council at the same time as Mark Killilea and John Donnellan so I do not know the full story, but they often had public rows. However, it was always like cath na mbó maol, or the battles of deer horn cows that never harmed anybody. It certainly did not harm the two protagonists, as both of them were fairly well met when it came to debate.

Fear mór, gráúil agus cárddiúil a bhí i Mark. Fear na ndaoine a bhí ann, agus fear é a sheas go dílis dhá mhuintir féin, do phobal an iarthair agus do phobal na Gaillimhe faoi chéile. Airíonn muid uainn é, ón uair a tháinig scéal a bháis ar Oíche Chinn Bliana na bliana seo caite. Mar a dúirt mé ag an túis, comhbhrón lena bhean chéile, lena chlann, agus lena gharrchlann. Ar dheis Dé go raibh a anam.

An Leas-Cheann Comhairle: As Deputy Ó Cuív noted, Mark Killilea represented the constituency of Galway East. I call one of its current representatives, Deputy Anne Rabbitte.

Deputy Anne Rabbitte: I thank the Leas-Cheann Comhairle for the opportunity to welcome to the House this afternoon the Killilea family, including his wife Anne, members of the extended Killilea family and Mark's close friend and colleague, Tom Craven. Mark Killilea was affectionately known to us in Galway East, and probably to many more across the country, as "Markeen", or if one was bold about it, one would ask, "Where's Killilea?". Mark was a legend. His name and deeds went before him and the tales we have heard today are all true. I was only a child when there was talk of the telephones Deputy Greasham referred to, but people were lucky if they got a telephone because then they knew they were in with Mark. That telephone gave them great hope.

Mark Killilea was friendly, popular and well-respected across all parties. He was a giant, not only in Galway politics but nationally and internationally. He held positions across the political spectrum, from councillor on Galway County Council, to Deputy, Minister and MEP. He always brought the same level of enthusiasm and dedication to all his work. As a public representative, he always worked hard for the people he represented or, to borrow the famous phrase, the people who ate their dinner in the middle of the day.

He did not have a Facebook or Twitter account during the many elections he contested. It was the family members, connections and respect he built up over the years that elected him. It is not easy to go out and get elected, particularly as he and Anne had eight young children at one time. The length of time he served at various levels has to be respected. Many of us would love to mirror that in our political careers. Now that we have Facebook and Twitter, we have a short pass to getting elected in some regards but Mark had to do it the hard way, as did many of his colleagues.

Mark was integral in reshaping the Irish telecoms network following his appointment as Minister of State at the Department of Posts and Telegraphs under Charles Haughey. I am sure he would have some interesting words to say on the broadband fiasco today. As a farmer, beef producer and silage contractor, Mark knew the many challenges facing farmers around the

country, and he brought his experience to bear on the European stage when elected MEP for the Connacht-Ulster constituency. Mark played a key role in reforming the Common Agricultural Policy, ensuring small farmers received greater and fairer payments.

With regard to Mark's private life, we heard earlier about his love of golf but he also had a great love for Ballyconneely. He loved the Ballinrobe races and, above all, he loved Corofin GAA. That is where he spent time with his family and where many of his family memories were created and they are still talked about to this day. His young grandson, Shane, talks about going to Ballyconneely and he asked my son to join him for a weekend there to do some swimming. That is what memories are about. There was also talk about Ballinrobe races. Shane is not joining us here today but I hope later in Irish college they will listen to what Deputy Micheál Martin, our leader, said. The teacher might test them on translating it very well.

Not only is Mark greatly missed by his wife, Anne, and his family he is also missed by the Fianna Fáil organisation in Tuam where he spent a long time and spoke great words of wisdom and offered direction. I was one of the people who benefited from Mark's words of wisdom. I visited him about three and a half years ago in Caherhugh House, where he sat me down and gave me a cup of tea. When Mark gave you a cup of tea he also gave you words of wisdom, and you listened eagerly because he was setting you on the right path. That half day I spent with him in Caherhugh House where he gave me direction set me on the right road to contest a general election. I will be ever grateful to Mark and his family for sharing that space.

We remember fondly today Donagh, Anna, Tess and their baby, Mark junior who was born today, and also Niamh, who is not with us. They are here with us in spirit and I have no doubt they are listening in. It is important to say that Donagh is a chip off the old block when it came to sharing words of wisdom and knowing how to cut a deal but one would always have to keep a good eye on him at the same time because the trickery and jovialness of the Killileas is still there.

Mark Killilea and his role in Irish politics will be remembered forever. He was a legend in his lifetime but he will continue to be a legend after his passing.

An Leas-Cheann Comhairle: I call Deputy Eugene Murphy who, in terms of representation, claims part of Galway.

Deputy Eugene Murphy: I do not intend to engage the House too long on the basis that our party leader has covered everything. As Deputy Rabbitte was speaking, I was thinking that we now have the constituencies of Roscommon-Galway, Galway East and Galway West but it used to be known for many years as Roscommon-East Galway and Galway West. As our party leader pointed out, Mark originally came from Ballinamore Bridge in east Galway, which is now part of my constituency.

I welcome Anne, his wife, many members of his family, many of his grandchildren and friends who are here today. I first met Mark when I was appointed chairman of Ógra Fianna Fáil in County Roscommon, which is a good few years ago now. I always remember him for his enthusiasm. He always struck me as being very confident, astute and good at organising politics, canvasses and people. I believe it is accepted by everybody, regardless of what side of the House one is on, that Mark, as a junior spokesperson in the then Department of Posts and Telegraphs, along with Albert Reynolds revolutionised telecommunications at that time. If he was still with us together, I have no doubt that he and Albert Reynolds would find a way around

the difficulties we have with the provision of broadband.

We should never forget the role he played in Europe, which was quite remarkable. Specifically, I mention the Common Agricultural Programme, CAP, and his many valuable ideas and contributions towards the framing of it. Also, in education, he played a major role in securing finance from Europe for a regional technical college, which was vital for young people particularly in many towns in rural areas.

When I was in Ógra Fianna Fáil we were at a meeting and referring to the CAP and people were saying there would be millions for this and for that but Mark said to me, “Gasúr, never mind talking about the millions, have you sheep farmers living close to you?” to which I replied I had and he said: “Tell them it will mean they will make IR£10 a head extra on their ewe”. He broke it down like that in a practical way for people.

It was good to know him. I always loved his company. As Deputy Micheál Martin said, he was certainly a gregarious character. I am delighted to have had a few minutes to express my sympathy. Go ndéana Dia trócaire ar a anam dílis.

An Leas-Cheann Comhairle: I ask the House to bear with me as we have run on a little. The Killilea and MacSharry families were inextricably linked. I will allow Deputy MacSharry a minute to say a few words.

Deputy Marc MacSharry: I welcome Anne, Eidín, Niamh, Deirbrin, Niall, Donagh is here in spirit, Medbh, Eimhín, Bid, his sister, Vera is not here with us today, and we have special memory for Mark junior today. I welcome also his grandchildren. I welcome Mr. Tom Craven, as a representative of the many tens of thousands of people who supported the Killilea family and politics through the generations, as others have said. He was not only a great loyal friend and supporter of Mark Killilea who we are discussing, but of his father, the original Mark, and he is key to Donagh’s political career as it continues. He is a most appropriate representative of all who supported the Killileas through the year. Tom is very welcome here.

Family and loyalty was everything to the Mark Killilea that I have known all my life. It epitomised all his work and actions. It did not require a report from PwC or KPMG or consideration by a sub-agency: Mark Killilea was guided by the people. The Taoiseach alluded to the fact that there is coarseness in politics now. While we may have developed that coarseness, what we have truly lost is the fact that giants of the tradition of public representation like Mark Killilea were guided by the people. That was in every single thing that he did.

Mark mentored many in their political careers, some of whom went on to be Commissioners, taoisigh, leas-cheann comhairlí, Senators and TDs, including myself in my own political career which started in 2002. Much of that mentoring took place - the Leas-Cheann Comhairle will not mind me mentioning this - in 30, Clareville Road, Harold’s Cross in an era when public representatives in the Dáil and the Seanad were not resourced in terms of expenses to be able to stay in hotels, as we are lucky enough to be able to do today. In terms of TDs and Senators, the originals were Mark Killilea, Ray MacSharry, Pat the Cope Gallagher, the late Flor Crowley and former Senator Bernard McGlincey. If only the walls of No. 30 could talk, there was much wisdom imparted by Mark Killilea to other people who went on to have very successful careers in their own right. While they were the originals, later there was the former Minister, John Browne, and the former Taoiseach, Brian Cowen, who all went there.

As alluded to by others, and I have the express permission of the author, Mark Killilea’s

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fingerprints were all over the CAP reforms of the 1990s. Its passage and commentary through the European Parliament, as alluded to by the Leas-Cheann Comhairle, was at the hands and behest of the extraordinary ability that Mark Killilea had to bring people with him. He was a giant in the tradition of public representation, a man who was all graces and no airs. While those of us who entered public life and are in it after he is gone would seek to try to walk in his steps, nobody will ever fill his shoes.

An Leas-Cheann Comhairle: The Minister of State, Deputy Canney, has returned from his ministerial duties. I will allow him to make a brief intervention, even though he was not forgotten.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): I thank the Leas-Cheann Comhairle. I apologise for not being here. I was at a ministerial function and I had to pull myself away from it to try to get here. If I get a fine for speeding, we will know why; it was all Markeen's fault.

Deputy Brendan Howlin: Have a word with the Minister, Deputy Shane Ross, about it. The Minister of State will be all right.

Deputy Seán Canney: He will be all right. As Mark's neighbour and a family friend, it is important to say that the Killileas and Canneys were always great friends and they still are. Everybody talks about his political agility, his political wit and so on, but what I remember most about Mark Killilea was that he was a neighbour and a friend. When we were up in Bob Scales's land every summer, he was there and he never offered us anything other than advice. When I was in Fianna Fáil, he was always a good friend and when I left Fianna Fáil, he still gave me advice, which was good. He never had animosity towards anybody. He was a good friend to everybody.

From the point of view of Belclare, we have lost someone great in that we have lost Mark Killilea. Corofin has lost someone great.

What lives on is his memory and all the stories that go with that. Last week, we talked about the late Jackie Healy-Rae. Who originally referred to the common person who ate their dinner in the middle of the day is a dispute that will carry on but I think Mark would win the battle there. I am delighted I got back in time to say a few words. It is great to see everyone from Belclare and Tuam.

An Leas-Cheann Comhairle: Ar dheis láimh Dé go raibh a anam.

Members rose.

Ceisteanna (Atóigáil) - Questions (Resumed)

Cabinet Committee Meetings

1. **Deputy Michael Moynihan** asked the Taoiseach the number of times Cabinet committee E, health, has met in 2019; and when it last met. [25595/19]

2. Deputy Joan Burton asked the Taoiseach when Cabinet committee E, health, last met; and when it will next meet. [26568/19]

3. Deputy Richard Boyd Barrett asked the Taoiseach when Cabinet committee E, health, last met. [26623/19]

4. Deputy Brendan Howlin asked the Taoiseach when Cabinet committee E, health, last met; and when it is next scheduled to meet. [26685/19]

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

Cabinet committee E last met on 22 November 2018. A date for the next meeting is being scheduled for later this month. In addition to the meetings of the full Cabinet and of Cabinet committees, I often meet Ministers on an individual basis to focus on particular issues. In this regard, I meet regularly the Minister, Deputy Harris, and his officials and advisers to discuss issues relating to the health service, and health is discussed by the full Cabinet almost every week.

This year will see the highest ever level of health funding in the history of the State in order to transform the health service to one that can meet the changing needs of the population and be resilient to challenges presented by changing demographics.

We have also committed close to €11 billion in capital investment over the next ten years in the national development plan, Project Ireland 2040, to provide the infrastructure required for expanded community and acute care.

While there is a need for increased investment in the health service, reform and productivity gains must happen as well. These gains are not always easily realised and require a long-term strategic approach.

The Government is advancing a significant programme of reform to ensure meaningful and sustained improvement in the health service in the future.

The publication of the Sláintecare action plan for 2019, the first of what will be annual plans, sets out in a detailed and quantifiable way how the ambitious ten-year reform programme will be advanced this year. The first quarter progress report for this year is completed and all 28 deliverables are on track.

The guiding principle of Sláintecare is to provide the right care, in the right place, at the right time. Recent advancements include the following measures. Reduced prescription charges, reduced drug payment scheme thresholds and increased GP visit card income thresholds all came into effect in April. This is a step forward in benefitting hundreds of thousands of people by reducing the cost of healthcare for them. On 11 June, Government approved the general scheme of a Bill to change how productive assets are treated under the nursing home support scheme or fair deal. This will positively affect families who have family farms and businesses but now require nursing home care. An agreement has been reached with the Irish Medical Organisation on a major package of GP contractual reforms which will provide a 40% in resources for general practice, benefitting patients and make general practice a more attractive career option for doctors. Last Friday, the new HSE board had its first formal meeting following the Minister for Health signing the commencement order for the HSE (Governance) Act 2019. The board had been meeting prior to this on an interim or administrative basis. The board will strengthen

the management, governance and accountability of the HSE.

Deputy Micheál Martin: The Taoiseach will be aware that the Minister for Finance has explicitly ruled out the possibility of any Supplementary Estimate for the Department of Health later this year but, in contrast, when pressed by Deputy Donnelly on this matter, the Minister for Health refused to rule out seeking a Supplementary Estimate. The Taoiseach might be able to explain the contradiction between the two Ministers in that regard. The Taoiseach might be able to indicate what he believes the full year outcome will be in relation to the health Estimate. Does the Taoiseach also believe that there will be no question of a Supplementary Estimate being required? He might clarify that for me.

I note that up to 2012 the HSE demonstrated a strong ability to deliver within budget but that changed due to a new political approach to service plans introduced by the Cabinet. The Irish Fiscal Advisory Council has said that ministerial and governmental decisions in demanding services but not providing the funding at the start of the year have directly added to the end of year Supplementary Estimates - in other words, at the beginning of the budget year every year the Government knew full well that what was provided for in the service plan could not have been met by the Estimate that was provided and that there would inevitably be a Supplementary Estimate. That has been an issue for quite a number of years. Does the Taoiseach accept this, or is that another recommendation of the Irish Fiscal Advisory Council which the Taoiseach will ignore?

I put it to the Taoiseach that whereas he talked about Sláintecare and some of the issues around thresholds, etc., that are doable, at the essence of the health service at the operational level are fundamental difficulties with access to the health service as manifested in overcrowding in accident and emergency departments and excessive deaths as a result. Much of that is contributed to by the deficiencies in step-down facilities, nursing home beds, rehabilitation beds and facilities, and facilitating efficient discharge from acute hospitals. In my view, the demographic realities of health have not been provided for in recent times. As a people, we are living longer. That is a good development but the numbers of people who attend the services, particularly emergency departments, for example, those over 65 years of age, is quite significant. The issue around care of the elderly, be it home care packages or, as I said, the various facilities required once discharge takes place, have not been provided for in budgetary terms by the Government and have been fudged year after year. Does the Taoiseach accept that basic proposition that the Government has not met the challenges arising out of demographic changes in terms of the health service?

Deputy Joan Burton: One of the many problems of the health service in Ireland - I do not know whether the Cabinet committee or the Cabinet has had an opportunity to discuss this - is the dysfunctional recruitment of doctors within it. We now have one of the lowest numbers of doctors per head of population in the EU. At the same time, we are increasingly relying on the recruitment of doctors trained outside of Ireland and coming to this country. Within a few short years, the service has become dependent on a category of junior doctors, most of them foreign trained and on the lower rungs of their medical careers. Ever more healthcare is delivered not by consultants or trainees who are in secure career structures, but by an ever-growing army of non-training scheme doctors. This is unfair to those in the medical profession who want to work as doctors and who have a completely uncertain career path, so much so that many of the foreign doctors ultimately end up going to the UK or other countries where, having gained experience in Ireland, they can get a career path in those countries.

My understanding is that there is a draft Health Service Executive report on this problem of recruitment which ties in with all the other problems the health service is experiencing but has a significant impact on patients and their families in terms of their access to care, waiting times, appointments, etc., in hospitals and service facilities around the country. Has the Taoiseach discussed this draft report? Will the Taoiseach make a commitment to the Dáil to publish the report so that we can have a discussion? We do not want doctors in Ireland to be in a version of the gig economy, developing a career in Ireland, either because they are from Ireland or they have come here to work, only to find they are caught in a completely dysfunctional system.

Deputy Richard Boyd Barrett: I asked the Taoiseach this morning about the really shameful inequity in the cancer treatment available to people with malignant melanoma. Some people who have the right private health insurance can get access to pembro and other potentially life saving drugs, while others who do not have private health insurance or have the wrong policy cannot. It is shameful that money should dictate access to cancer care which could be potentially life saving. The Taoiseach said it is a complicated situation because the private health insurance company has taken the unprecedented step of moving ahead of the Government in providing cover for this drug. Telling us it is complicated does not answer the question. The national cancer strategy says we should have equitable access to cancer care. Morally, it is just obvious, is it not? What does the Taoiseach have to say to the person who wrote to me whose wife needs this drug and cannot get it? Should she just suck it up that she cannot get access to this potentially life saving treatment? That is just not acceptable. I want to know what to say to this man and his wife and to the many others who have signed a petition on this issue saying they need access to these life saving drugs. They deserve the same chance to live as anybody else, regardless of what private health insurance they do or do not have. What is the Taoiseach going to say to those who need this treatment now?

Deputy Brendan Howlin: The vital and often hidden role of healthcare assistants has come to light in recent weeks. A report published on Monday which reviews their role and function is really important and worth noting. It recognises the crucial work of healthcare assistants in delivering high quality care across the health service and calls for a formalisation of the job title of healthcare assistant. It recommends the immediate establishment of a permanent forum which would deal with issues including education, recognition and registration. Has this important report been discussed yet at the Cabinet subcommittee? Will it be discussed? Has the Taoiseach had a chance to have a look at it himself?

On a separate matter, in *The Irish Times* today, David McConnell and Orla Hardiman raise serious issues about genomic medicine in Ireland, the influence of a Chinese-controlled company, Genomics Medicine Ireland, and the handing over of genetic data gathered in Ireland to this private company. These are matters about which general citizens are concerned. I ask the Taoiseach to examine the matter and to ensure that Irish genomics remain in the public domain and do not become part of a privately owned database for a private company.

Deputy Martin Kenny: There has been great mention of the absence of staffing and staffing levels in various areas of the health service. One of the key things for getting staff into place is having the proper infrastructure in place. That brings me to Sligo hospital, where a cardiac catheterisation laboratory, cath lab, has not been place but has been promised for almost 20 years at this stage. This is getting to be serious because the senior consultant is about to retire. There is great concern that it will be impossible to recruit a senior consultant without having a cath lab. It is a serious problem and needs to be resolved as quickly as possible. I know the HSE capital plan is soon due to come out and we are very much hoping that a permanent cath

lab for Sligo will be in that plan. We are not looking for a second one: we are looking for the first one. That is different from other areas which I know are also under serious pressure. Two new wards have also been promised for a long time for Sligo hospital, which is under considerable pressure in regard to numbers and space. This is vital and needs to be in the HSE capital plan and to happen as quickly as possible.

Also part of the same issue of pressure on beds and hospitals are home care packages for the elderly. We have a serious problem with home care packages for the elderly in CHO 1. While it may not be officially stated that funding is frozen, it is effectively frozen. People cannot get access to new home care packages because there is no money to provide them. That is the answer we are getting when we look for them. Every constituency office in the country is meeting the same problem but it is particularly acute in the north west. A new emphasis needs to be brought to the areas that are going to provide the most relief for people. One of them is the home help packages which will have an immediate effect. Another is the infrastructure for University Hospital Sligo.

The Taoiseach: I thank the Deputies for their questions. On the possibility of the need for a supplementary estimate for the health service, I have not seen the precise comments of the Ministers, Deputies Harris and Donohoe, so I am not *au fait* with exactly what the difference is. It will not surprise anyone in this House that it is often the case that a supplementary estimate is required for health. That was the case long before 2012. It is not a recent development. It often arises because extra costs arise during the course of the year. One of the extra costs that has very evidently arisen during the course of the year is the cost of resolving the nurses' dispute. We are not going to fund that from cutting services so there are areas where we may need to provide supplementaries later in the year. In the meantime, the Department of Health, the HSE and the Department of Public Expenditure and Reform are working very hard to ensure that the HSE comes in on budget while still accepting that there may be additional costs that arise during the course of the year which will have to be funded.

As to what coming in on budget means, it is important to get this message across if I can. Coming in on budget in the health service this year means spending no more than €1 billion extra compared to last year. It means keeping the increase in spending to about 6%. A €1 billion or 6% increase more than provides for demographics. Perhaps they were not provided for adequately in the past but they are more than provided for this year and last year. The population is growing by less than 1% per year. The population is ageing but not to the extent that it should require an increase of greater than 6% in any one year. The increase for this year is €1 billion. It is what people protesting on the streets are demanding. It was done. We need now to try to come in on budget while allowing a degree of flexibility to provide a supplementary for additional costs that may arise during the year that we are not going to fund by cutting back services elsewhere.

Deputy Martin mentioned that up to 2012, there were never supplementaries in health. That is not true. Indeed, when the Deputy was a Minister himself one year there was a supplementary for €250 million. That was when the budget was a fraction of what it is now.

Deputy Micheál Martin: I was referring to the HSE.

The Taoiseach: In percentage terms, it was not dissimilar to the kind of overruns we have now. The record for the biggest health supplementary ever was under a Fianna Fáil led Government. About €1 billion had to be provided in a supplementary because of illegal nursing home

charges, of which the Deputy will also be aware.

On the recruitment of doctors, all the questions asked by Deputy Burton were asked by Deputy Shortall earlier but I am happy to do her the courtesy of giving the answers again. The Deputy is correct that we have one of the lowest numbers of doctors per head of population in the OECD. Ireland has a relatively low ratio of doctors to patients. In contrast, we have one of the highest ratios when it comes to the nursing profession. We are in the top three, four or five in terms of the number of nurses we have per head of population. I agree that we do not have enough doctors working in our public health service but we do have more than ever before. This often does not come across but there are more doctors now working in our public health service than ever before and more doctors are registered with the Irish Medical Council than ever before. Sometimes the impression is given that there are more doctors leaving the public health service than are joining it but that is not correct. There are more joining it than leaving. The HSE and Medical Council numbers show that. Overall, the number of people working in the health service has increased by 10,000 over the past three years. It is up from about 105,000 to 150,000 across the public health service. One of the reasons we have overruns in the health service is the recruitment surge rather than the recruitment crisis and the fact that extra people are hired every year beyond what is provided for in budgets.

On the number of consultants working in the public health service, as I said, this continues to grow year on year. The number increased by 109 in the past 12 months. There are, however, significant recruitment and retention challenges, especially in certain specialties such as psychiatry where we need to move to a more psychology based model. It will not be possible to find the number of consultants needed using the current model. In certain locations - some smaller hospitals - particular posts are no longer recognised for training purposes and probably never will be.

The HSE recently prepared a report in response to a request from the Minister for Health, Deputy Harris, and the Department of Health to consider the issues raised in the judgment of Mr. Justice Kelly and given the current recruitment challenges. I understand this report and recommendations were submitted to the Department of Health on 13 May and are currently receiving consideration. They will be published as soon as possible.

Several initiatives are being pursued by the HSE to advance consultant recruitment and retention, including improvements to the recruitment process, which is very cumbersome; offering contracts to the hospital groups rather than individual sites; and focusing on more family friendly arrangements such as job sharing and part-time contracts. The HSE has also established a tripartite working group, including the Medical Council, the forum of postgraduate medical training bodies and the HSE's national doctors training and planning unit, to examine posts where consultants are not on the specialist register and recruitment and retention challenges exist.

While several hundred consultant posts are difficult to fill at present, only 20 are currently being advertised. The reason is that many of the posts are filled on a locum or temporary contract basis to ensure the delivery of essential services. While we describe the positions as being vacant, they are not actually vacant in the sense that the job is being done by somebody on a temporary or locum contract rather than someone on a permanent contact.

On the issue of new entrant consultants' pay and the proposals of the Public Service Pay Commission, the Department of Public Expenditure and Reform has said that outstanding mat-

ters will be given full consideration by any pay review mechanism agreed by the relevant parties in the context of the next round of pay talks. In the past few months, we secured a new contract for staff nurses and staff midwives, with pay increases and changes to practices and terms and conditions. We have also successfully agreed a new contract with general practitioners to increase funding for general practice by 40%. In return for that, there have been agreed changes such as the adoption of new technology and GPs taking on new work, especially around chronic disease. In negotiations with consultants we will need to adopt a similar approach in which, in return for equalising pay, we ensure it is not just more pay for the same outcomes and changes are made that are patient focused. It must also deal with some of the very difficult and problematic issues around the mix of public and private practice.

Deputy Richard Boyd Barrett: Can I just get my question answered?

Deputy Brendan Howlin: I asked about healthcare assistants.

An Leas-Cheann Comhairle: There will not be a third round of questions. That should not be blamed on what happened earlier.

Deputy Richard Boyd Barrett: I deserve some answers.

The Taoiseach: As always, I am happy to continue.

An Leas-Cheann Comhairle: We will not have time for a third round. That has nothing to do with the earlier-----

Deputy Brendan Howlin: Perhaps the Taoiseach could come back to us individually afterwards. I asked about healthcare assistants.

The Taoiseach: I am in the Leas-Cheann Comhairle's hands.

An Leas-Cheann Comhairle: The Taoiseach may continue.

The Taoiseach: It takes less time to ask a question than it does to answer it, as everyone can appreciate.

On Deputy Boyd Barrett's question, he will appreciate that at this stage I cannot comment on individual cases. We have a system for deciding which medicines are licensed and which are approved for reimbursement in the State. This is not done by private health insurers or the private sector but by public bodies, as it should be. The European Medicines Agency and the Health Products Regulatory Authority decide whether a medicine should be licensed in the State and for what purpose. The HSE, acting on the advice of the National Centre for Pharmacoeconomics, then decides whether a medicine should be reimbursed. Some 30 medicines have been approved this year by the HSE for reimbursement but others have not. If they are not reimbursed, it is often for very good reason. It is not a political decision and I do not believe it should be a political decision.

Deputy Richard Boyd Barrett: There is no good reason in this case.

The Taoiseach: Deputy Howlin asked about healthcare assistants. I am not familiar with the report he mentioned so I will have to check into that. I have not yet had a chance to read the newspapers today but I am aware there is an editorial from Professor David McConnell in *The Irish Times* today, which I will endeavour to look at. I must read the article before responding.

On Sligo hospital, I understand that a significant new development at the hospital received planning permission in the past couple of weeks. I may be mistaken. The project will be a major extension to Sligo hospital. On the issue of a catheterisation laboratory, I do not know if a permanent laboratory is intended for Sligo hospital. I understand a mobile catheterisation laboratory is provided but it is not the case that the provision of such a laboratory is directly connected to the recruitment of cardiologists. Connolly hospital does not have a catheterisation laboratory, yet it has three or four cardiologists because they do particular types of work, especially in the area of heart failure. I am not able to give the Deputy a detailed reply on that matter but I will ask the Minister for Health to do so.

Cabinet Committee Meetings

5. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee D, infrastructure, last met; and when it will next meet. [25593/19]

6. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee D, infrastructure, last met; and when it is scheduled to meet again. [26555/19]

7. **Deputy Eamon Ryan** asked the Taoiseach when Cabinet committee D, infrastructure, last met; and when it will next meet. [26620/19]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee D, infrastructure, last met. [26872/19]

9. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee D, infrastructure, last met; and when it will next meet. [27635/19]

10. **Deputy Micheál Martin** asked the Taoiseach the number of times Cabinet committee D, infrastructure, met in 2019. [28207/19]

The Taoiseach: I propose to take Questions Nos. 5 to 10, inclusive, together.

Cabinet committee D works to ensure a co-ordinated approach in the areas of infrastructure investment and delivery, including housing and climate action. The Cabinet committee last met on 27 May. The next meeting of the committee has yet to be scheduled. There is significant work under way across each of the areas covered by the committee through Government Departments, agencies and a range of interdepartmental groups such as the Project Ireland 2040 delivery board. These matters are also regularly considered at meetings of Government and in bilateral meetings with the relevant Ministers.

Significant progress is being made on the implementation and delivery of Project Ireland 2040 and projects promised for many decades are now well under way. Through the national planning framework, it sets out our strategic 20-year vision for Ireland's future, balancing rural and urban development and linking it with the national development plan, which encompasses €116 billion in investment in public infrastructure over the next ten years to meet the infrastructural needs of our growing population. In May last, the Government launched the first annual report for Project Ireland 2040 and it is clear it is already delivering better transport links, building new schools, facilitating better health and environmental outcomes and yielding more housing. For the first time in decades, for example, three new hospitals are under construction, while 11 primary care centres will open this year and another 26 are in development. By the end of

the year, some 410 school projects will have been completed or will have started construction, providing 40,000 extra or replacement school places, 200 modern science laboratories, 48 new or upgraded physical education halls and the replacement of 600 prefabricated buildings. In addition, work is under way on several long promised projects, including the upgrade to the N4 in Sligo and the new north runway at Dublin Airport.

The four funds launched under Project Ireland 2040 have a total of €4 billion to invest across the areas of rural and urban regeneration and development, climate action and disruptive technologies. The first round of funding allocations under these funds, amounting to just over €300 million, has been announced. These funds will leverage further private sector investment in innovative and targeted projects that deliver on the aims of Project Ireland 2040.

The Land Development Agency, another cornerstone initiative of Project Ireland 2040, was established on an interim basis in September 2018 and is working to ensure the optimum management of State land through strategic development and regeneration, with an immediate focus on providing new homes, including social and affordable housing.

Housing continues to be a priority for the Government and we have seen strong growth in housing completions and leading indicators such as planning permissions, commencement notices and housing registration. Last year, more than 18,800 new homes were built, an increase of 25% on the previous year. More than 2,600 homes were brought out of long-term vacancy and almost 800 dwellings in unfinished estates were completed, meaning the number of new homes available for use increased by more than 22,000 last year. This does not include student accommodation.

There was also strong delivery of publicly funded social housing in 2018. We are aware of significant challenges in meeting housing demand and tackling the ongoing failures in the housing market. For this reason, budget 2019 provided an increase of 25% in the housing budget which, at €2.6 billion, is the biggest ever.

Delivering on our EU climate commitments for 2030 and transitioning to a competitive, low carbon, sustainable economy by 2050 are also priorities. We are investing €22 billion in climate action through the national development plan to ensure that our future growth is regionally balanced and environmentally sustainable.

On 17 June, the Government published the climate action plan, which aims to give Irish people a cleaner, safer and more sustainable future. This far-reaching plan sets out the actions across electricity, transport, heat, agriculture and other areas that we need to take to reduce our

3 o'clock greenhouse gas emissions, give us cleaner air and warmer homes, and create the jobs of the future. The plan has a strong focus on implementation, including actions with clear timelines and the steps needed to achieve each action, assigning clear lines of responsibility for delivery. Delivering on the plan will require a deep level of collaboration across Government, and the plan sets out governance arrangements, including the establishment of the climate action delivery board, overseen by my own Department, carbon-proofing of policies in general, the establishment of carbon budgets and a strengthened Climate Change Advisory Council, as well as greater accountability to the Oireachtas through the Joint Committee on Climate Action.

Deputy Joan Burton: Can we have a detailed, published set of commitments in regard to capital spending for the rest of this year, next year and the year after? That is not a big ask. We

are asking to see the capital plan in detail for the forthcoming period. Ironically, we are in a position, as a country, where, technically, we have a capital plan for 2040 but we do not have published capital commitments for the rest of this year and next year. How ridiculous a situation can we have?

I want to ask the Taoiseach about two specific areas in regard to our constituency. First, in general, for women in Dublin and the rest of Ireland, where stands the national maternity hospital? We know there have been dreadful cost overruns and planning failures in the execution of the national children's hospital, resulting in what any chief executive in any organisation would call a complete mess and a complete cost overrun. The Government has put its hands up and acknowledged that. What is the knock-on implication of the enormous cost overrun on the children's hospital for women in Ireland who expect to use the services of the national maternity hospital in a new hospital quite soon?

Second, the master of the Rotunda Hospital, Professor Fergal Malone, wrote a heart-breaking article recently about the pressures under which staff in the Rotunda Hospital, in the centre of Dublin, are working to try to deliver the best services for mothers and babies. As the Taoiseach knows, the Rotunda is meant to move to Blanchardstown. What has happened? We have no idea. The Rotunda itself has no idea what is happening. Is the Blanchardstown move still on? It makes excellent sense but where is the capital plan that would show what is likely to happen? I understand the Rotunda has resources to commit but the State would also need to commit to this.

With regard to another of our maternity hospitals, the Coombe hospital also wishes to see additional investment and, in the context of the children's hospital, the Government has promised a new maternity hospital in respect of the Coombe. Where is that? We have a growing population, which is something to celebrate, but our maternity services are not keeping pace with what is happening in terms of the on-the-ground development of new maternity services for this century for the women of Ireland.

Deputy Martin Kenny: In his statement, the Taoiseach referred to climate change and the climate change actions that are taking place. I want to specifically ask in regard to clean energy, which is one of the core issues. When will we see an end to the use of coal and gas in power stations? Is there a target for when that will happen and how will it happen? At the moment, we are importing coal from Colombia to burn it in Moneypoint, which is a ridiculous situation, even if there was no climate change aspect.

With regard to transport, we need to see additional money being placed in the hands of local authorities to upgrade roads, particularly in rural Ireland, and that needs to happen as quickly as possible. We also need to see infrastructure being built around our rail network, given the many problems, particularly for people coming from the west on the Sligo to Dublin rail line. I was talking to a man the other day who had decided not to drive and to take the train, but he said it was the last time he would take the train because he had to stand the whole way from Leitrim to Dublin. That is a problem we hear all the time from students and other people in the north west, namely, there are not enough trains or carriages and there is no space for passengers.

With regard to the western rail corridor, an issue I have raised previously, it is clear a time is coming when we have to look at the idea of electric rail as one of the solutions from a climate change perspective. This would enable us to move people who commute, for example, from Galway and other areas in the west and north west. It is logical, particularly in regard to the

movement of freight.

There is the old chestnut which comes up all the time and which needs to be re-emphasised, and that is the issue of broadband. Whatever company decides it wants to do it, or whatever bid it wants to put in, I keep hearing that it is always next year or the year after. We need to see action on this as quickly as possible.

Deputy Richard Boyd Barrett: There are many aspects to the scandal of the national children's hospital and the shocking financial mismanagement by this Government of this project, which is going to cost the people of this country €3 billion. As if that is not bad enough, I am not exaggerating when I say that when I tell people there is going to be a private section to the national children's hospital, they do not believe me - they do not actually believe it. They are absolutely scandalised by the thought that, having paid for this hospital, there will be two tiers of child healthcare. It is outrageous, especially from a Government that says it is against two-tier healthcare, that we are building a state-of-the-art hospital where two-tier healthcare for children is going to be institutionalised.

When I have asked about this, I have been told it is because the consultants' contracts are public-private contracts. I have a solution to this for the Taoiseach. Every paediatrician in the country is going to want to work in the national children's hospital. If they are not in there, to be honest, they are not at the races. Therefore, the Taoiseach has a simple opportunity to resolve this and to remove the two tiers in the hospital so it is single-tier, universal healthcare for our children. He should tell any paediatrician or consultant who wishes to work there that they will only work in that hospital on a public-only contract, which, by the way, is the only sort of contract the State should be giving out for consultants, in my opinion. Will the Taoiseach do that and at least eliminate this scandal in regard to the national children's hospital? It really is a shocker. There are still a lot of people who do not know this but when they hear it, they are utterly disgusted.

Deputy Micheál Martin: When the national development plan was launched early last year, it had already been the subject of the most sustained pre-publicity in our history. The work for the plan was completed about six months before the Taoiseach took up office and, indeed, its details formed a core part of his leadership campaign. Over the following six months, extra years were added to the plan in order to allow more claims to be made, and millions were provided for a marketing campaign.

At the core of the national development plan was a promise that everything was costed and would be delivered within budget, and there would be full transparency. This was going to be assured by actions such as the regular oversight of the Cabinet committee on infrastructure and the real-time updating of information on costs and timescales. That has not happened and there has not been real-time information on costs and timescales. It now turns out some costs in the plan were little better than thinking of a number and hoping to be right. Massive overspending and excessive costs compared to the original estimates are clearly evident and basic information is being withheld. The Cabinet committee last met one month ago and the real-time provision of information stopped as soon as any overspend materialised.

The simple fact is the Government wants to continue advertising its original claims and does not want to acknowledge the impact of major overspending. There is a complete and irreconcilable gap between the reality on the ground and what has been claimed. The children's hospital is now well on its way to hitting the €2 billion mark, which the Taoiseach told us was a conspir-

acy theory, and the broadband plan is tracking to a €3 billion figure, which was also dismissed until it was exposed. The national development plan is simply not credible until these extra costs have been factored in. Last year, the Taoiseach was able to issue detailed tables of cost for projects on a regional and national basis. Why is he refusing to update these tables? There is a need for honesty with the public in terms of the impact of the billions of euro in overspend on the Government's plans and projects. Earlier, I asked the Taoiseach about the Dunkettle interchange. I appeal to him not to be petty, silly and idiotic in terms of his response by asking whether I am for or against the Dunkettle interchange. The procurement process is completed. This project was meant to be up and running in early 2018, in terms of construction, with works to run from 2018 to 2022. The indicative cost for this project of €100 million has increased to €115 million. According to the Taoiseach, it was meant to go to construction in early 2019. It is now June 2019. I am hearing rumours that the costs are way ahead of €115 million. Nothing is happening on the site and people are mystified as to what is going on.

With the greatest of respect, people are fed up hearing about 2030 and 2040 and that the Government is going to do this and that. Many projects have been announced for the Cork region. The joke around town is, "Sure, we can't get past the Dunkettle roundabout". That project was to happen years ago. There is need for a reality check in terms of the national development plan, NDP. The Taoiseach mentioned the new children's hospital. The national paediatric model references three regional paediatric facilities at Cork University Hospital, CUH, University Hospital Limerick, UHL, and University Hospital Galway, UHG. These projects are at preplanning stage but we cannot get any information in regard to how much money has been or will be provided for them. The language we are getting from the Department is obfuscation after obfuscation. I am seeking clarity from the Taoiseach on the specific projects I have mentioned. Also, will he commit to update the detailed tables of cost on projects under the NDP for the next four years?

The Taoiseach: I am always amused and bemused that Deputy Micheál Martin likes to accuse me of being partisan and personal yet, as evidenced by his name-calling today, he is very capable of being partisan and personal himself. The Deputy reminds me of one of those parish priests who preaches from the altar telling us to avoid sin while secretly going behind the altar and engaging in any amount of sin himself.

In terms of capital spending, the budget for health is €10 billion for the next ten years, running from 2018 to 2028. This means the budget for health is double what it was for the previous ten years. Less than 20% of that budget is for the national children's hospital, allowing more than 80% of it to be spent on other healthcare projects in Dublin and throughout the country.

As Deputies will have noted, the summer economic statement provides an extra €200 million in a capital reserve for 2020. This is an increase in the capital ceilings for next year of €200 million. It is being provided to meet the increased cost of the national children's hospital and the national broadband plan. Other projects will not now be affected because the overspend is covered in the €200 million capital reserve that is being provided for next year. What might affect other projects are issues related to those individual projects, be that planning permission, a judicial review or tendering coming in over budget. We are all aware that construction inflation has driven up the cost of building just about everything in the State at the moment. That is not unique to the public sector. It is a feature of the private sector as well.

The capital plan is set out in the national development plan. Deputies will be aware that in 2018 no annual plan was published yet lots of projects were constructed, including primary care

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centres throughout the country, hospital developments such as the new wings at Clonmel and Limerick hospitals and the Dunmore ring road in Waterford.

On the national maternity hospital, Ireland's first national maternity strategy, Creating a Better Future Together - National Maternity Strategy 2016-2026, was published in January 2016. It represents a significant development in the delivery of national maternity policy that will fundamentally change how maternity care is delivered. This is coupled with the Health Information and Quality Authority, HIQA, national standards for safer, better maternity services and the first ever bereavement care standards. On the development of the national maternity hospital, the Department of Health continues to engage with the national maternity hospital and St. Vincent's Healthcare Group to develop a legal framework to protect the State's significant investment in the new hospital on the campus at St. Vincent's in Elm Park. St. Vincent's Healthcare Group has agreed in principle to provide the State with a 99 year lease of the land upon which the new maternity hospital will be built. This will allow the State to retain ownership of the new facility. The Minister for Health, Deputy Harris, has sought and received the agreement of both the national maternity hospital and St. Vincent's Healthcare Group that the board of the new NMH Dac will be competency based and will include a public interest representative. The Religious Sisters of Charity have resigned from the board of St. Vincent's Healthcare Group and their shareholding is to be transferred to the new company, St. Vincent's Holdings, CLG.

In terms of progress on the relocation project, work has already commenced on the new pharmacy and the extension to the car park. This work commenced in February and is required to clear the site where the new hospital will be built. It is anticipated that the main project will go to tender in the next few months.

On the Rotunda, it is a longer term project. As everyone will know, the Rotunda hospital is moving to the Connolly hospital campus. We are seeking development funding to allow the planning and design phases to begin within the next few months as well.

On the use of coal and gas, it is planned to take coal off the grid in 2025. We would like to do it sooner but at the moment the ESB cannot assure us that it can be done safely sooner because of the risks of brown-outs and blackouts. I do not think anybody wants the type of climate actions that results in brown-outs and blackouts. If it can be done sooner, it will be done sooner but the target that I have is 2025. It is taken offline from time to time already. It was offline for several weeks last year but the ESB is not able to assure us that it is safe to take it offline entirely now. We are not going to impose brown-outs on people. We are going to do this right. Peat 2027-2028 is the plan to take peat out the system.

On natural gas, it is impossible to say. As I said before in this House, it is likely that we will use natural gas as part of our energy mix for the foreseeable future, certainly into the next few decades. When it comes to renewables, we can get to about 70% by 2030 in terms of electricity generation but as things stand there are times when the wind does not blow and the sun does not shine strongly enough. The storage technologies do not exist yet to allow us to store power in the way that we need to. We will need to continue to use natural gas. Absent going nuclear, which we are not going to do, we need to continue to use natural gas as part our energy mix for the foreseeable future.

An Leas-Cheann Comhairle: Thank you.

Deputy Richard Boyd Barrett: I did not get a response to my questions, again.

Deputy Micheál Martin: The Taoiseach did not respond to my question regarding the Dunkettle interchange either.

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 Frank O'Rourke - to discuss the provision of dental and occupational therapy services in Celbridge and Maynooth; (2) Deputy Pearse Doherty - to discuss redevelopment of St. Joseph's and Ramelton community hospitals in County Donegal; (3) Deputy Éamon Ó Cuív - to discuss provision of a permanent Coast Guard base at Cleggan, Connemara, County Galway; (4) Deputy James Lawless - to discuss the strain on the Courts Service and administration of justice in the Kildare district; (5) Deputies Róisín Shortall and Dessie Ellis - to address the funding issues at the Finglas centre; (6) Deputy Peadar Tóibín - to discuss ways to address the commuter crisis throughout Ireland; (7) Deputy John Curran - to discuss speech and language therapy access for young children in west Dublin; (8) Deputy Martin Kenny - to discuss the provision of diabetes pump therapy at Sligo University Hospital; (9) Deputy Fiona O'Loughlin - to discuss the crisis in Naas General Hospital; (10) Deputy Niamh Smyth - to ensure information is provided on the health impact of 5G roll-out here; (11) Deputies Caoimhghín Ó Caoláin, Thomas Pringle and Joan Collins - to discuss trade union recognition in the health service; (12) Deputy Michael Moynihan - to provide an update on safety works to a road in County Cork; (13) Deputy Alan Kelly - to discuss providing support to school principals; (14) Deputy Louise O'Reilly - to discuss the provision of a primary school on a temporary basis in Swords, County Dublin; (15) Deputy Eoin Ó Broin - to discuss the need for reform of the Multi-Unit Developments Act 2011; (16) Deputy Aindrias Moynihan - to discuss an upgrade for Crossbarry wastewater system; (17) Deputy Mattie McGrath - to discuss the need for an inner relief road for Tipperary town; (18) Deputy Noel Rock - to address the issue of noise pollution from Dublin Airport and the effect on the local communities; (19) Deputy Peter Burke - to discuss the delay in the delivery of Holy Family primary school, Mullingar; (20) Deputy Richard Boyd Barrett - to discuss the interest paid by the State on its loans over the past ten years; and (21) Deputies Gerry Adams and Imelda Munster - to discuss ongoing drug related criminal activity in County Louth and its impact on the community. The matters raised by Deputies Frank O'Rourke, Pearse Doherty, Caoimhghín Ó Caoláin, Thomas Pringle, Joan Collins and Peter Burke have been selected for discussion.

Sitting suspended at 3.15 p.m. and resumed at 4.15 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Health Services Provision

Deputy Frank O'Rourke: I thank the Office of the Ceann Comhairle for selecting this matter and the Minister of State, Deputy Jim Daly, for coming in to take it. This is about dental services and occupational therapy in Celbridge and the surrounding area. I will deal with dental services first. I was contacted by numerous parents in Kilcock, Maynooth, Leixlip and Celbridge who have concerns about access to dental services in local communities. They have been told that the service will be moved to a central location, namely, the new primary care centre in Celbridge. They do not typically have an issue with that but they are concerned about when this will happen. While they were given information, no detail has been provided. I tabled a parliamentary question and contacted the HSE via the Deputies' line in order to ask for this information so that we could give it to parents, schools and the public in general. Although it is a priority for community health organisation, CHO, 7, I was informed in April that, alarmingly and astonishingly, there is no date or plan to put it in place and to commence provision of those services in Celbridge for the wider area. I hope the Minister of State will have some different information for me.

Dental services are not even available in Celbridge at present. Parents who take their children to the dental service in Celbridge have been asked to go to Naas for the last few weeks. Naas is approximately 30 to 40 minutes away by car. If one wants to go by public transport, one has to get a taxi or train to Sallins and then a taxi from Sallins to Naas. It is not straightforward logically and there is a financial implication. It causes much difficulty and hardship for families, and a lot of stress because they do not know what is happening. When will the dental services be in place in Celbridge for Celbridge, Kilcock, Maynooth and Leixlip? Does the Minister of State have a date and a plan?

Occupational therapy services are not currently available in the Celbridge primary care centre for children over 16 years of age. They have to go to Clane for that service. Again, there are logistical problems, such as for families who do not have two cars. Someone who needs occupational or physical therapy may be a child with special needs or someone with a particular challenge, so it is not that simple or straightforward to commute with him or her by public transport or by taxi to Clane, which is nearly 15 minutes away.

We have a wonderful primary care centre in Celbridge. On Leaders' Questions earlier, the Taoiseach advocated for primary care and the Minister for Health, Deputy Harris, did so at Question Time yesterday. We all advocate for primary care because if it is financed, resourced and staffed properly, it can be a great front-line service to communities and can ensure that people can avoid having to travel long distances for care and stay away from accident and emergency units. The problem we have in some cases is that the basic services, such as occupational therapy, physiotherapy and dental services, are not in place. We must examine how they can be resourced better so as to play a more integral part in the community and to provide the service we all want them to provide. I would very much appreciate some information from the Minister of State on those services and when they will be in place.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Deputy O'Rourke for the opportunity to address the matter of dental and occupational therapy services

provided by the HSE in Celbridge and Maynooth. The public dental service of the HSE treats children up to the age of 16 and persons of all ages with special needs at its dental clinics. This is an operational matter for the HSE, which has advised that a modernisation plan for the dental service in CHO 7 will create a larger, modern and more appropriate dental location for north County Kildare, based in Celbridge. The new location will service the current Maynooth and Celbridge clinics and the previous clinic in Leixlip, which is now closed.

The Celbridge clinic closed in June 2018 for refurbishment in order to enable it to comply with new regulations. The refurbishment is on the HSE capital programme and is a priority for CHO 7. The contract for the refurbishment work was put out to tender and tender returns are currently being reviewed by HSE estates. The HSE capital plan for 2019 is being finalised. Funding will be dependent on the capital available and competing priorities. Currently, the Maynooth clinic is operating five days a week. The dentist in the surgery is due to retire in September. The HSE is engaged in recruitment to replace dental staff. It is intended that the services provided in Maynooth will be relocated to Celbridge after the clinic in Celbridge is refurbished and reopened. There will be no loss of service to patients as a result of the move. While the dental clinic in Celbridge is closed, all patients are being offered services as close as possible to Celbridge. Routine dental services are being provided in the HSE dental clinics in Naas while emergency services are available from all HSE dental clinics located across the dental area, as per normal. The HSE is actively monitoring this service and will ensure that all patients will continue to be offered appointments.

With regard to occupational therapy, OT, services, I can assure the Deputy that both the adult and paediatric services continue to be based in Celbridge and Maynooth primary care centres. The HSE advises that all priority 1 adult cases are seen within five days in both Celbridge and Maynooth, although there is an accepted need to do more to reduce waiting times for children both locally and nationally. Service improvements in occupational therapy delivery include a number of health promotion groups running in Celbridge primary care centre, while staff from the OT department are working closely with parents in a new three-tiered approach which involves more parent coaching sessions.

In Maynooth, the OT department is reviewing the model of service delivery to include consultation, universal education and support, including drop-in clinics and home programmes, where appropriate, and a targeted approach for children where individualised intervention is indicated on assessment. I can advise the Deputy that there is a funding allocation in 2019 for the recruitment of 170 community nursing and therapy posts. Included in that are 40 occupational therapy posts. The allocation of the posts will be determined following consultation with the CHOs.

Deputy Frank O'Rourke: I thank the Minister of State for his reply. What was missing is a date for the opening of the clinic in Celbridge. I accept that the clinic had to close for the refurbishment. It is a positive development that the new primary care centre is coming to Celbridge, because the centre was built and developed to provide the services for Celbridge and the wider catchment area. That is all positive, but the Minister of State will understand the difficulties experienced by parents in Celbridge who are trying to get a service for their children. The closest service is in Naas and everyone is being directed there, despite what the Minister of State said to the effect that patients are being offered services as close as possible to Celbridge. That is not the case. Naas is 30 to 40 minutes away and it is not logistically possible to get to it directly by public transport. The situation is not as straightforward as has been presented.

Given that the refurbishment work has gone to tender and the tenders are being reviewed there must be an indication of the cost involved. When will the work start to bring the new dental service to Celbridge and when will it be ready for children to access the dental services they need there? I have been trying to distil the information for the past six months. I accept that the Minister of State is trying to help but the crux of the issue relates to when the service will be up and running in Celbridge for local children and the children of Kilcock, Maynooth and Leixlip. That is the critical issue. If the Minister of State is not able to provide a definitive timeframe today, I hope he can do so within the next week before the Dáil rises so that we would have some clarity.

The Minister of State indicated that occupational therapy services are provided in Celbridge but that is not the case with physiotherapy. In addition, unfortunately, patients are not being seen in five days. Children with special needs have particular challenges and an assessment of needs sets out what they require but after the assessment has been carried out it can take between six and 12 months before they get into a programme of treatment. Unfortunately, that is the reality on the ground. We want to work with the Minister of State to improve the situation.

Deputy Jim Daly: Unfortunately, I do not have a date. As already stated, this is an operational matter for the HSE so I will have to revert back to it to get the dates sought by the Deputy.

In April, *Smile agus Sláinte*, the new national oral health policy was published. *Smile agus Sláinte* provides the guiding principles to transform our current oral healthcare service over the next eight years. Under the policy, all children up to 16 years will receive eight oral healthcare packages, including examinations, assessments, advice, prevention interventions, emergency care and referral as appropriate. Oral healthcare packages will also be provided for medical card holders over 16 years. The packages will be provided in a primary care setting by oral healthcare practitioners contracted by the HSE. In 2020, the introduction of packages of care for children under six years of age will be prioritised. In addition, there will be a focus on enabling vulnerable adults to access their local dentist as a first point of contact and ensuring that they are referred to the HSE community oral healthcare service or other appropriate service, if required. In total, 41 actions have been identified and implementation will take place over the next eight years.

Smile agus Sláinte provides the groundwork to transform oral health services. It embraces the same ideals as *Sláintecare* with the needs of people at the core and where the provision of services in the local community is paramount. As outlined, there has been no diminution in occupational therapy services in Celbridge and Maynooth and the HSE remains committed to achieving the optimum outcomes for service users.

Long Stay Residential Units

Deputy Pearse Doherty: This is not the first time I have raised this issue on the floor of the Dáil. The Leas-Cheann Comhairle and I have continually raised it with the Minister of State for a number of years. Táim buíoch go bhfuil an cheist seo roghnaithe inniu le plé a dhéanamh ar Ospidéal Iósaf Shrath an Urláir agus ar Ospidéal Pobail Ráth Mealtain mar tá an cheist seo fiorthábhachtach do dhaoine i nDún na nGall.

The communities in Ramelton and in the Finn Valley remain in limbo about the long-term future of residential care in their much-loved community hospitals, Ramelton and St. Joseph's.

Despite repeated assurances from the Government, including from the Minister of State, Deputy Jim Daly, that the projects would be financed, but that has not happened. We even had an announcement by the Minister for Education and Skills, Deputy McHugh, that the funding was allocated. Oireachtas Members have been told that everything will be fine, that detailed design will take place in late 2019 and that planning will occur in early 2020. Despite the assurances given to Members who wish to save those vital services, however, we know that not a red cent has been allocated to date. Just last week, senior officials from the HSE confirmed to us at that forum that they have not received formal approval for either project yet despite their repeated requests. That leaves them in a position whereby, if nothing happens to these hospitals by 2021, HIQA will close the beds down. That is basically it because there will be non-compliance. Given the current position on the commitments made heretofore, to the effect that significant works would be carried out at the hospitals to the value of over €300 million, the HSE now has to consider plan B. Plan B is to carry out minor works by 2021 to make sure the hospitals are in compliance with HIQA standards. This is to prevent HIQA from coming in to close the facilities down. That means some *en suite* facilities will have to be added to rooms and that the dignity of patients will need to be preserved, but it is another example of the HSE squandering money and waste within the public service. It is another example of everything that is wrong with this Government and with planning. What should happen is that the project should be given the green light this year, as committed to. It makes no sense to carry out minor works on the hospitals only to have to carry them out again when doing the major works. The Government will probably tell us again it is committed to this work.

I will focus on the Minister of State, Deputy Daly, personally. He sat with me, the Leas-Cheann Comhairle, Deputy Pringle, the current Minister for Education and Skills, Deputy McHugh, and the committee members who travelled a long distance from Donegal to come to the Oireachtas on 7 November 2018. The Minister of State told us, along with senior officials from the HSE and the Department of Health, that the project was going ahead. He told us there would be a detailed design in 2019. He told us there would be an allocation. He told us planning would proceed in early 2020 and that there would have to be sequencing in terms of patient transfers between Ramelton and Letterkenny while the works were ongoing. That is now not happening. The Minister of State's promise has been broken. There have been deep suspicions among members of the community and the activists about what the Government has been telling them because they have heard all this again. Last week, a statement was made to us categorically, in black and white. It is nothing but another set of broken promises because the Government has not given the go-ahead for the project to commence.

Deputy Jim Daly: I thank the Deputy for raising this issue and giving me the opportunity to provide an update to the House on the development of community nursing units at St. Joseph's Community Hospital, Stranorlar, and Ramelton Community Hospital, County Donegal.

The overarching policy of the Government is to support older people to live in dignity and independence in their own homes and communities for as long as possible. The standard of care delivered to residents in public units is generally very high but we recognise that many of our community hospitals are housed in buildings that are less than ideal in the modern context. Without them, though, many older people would not have access to the care that they need. It is important, therefore, that we upgrade our public bed stock, and this is the aim of the capital investment programme for community nursing units that was announced in 2016. This provides the framework to allow for an enhanced programme to replace, upgrade and refurbish these care facilities, as appropriate.

The HSE is responsible for the delivery of health and personal social services, including the facilities at St. Joseph's Community Hospital, Stranorlar, and Ramelton Community Hospital, County Donegal. The HSE has advised that the capital programme provides for the retention of services at St. Joseph's Community Hospital, Stranorlar, and Ramelton Community Hospital, with a requirement for refurbishment of both centres.

Significant work was undertaken to determine the most optimum scheduling of projects within the phased provision of funding to achieve compliance and registration with HIQA. In the short term, the HSE will invest minor capital in both units in 2019 and 2020 in order to deal with HIQA compliance issues, and an agreed schedule of works is being finalised with HIQA.

It is important to recognise that all capital development proposals must progress through detailed appraisal, planning, design and tender stages before a firm timeline or funding requirement can be established. This includes, where possible, future-proofing to ensure capital developments meet current standards and that provision is made for additional capacity and improved equipping, or both, and that these are addressed appropriately.

My Department has been working with the HSE and Department of Public Expenditure and Reform to develop a multi-annual capital plan for the health services. The health capital allocation in 2019 is now €642 million for the construction and equipping of health facilities. This represents an increase of €224 million on last year's capital provision. My Department and the HSE are currently working to finalise a multi-annual capital plan, which will determine the projects that will progress in 2019 and beyond, having regard to the available capital funding, the number of large national capital projects currently under way, the cash flow requirements attaching to each project and the relevant priority.

Deputy Pearse Doherty: That just confirms exactly what we have been told by the HSE, that the commitment given by the Minister of State has been ignored. I ask him about this on behalf of the committee members who made the long journey to meet him in his ministerial office. He told them face to face that there would be a detailed design in 2019, planning in early 2020 and a phased transition based on the movement of patients as works progressed. Now, as just confirmed in the Minister of State's response, this is not happening. A sum of €2.75 million was the allocation for St. Joseph's, and there was €1.5 million for Ramelton. The HSE and Government have refused to give the go-ahead. Instead, as the Minister of State said, minor capital works are to take place in 2019 and 2020.

Can the Minister of State acknowledge - I will be careful with my language here - that, at the least, he misled the community activists and has broken his promise to them and the members of the community who turned out both on the streets and at public meetings? We have addressed and been with hundreds of people who are angry at the fact that the Government is drip-feeding them misinformation. Does the Minister of State accept that he told them what I said? The reality is that the people in Donegal will say the Minister of State told them bare-faced lies. That is what they will say because the Minister of State told them the works would be in the capital plan and proceed to detailed design this year to allow for planning next year. Now that decision has been reversed and all the fear in the community still exists. What changed since 7 November last year, when we all sat around the table and believed there was a genuine plan, light at the end of the tunnel and a timeframe in which to do all the work?

As the HSE has told us, unless the works are part of the capital plan they cannot proceed. There is an aspiration but unless money is allocated for the projects, involving detailed design

as the first step, they cannot proceed. That is why plan B is being considered. It is to ensure HIQA does not close down the facilities in 2021. It is a waste of money. Why would the HSE be spending over €0.5 million on this type of work when most of it will be obsolete and it will have to do it all over again in a couple of years? It is a clear example of waste. Worse, it is a clear example of the Government demonstrating bad faith to the community that values these projects and hospitals so much.

Deputy Jim Daly: I am 15 years a politician and this is the first time I have ever been called a liar or accused of lying. Well done to the Deputy on crossing that threshold. Let me be very clear to him because I am not sure what part of this he does not understand. I appreciate he is a politician and it is his job to stoke up fear among the elderly, create hype among the communities and tell them the hospitals will be closing. He said that in his speech. I do not subscribe to that type of politics. It is beneath the Deputy to be frightening the life out of people in the areas concerned.

Deputy Pearse Doherty: I did not.

Deputy Jim Daly: The reality is that a decision was taken by my predecessor, former Minister of State, Kathleen Lynch, to build a new unit in Letterkenny and not to proceed in respect of Ramelton or St. Joseph's. The current Minister for Education and Skills, Deputy McHugh, put a lot of pressure on me, my Department and the HSE to have the decision reversed. We acquiesced and the HSE and Department have agreed to retain the two units but to continue to build the new unit in Letterkenny. When the former Minister of State, Kathleen Lynch, announced the capital programme for Donegal in 2016, the county was allocated €51 million for new projects. That was an enormous contribution on the part of the Government to the older people in Donegal. We have now increased that allocation by a further €6 million to ensure we can retain St. Joseph's and Ramelton community hospitals. We have given that commitment. It was made by the HSE and the Department of Health.

I cannot give the Deputy the capital plan piece by piece across the floor here. The Minister, Deputy Simon Harris, is to publish it. The Deputy will have to wait to see it. I have given the Deputy a commitment that the works in question will be in the capital plan. When it is published, the Deputy will see the commitment delivered on. He can continue to call me a liar, do all he likes, stoke up fear and engage in whatever form of politics he wants but I am not interested and I am getting a bit bored by it. His games and my having to answer the same question time and again are making me a little bored. I suggest, with respect, that the Deputy wait for the capital plan for his local community nursing units, just as every other Member has to do.

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

Deputy Pearse Doherty: The Minister of State is accusing me of lying and that is a serious accusation.

Acting Chairman (Deputy Declan Breathnach): The Deputy's time is up, can he resume his seat, please? We are moving on and the Deputy is out of order. The Deputy's time is up.

Deputy Pearse Doherty: The Minister of State has not refuted the point that he told them that the unit was going to be in design stage. What I said was that what the people in Donegal will say is that he told them barefaced lies. Will he refute the point that he sat across the table and said the unit was going to detailed design in 2019, instead of throwing accusations at me? Will he refute that point?

Acting Chairman (Deputy Declan Breathnach): Will the Deputy stop and respect the rules of the House, please?

Trade Union Recognition

Acting Chairman (Deputy Declan Breathnach): The next Topical Issue matter is in the names of Deputies Ó Caoláin, Pringle and Joan Collins. The Deputies have one minute each, by way of introduction.

Deputy Caoimhghín Ó Caoláin: Is the Acting Chairman proposing one minute?

Acting Chairman (Deputy Declan Breathnach): Yes.

Deputy Caoimhghín Ó Caoláin: That is miserable.

Acting Chairman (Deputy Declan Breathnach): Those are the rules.

Deputy Caoimhghín Ó Caoláin: The issue at the heart of this dispute is one of rights, primarily the right of workers to join and be represented by the trade union of their choice. We have had six days of protest action, including one of 24 hours duration, by the more than 500 ambulance staff who are members of the National Ambulance Service Representative Association, NASRA, branch of the PNA. We are now to face another 24-hour strike on 19 July from 2 p.m. until 2 p.m. on the following day. Tomorrow, a protest rally will take place outside of this Parliament building from 12.30 p.m. Why has the Minister for Health failed to instruct the HSE to engage with the PNA under the facilitation and oversight of the WRC? This is a shameful situation where the State and its agencies are refusing to recognise the fundamental right of workers to join the trade union of their choice. Make no mistake about this, the PNA and its NASRA branch are a significant workers' representative organisation. The PNA is an experienced representative and negotiating body that the HSE engages with on a regular basis but not in relation to ambulance staff.

Deputy Thomas Pringle: I reflect what Deputy Ó Caoláin said. I am aware that the Minister of State has answered questions on this issue before but this has to keep coming up again and again because it is very important. I fail to see why the Department does not engage on this because it will not cost anything and it is not about money or budgets. It is about the right of workers to be represented by a union of their choice. That is vitally important.

Over 500 members of the ambulance service are members of the PNA and that is a huge cohort of those workers. This represents between 40% and 50% of the entire ambulance crew saying that they want to be represented by this union and not to be represented by a union that is dictated to them by their employers. That is totally wrong in this day and age. These workers demands should be recognised and the HSE will have to accept that it will have to work with a different union which is the reality of the situation. When the majority of workers want to do this, they should be allowed to do so.

Deputy Joan Collins: I want to preface my comments by saying that the Minister, Deputy Harris, has stated publicly a number of times that he wants to see a resolution of this dispute through dialogue and not through confrontation. The PNA and ambulance personnel members, including paramedics, advanced paramedics and emergency medical technicians, were left with no option in this dispute but to take strike action on six days, with one 24-hour strike on 31 May.

Despite this clear demonstration of the resolve and determination of those ambulance members, they still face into a dispute.

The Minister stated on a number of occasions that he would ask his officials to meet with the HSE to review and to resolve this dispute. In a letter of reply to us - five Deputies from the Opposition - on 12 April, he said he was going to ask his Department officials to discuss this with the HSE. We want to know where those discussions are at. Are they moving on? The WRC invited the HSE three times to enter into negotiations and it has refused which is outrageous. The HSE should attend the Labour Court or WRC.

Deputy Jim Daly: I would like to thank the Deputies for raising this issue here today.

As we know, this matter relates to a branch of the Psychiatric Nurses Association called the National Ambulance Service Representative Association, NASRA. This group has engaged in industrial action on seven dates since the action initiated on 22 January 2019. The last date NASRA members engaged in industrial action was for a 24-hour period on 31 May. It is regrettable that this week it has announced a further date of 24-hour action due to be held between the hours of 2 p.m. on Friday, 19 July, and 2 p.m. on Saturday, 20 July 2019.

By way of background, members of NASRA represent approximately 350 front-line ambulance personnel out of a total National Ambulance Service work force of 1,800. I understand that they are mostly based in Cork, the south east and Tullamore.

The HSE and the National Ambulance Service have confirmed that again, robust contingency arrangements were in place to ensure that there was no risk to the health and safety of our health service users during the industrial action. The HSE has confirmed that full emergency cover was provided. This means that all emergency calls were responded to.

In addition, the National Ambulance Service, NAS, put robust contingency arrangements in place to provide additional emergency cover. The Defence Forces have also been on stand by with a number of crewed ambulances. The intention, as previously, is to minimise any disruption and to ensure that patient safety is not compromised.

During the industrial action, National Ambulance Service management closely monitor service demand and delivery. NAS has confirmed to us that during the dates of action there has been no negative impact on the ability of the service to provide patient care and service delivery. What this means is that there were no adverse incidents.

We need to be clear again on what the actual position is in relation to this dispute. The National Ambulance Service Representative Association, which is affiliated with the PNA, is a group which is not recognised by the HSE and therefore does not have negotiating rights. The PNA also does not have negotiating rights for ambulance personnel. The legal position is very clear. The HSE and the National Ambulance Service have no obligation to recognise NASRA or the PNA for ambulance personnel. The PNA, which is a non-ICTU affiliated union, has negotiating rights for nurses working in psychiatry and intellectual disability sectors. The main union which is recognised by the HSE for ambulance front line grades is SIPTU. FÓRSA and Unite also represent ambulance grades. The HSE deducts subscriptions at source for those ambulance staff that are members of SIPTU, FÓRSA and Unite. This is consistent with the fact that these are the unions that are recognised as representing ambulance grades.

The HSE does not carry out deductions for subscriptions to NASRA, as it is not recognised.

It should be noted that facilitating deductions at source is not a legal right, rather it is a concession granted to recognised unions.

Of course, individuals have a right to membership of any trade union. However, they do not have a right that such membership is facilitated or recognised by their employer.

Deputies are asking what progress has been made between the Department of Health officials and the HSE on exploring various options to see how a resolution to this dispute can be reached. I can assure the Deputies that we all want to see a resolution to this dispute. I can also advise that the discussions, as suggested by the Minister, Deputy Harris, have been held but an appropriate solution has not yet been identified. Deputies must be aware that industrial relations policy has had a long-standing objective of avoiding fragmentation in worker representation in public sector employments and the trade union movement generally to facilitate the orderly conduct of bargaining and other aspects of industrial relations. However, as of today, the fact remains that the PNA does not have negotiating rights for ambulance grades.

Deputy Caoimhghín Ó Caoláin: First and foremost, the Minister, Deputy Harris, should be here to answer this issue. He continuously absents himself on health matters. This is as grievous an issue as any other that will present itself. The Minister of State said that the HSE and the National Ambulance Service have no obligation to recognise NASRA, or the PNA to represent ambulance personnel. I contend that they have a moral obligation and responsibility. It is a fundamental right and withholding recognition is absolute hypocrisy. The Minister of State goes on further to indicate that discussions, as suggested by the Minister, have been held. I ask the Minister of State to elaborate on exactly what discussions have taken place because the only discussions that will resolve this dispute are those that can be held under the terms of the WRC. Nothing less will suffice in this very grave situation.

Deputy Thomas Pringle: The Minister of State's reply is not acceptable and it is a vitally important right that workers' own choice of union be recognised. The Minister of State said SIPTU represents the ambulance grades. This is fair enough as it represents quite a large number of them. FÓRSA and Unite, as far as I understand, have very small numbers of ambulance-grade workers within their membership. At the very least, if NASRA is not the biggest, it is certainly the second largest union that workers have chosen to represent them with their employer. The Government represents the people of all the country, including these workers, and does not just represent the HSE. Unfortunately, it seems like we are fighting on behalf of the other unions as well, which can stand back and watch. The only people this decision facilitates are the other unions. It does not make life any easier for the ambulance service. What would make life easier for it would be recognition of workers' right to be represented by the people they choose.

I thank Deputy Gallagher, who is fully supportive of the issues we are raising and would have liked to have been present for this debate.

Deputy Joan Collins: Strike action has occurred on six days, including a 24-hour strike on 31 May. Workers will demonstrate outside Leinster House at 12.30 p.m. tomorrow. Unfortunately, there will be a further 24-hour strike. They do not want to do it, but they are being forced to do so because this issue has been ongoing for six months. The Government has had six months to hold discussions with officials and the HSE to try to resolve this issue. The Minister of State assured the House that everyone wanted to see a resolution, but there has been none. Six months is a long time and people are getting tired of this. If the Minister of State thinks that

workers will just walk away after fighting for the past ten years to have their union of choice recognised, he will find they will not. The dispute must be resolved.

Following on from Deputy Ó Caoláin's point, what discussions have there been with the HSE and what avenues were considered? The Minister of State keeps referring to a figure of 350, but there are more than 500 people in NASRA. Some were registered before the payroll cut-off happened. It is a significant group of workers in the ambulance sector and they should be recognised.

Deputy Jim Daly: I do not have the details of the discussions, nor would it be appropriate to go into them on the floor of the House. Members will agree that we will not sort the issue out in this Chamber. This is not the forum where we-----

Deputy Joan Collins: Could we have the meeting for which we asked?

Deputy Jim Daly: I am sorry, but I did not interrupt you. If you would just let me say what-----

Deputy Joan Collins: Whenever you finish. Sorry.

Acting Chairman (Deputy Declan Breathnach): Please, through the Chair.

Deputy Jim Daly: This will be sorted through face-to-face talks between the HSE and the bodies involved. I do not want to say anything that is unhelpful, as I want to see this resolved as much as any of the Deputies opposite. So does the Minister, Deputy Harris. However, I must restate the HSE's position. I will not defend it or stand on one side or the other. I am just making the point that there is a broader issue of fragmentation of representation. Given that there are already three unions representing workers, the HSE is slow to recognise a fourth union. It would mean that every time there was a change, four different bodies would have to be consulted and the representation of the workers would be fragmented. That is a legitimate question to raise and be addressed in this discussion. Notwithstanding that, I am hopeful that we will be able to find a solution through the bodies sitting down and trying to resolve this.

At issue is the collection of subscriptions, which the HSE is refusing to do in this instance. It states that it is not legally obliged to do so, that it only collects subscriptions as a concession, that it is already doing so in respect of three unions and that doing it for a fourth would be to fragment representation. I just want to put those points on the record and reiterate that the Minister and I want to see a resolution to this situation and see the workers back doing what they do best for the State on a daily basis.

Deputy Joan Collins: On a point of order, the Minister of State is right to say that we should not have to do this across the floor-----

Acting Chairman (Deputy Declan Breathnach): A point of order is not allowed within the-----

Deputy Joan Collins: -----but we requested a meeting with the Minister on 12 March. Will the Minister of State arrange that meeting?

Acting Chairman (Deputy Declan Breathnach): Unfortunately, I am like the Deputy and am obliged to work within the rules and Standing Orders. I am sorry, but I am only implementing the rules. If I gave the Deputy latitude, I would have to give it to everyone else as well.

Deputy Joan Collins: Yes, but the Minister of State said that he could not discuss these issues across the floor. Maybe he could arrange a meeting for us.

Schools Building Projects Status

Deputy Peter Burke: I thank the Minister for attending this important Topical Issue debate. The relocation of Curraghmore national school in Mullingar should be a good news story for the locality. However, it has become frustrating for pupils, teachers and parents. Breaking point is long past for all those involved in the process. There have been nine revised programmes of works and nine false dates for the completion of delivery, including September 2018, October 2018, December 2018, April 2019, June 2019, July 2019, September 2019 and now October 2019. Each date brought a false dawn. Parents must now put in place contingency measures because they are being advised that the school will not be delivered for new students in September 2019. Of the 287 pupils, 47 are going off site. Those going to Kinnegad have special needs and are some of the most vulnerable children in society. The programme changes are causing their parents frustration at a time when certainty in their daily lives is being cried out for.

Some €7,500 per month is being spent at Curraghmore national school on ten portakabins. The Department is renting out the St. Loman's Mullingar GAA club to accommodate children. There is also a cost associated in going to Kinnegad. What of the human cost? Some parents must pay for additional afterschool care because, even though they already have children attending the school, their children who are new students are being moved to a different site. This is adding to the pressure of getting students to school, which is wholly unacceptable in light of the series of completion dates. To be fair, the school's delivery has been managed in an appropriate manner by Westmeath County Council. Mr. Murty Hanly, who is the school's project manager, has worked day and night to deliver it, often at the expense of his personal time, including family holidays. He has gone step by step to try to deliver the school on time. The principal, Mr. Michael Molloy, and the school's staff are also frustrated.

I commend the Minister on visiting Mullingar and meeting the board of management in an attempt to progress this issue, but we must pursue the developer morning, noon and night for the project's delivery. There is a national outcry because a number of school projects are late owing to a gap in tender law. We must examine the legislation. When a new tender is drafted, a company that is consistently late with its projects can still apply for it. We need a traffic light system whereby past performance in projects is measured. As legislators, we must ensure that the system is up to the mark.

Speaking as someone who has followed this project for more than a decade, the series of bumps in the road have been frustrating. Now that the school is at a stage of 80% completion, there is a further delay. My colleague, Councillor Andrew Duncan, has secured this issue as a permanent item on the agenda at Mullingar municipal district meetings, with councillors getting updates for the parents, pupils and staff on a monthly basis.

I appeal to the Minister to keep the pressure on the developer. I cannot express enough the frustration and outcry in my community concerning what should be a brilliant news story, namely, the delivery of a new state-of-the-art 16-teacher school for Westmeath, which will be a major asset to the area.

Minister for Education and Skills (Deputy Joe McHugh): Gabhaim buíochas leis an

Teachta fáchoinne an t-ábhar seo a ardú inniu. Ábhar iontach tábhachtach atá ann. Tuigim na deacrachtaí agus na míbhuntáistí atá i gceist agus tuigim an frustrachas atá ar an phobal, ar na scoláirí, ar na tuismitheoirí agus ar na múinteoirí uilig sa cheantar.

I thank the Deputy for raising this matter, as it gives me the opportunity to provide an update to the House on the current position regarding Holy Family primary school, Mullingar, previously known as Curraghmore national school. I am conscious that this new school building project was in gestation for many years before it went to site in 2017. The project, which has been devolved for delivery to Westmeath County Council, will provide a new school building comprising 16 classrooms and a special needs unit.

It is in the nature of any building project that difficulties can arise. The objective always is to deal with these as efficiently as possible in order to minimise delays as well as costs. However, these difficulties can lead to some additional costs by way of request for change orders by the contractor and can arise during the construction period of any building contract.

The initial delays with this school project arose primarily because the contractor encountered bad unforeseen ground conditions together with severe weather events.

In addition, as with any building contract, issues may arise that form disputes between the design team and the contractor. There is nothing unusual about this and the public works contract provides dispute resolution mechanisms to deal with such matters. A number of issues of this nature have arisen on the Holy Family project and these have been referred to conciliation in accordance with the contract. Most of the matters are still being considered within the conciliation process, so I am limited in what I can say in that respect.

Let the House be in no doubt that I consider that the delays which have arisen in recent months are completely unacceptable for all concerned, particularly as the school will have to continue to operate from unsatisfactory conditions with an increasing number of enrolments until its new building is ready. The programme provided by the contractor which had indicated

a completion date in July was most recently changed to provide for a completion
5 o'clock date in October. Westmeath County Council has expressed to the contractor its

disappointment with the level of resources on site and the slow progress of the construction programme. However, I can inform the House that the council reported to my officials earlier today that there has been a significant improvement in the activity on site. The project is well over 80% complete, with only the installation of doors remaining to make the project fully protected against the elements. On that basis, I am hopeful that the project will be completed in October as now planned. I am conscious that lists of dates have been previously mentioned and that we are now giving another date, this time in October. I am also conscious of the deep frustration of parents and the board of management and I wish to acknowledge the various stakeholders who have been persevering with the project. Deputy Burke cannot be accused of ignoring this issue. He keeps raising it with me formally and informally and I know that is something that will ensure that we can meet the October deadline.

In the meantime, my Department has met and worked closely with the patron and school authorities of Holy Family in order to put in place contingency arrangements to ensure that the needs of the school for the coming academic year are met. It is unfortunate, given that the building will not now be ready by September 2019, that these plans will have to be activated. As already stated, the school authorities and the patron of a school in Kinnegad have kindly agreed to provide temporary accommodation for a number of special needs pupils as an alterna-

tive to home tuition for those children. The Department will be providing the funding needed to facilitate this arrangement. I wish to express my thanks to the patron and school management of that school and the personnel, including the clerk of works, whom I met in a portakabin on the site when the Deputy and I visited it. I thank them for their efforts to ensure that we will achieve this timeline in October. One of my team members is from County Westmeath and is very aware of this project, which he raises on a weekly basis. Decanting from the old to the new school will not be a problem because the new premises is only around the corner. We will keep it on the agenda and I have no doubt that the Deputy will keep me up to date over the summer.

Deputy Peter Burke: I thank the Minister for his detailed response. I am heartened that the project is more than 80% complete and that activity on site has increased. However, we need to keep pressure on day and night and move mountains to ensure that the project is delivered by October. I am thinking of the children with special needs who will be upset at being moved to Kinnegad, their parents and all those affected. It is not good enough that they are upset because when the Department commits to a school being ready and provides funding in its capital budget to deliver the school, that commitment should be met. Through the history of this project, I have dealt with a series of boards of management. The only person who has been consistently involved from the start in the push to relocate the school is its principal, Mr. Michael Molloy. I appeal to the Minister to expedite the delivery of the school.

The equipment in the school has depreciated over a number of years. I appeal to the Department to look favourably on providing upgraded equipment for the new school. That is the least we can do in light of the circumstances everyone involved has faced in the course of the project.

We must bear in mind that legislative change in respect of tender law in this country is required in order to bring in a traffic light system for new projects such that past performance is taken into account before a contract may be awarded. We need to protect ourselves. For me, there is nothing worse than walking into a room in front of 40 new parents and them asking what I can do about this. The worst part is that procurement law cannot be overridden in terms of the contract that was signed with the contractor. We must accept that. However, we need to pursue the contractor to deliver the project and ensure the October deadline is met. That must be cast in stone.

Deputy Joe McHugh: I will not repeat myself. I am sure the parents of children in the school do not want to hear the same thing over and over again. One thing I can say for certain is that this project is not out of sight or out of mind. It is on the radar and I know the Deputy will keep it there.

On the Deputy's question on equipment, departmental officials asked the school to evaluate or assess which items of equipment and furniture, including ICT equipment, can be transferred to the new school. That is currently being assessed. If there is a need for support in regard to furniture, equipment and ICT needs, we will step up to the plate.

I hope that decanting from the old school to the new one will take place in October. I do not like setting deadlines as too many have been missed, but we must do so in order to keep the pressure on. The project is 80% complete and will soon be protected from the elements. The necessary work will soon be completed.

I again acknowledge the board of management, the parents' association and the various stakeholders. The role of the clerk of works is of great importance. Last October, Deputies

raised the issue of the importance of following regulations and so on in schools building projects. The role of the clerk of works is very important. I saw the clerk of works for this project in action and I wish to acknowledge that he is doing an incredible job and putting his personal time into the project to ensure it gets over the line.

Cork Mail Centre: Motion [Private Members]

Deputy Mick Barry: I move:

That Dáil Éireann:

notes:

- the decision by An Post to close the Cork mail centre by March 2020 with the loss of 240 jobs;
- the devastating effect this decision will have on the workers concerned and their families; and
- the negative effect this will have on the local economy in the short-, medium-, and long-term;

further notes:

- the Government's Project Ireland 2040 and National Development Plan targets to make Cork the fastest growing city in Ireland for the next two decades with a 2040 population of 320,000-360,000; and

- the dissonance between such targets and a decision to shut down a mail centre in the heart of this area;

recognises:

- the opportunities presented to An Post by the rapid growth in demand for parcel delivery services; and

- that this increase in demand has already resulted in a 60 per cent growth in demand for An Post parcel delivery services in the last two years; and

calls on the Government to:

- instruct An Post to reverse this decision; and

- instruct An Post to enter negotiations with the workers' trade union representatives to draw up a plan by 1st January, 2020, to expand An Post's parcel delivery services without resorting to job losses.

I am sharing time with Deputies Paul Murphy and Boyd Barrett.

Deputy Richard Boyd Barrett: I am sharing time with Deputy Gino Kenny.

Acting Chairman (Deputy Declan Breathnach): The Deputies have 20 minutes between them.

Deputy Mick Barry: At 10 p.m. on Wednesday last, workers at the Cork mail centre in Littleisland were told that An Post will shut the centre by March of next year with the loss of all 240 jobs. The news came as a bombshell to the workers. Some had taken out mortgages on the strength of their wage packets from the centre. More than one worker went home crying in their cars that night. An Post stated that the closure is inevitable and that the demand for An Post letter delivery services is down 7% year on year. However, the decline in demand for letter delivery is only part of the story. Demand for An Post parcel delivery services is up 60% in the past two years. This is part of a global phenomenon. In Bremen, Germany, Amazon is building a logistics centre which can house 280 delivery vans. In October, Australia Post will open the largest superhub ever built in the southern hemisphere. The challenge facing An Post should not be one which involves closing hubs and axing jobs. Rather, it should involve transitioning from a letter delivery company which handles parcels to a parcel delivery company which handles letters without resorting to job losses.

An Post has consistently refused to publish the McKinsey report which advised it on the future of its business. The report should be published. There should be no secret reports, especially when they are being kept secret to protect senior Cork politicians. I wish to state for the record that I am opposed to the closure of the Athlone mail centre as an alternative, even if that is recommended in the McKinsey report. No An Post worker should have to go through what the Cork workers are going through this week. The real point about the McKinsey report is that it is out of date now. McKinsey was hired in 2016 before An Post went back into parcel delivery and before the company experienced a 60% growth in demand for the service. I repeat: the plan must be to transition to parcels without job losses.

In the United Kingdom, Royal Mail recently closed three mail centres but then reopened all three as parcel hubs. Royal Mail is also introducing a second daily delivery of mail. The An Post history of planning for the parcel boom is remarkably poor. The decision in 2004 to shut SDS, the An Post parcel delivery service, must rank as one of the most short-sighted business decisions in the history of the State. Having gifted private operators a free run for more than a decade An Post got back into parcel delivery in 2017, but there is still no comprehensive plan in place. This is shown by the inability of An Post to handle the volume of parcel mail last Christmas, when mail centres were literally over-flowing with parcels and packages. It is shown on a week-to-week basis by the backlog in delivering what is known in the company as the Asian mail, in other words, the mail order packages from Asian suppliers. Instead of closing the only mail centre in the south of this country, An Post should talk to worker representatives and negotiate a plan for expanding parcel services rather than resort to redundancy.

There are other grounds for asking how much planning went into this decision. The Government Project Ireland 2040, the national development plan and the national planning framework all project a Cork city population of between 320,000 and 360,000 by 2040. Cork is projected to be the fastest-growing city in Ireland in the 2020s and the 2030s. How much of this was taken into account by An Post before it made the decision and by the Government before it decided to back the An Post decision?

The Government recently announced the climate action plan. The plan aims to reduce carbon emissions across every Department. How much was this taken into account by An Post when it made the decision and by the Government before it decided to back the An Post

decision? Does the Minister know that millions of letters that would have been sorted in Cork will now have to be transported by truck to Portlaoise? There will be dozens of extra trucks on the roads and they will have a major environmental impact. The Government is about to invest €3 billion of the people's money in rural broadband. This will surely add to the parcel boom. Rural households will be able to order packages more easily and rural businesses will be able to sell parcel products more easily. How much did An Post factor in these points before it made the decision? How much did the Government factor this in before it supported the An Post decision?

Workers at the Cork mail centre have had few questions answered so I wish to ask some questions of the Minister today on their behalf. Will the Minister see that McKinsey is published? Who made the decision to shut the Cork mail centre? Was it the chief executive officer or the board? Did the chief executive officer inform the Tánaiste of the decision before the board meeting? Will the Minister rule out selling the building to a private sector competitor? Has the building already been sold? Does the Government stand over the An Post proposal that redundancy payments will decrease on a sliding scale per year for employees aged over 60 years? Does the Government share my view that this is actually illegal? If the Cork mail centre is shut, will the workers be transferred over with wages and conditions intact, including the medical scheme, when new hubs are opened? Will one-day delivery have to be abandoned for County Cork or even for the Cork city area?

I wish to comment on the Sinn Féin, Government and Labour Party amendments. The Sinn Féin amendment is friendly and we will support it. The Government amendment supports closure and we will be opposing it. As for the Labour Party amendment, it is disgraceful. The Labour Party amendment takes out of the motion the call on the Government to ensure that the Cork mail centre is kept open. Workers at the mail centre will be gobsmacked to see that the amendment has been signed by Deputy Sean Sherlock. It seems the Deputy has decided to fly the white flag of surrender before the battle has even had a chance to start. Instead, the Labour Party has called for the publication of McKinsey and for improved redundancy and redeployment terms. The Labour Party knows that we support all these demands, but it is trying to force us to choose between a call to keep the centre open and improved redundancy or redeployment terms. The workers know that we will fight for the best possible terms for workers in every circumstance, but we are calling for a vote against this disgraceful amendment as it means throwing out the call to keep the Cork mail centre open.

I have made some observations about the role of the Government in all of this. Before I finish, I wish to make some points about the role of Fianna Fáil and, in particular, Deputy Micheál Martin. Deputy Martin has registered his opposition to the An Post decision. He correctly says it is a strategic error. He said he intends to raise the issue with the Tánaiste, the Minister and the chief executive of An Post. He was due to raise the issue with the chief executive of An Post yesterday. Many workers at the mail centre take all of this with a pinch of salt. They are fully aware that the mail centre would not close if Deputy Micheál Martin were to demand of the Government that it should stay open. The workers are acutely aware of the fact that he has consistently refused to do so. They may not be aware of the fact - I am making them aware of it now - that both Fianna Fáil representatives on the Joint Committee on Communications, Climate Action and Environment agreed this week to a proposal to excuse An Post from answering questions before the committee this week. An Post representatives will have breathed a sigh of relief at that and they have Fianna Fáil to thank for letting them off the hook.

I put my faith in the workers of the mail centre and the workers of An Post to fight this clo-

sure and protect jobs rather than rely on resolutions passed by Dáil Éireann. You know and I know, Acting Chairman, that the Government can choose to ignore a resolution of Dáil Éireann. My colleague, Deputy Coppinger, will outline some ideas on how the workers might fight this closure. Will the Government act on the motion if it is passed tomorrow? I am warning the Government that if the motion is passed but it does not act, then the moral authority of a Dáil vote will strengthen the case of those workers who decide to fight this unjustifiable closure.

Deputy Paul Murphy: This is not only about the important issue of the jobs of the workers in Cork. It is also about the future of postal and delivery services in Ireland. It is clear that with the changing model of retail, parcel delivery services are a part of the logistics more generally and are an increasingly central part of the economy. This is an area of rapid growth, as illustrated by the fact that the An Post parcel delivery service has increased 60% in only the past two years.

It is also an area where a race to the bottom is taking place globally. Private delivery services have taken the place of traditionally State-owned postal companies. As part of this change a substantial undermining of wages and conditions has arisen as has a driving down of the levels of unionisation that would historically have been high. Precarious conditions, low pay and hard exploitation are widespread. At the heart of this globally and in Ireland is the question of bogus self-employment. The majority of couriers and those engaged in parcel delivery for private companies are bogus self-employed. Although everything about their jobs is controlled by the company, officially they are self-employed. This off-loads responsibility from the company to the worker for the vans and so on to save the company millions in taxation. Hundreds of millions of euro each year are lost by Revenue as a result of these bogus self-employment scams. Couriers and delivery companies are to the fore in this. That is the model globally. It can be seen in the USA with Amazon Flex, which is the Amazon delivery company described as the Uber for delivery - in other words, based on bogus self-employment.

The closure of the Cork mail centre only makes sense in the context of this drive for the race to the bottom. What will happen to the workers? They will not be rehired in the new parcel hubs that will have to be set up by An Post. Instead, An Post will hire young people on lower wages and conditions.

Who will buy the valuable and strategically located mail centre site? A local Fianna Fáil politician has written to the chief executive of An Post to report an expression of interest from what is referred to as a global leader in parcel delivery. A sale to a private sector competitor would speed up the race to the bottom. There is opportunity here to point in a different direction and go upwards instead of downwards. Instead of featuring workers with bogus self-employment, this crucial part of capitalist production and sale would feature workers with decent wages, conditions, and high levels of unionisation. Instead of selling the Cork mail centre and getting rid of these jobs, An Post could take a different approach and redefine itself primarily as a parcel delivery company which also handles letters. It would then become part of a model of public ownership based on democratic control by its workers, bringing them and service users to the centre of decision-making and in that way putting a plan in place for further development. Instead of asset-stripping, let us have investment and instead of redundancies, let us have quality new jobs for young people.

Deputy Richard Boyd Barrett: On behalf of People Before Profit, I commend Deputy Barry and Solidarity on tabling this motion. I pledge our complete support for the campaign of workers in the Cork mail centre to fight against the disgraceful decision to close the centre

and eliminate these jobs. The Minister should bear in mind that An Post does not have a good record on making strategic decisions about its own future. It closed its special delivery service, SDS, which was a parcel delivery service, in 2003 when the boom in parcel delivery was about to start. It is a self-fulfilling prophecy in that the management of An Post is almost wishing for its decline and making that prophecy come true with these sorts of decisions. The management has a history of this. It completely misunderstood what was happening and a boom in parcel delivery ensued after it made a decision to abandon An Post's special parcel delivery wing. It cannot be trusted to make these strategic decisions and has made a big mistake here.

How many times have we heard both the Government and Fianna Fáil refer to dramatic plans for population expansion in Cork? They even talk of the population doubling. Why are we taking away a crucial hub and piece of infrastructure when the population of Cork is set to double? The planned roll-out of rural broadband will increase parcel delivery as people buy online and so on. That would be facilitated by this centre in Cork, yet we are closing it down. At a time when we are discussing climate action, we are planning for these parcels to chug their way up the road to Athlone, Portlaoise or Dublin, pumping CO₂ emissions into the air. It makes absolutely no sense whatsoever.

This is a consequence of moving away from understanding that An Post, like many other State-owned companies, is part of a vital infrastructure that should not be based on narrow short-term commercial considerations, but should be about maintaining a critical infrastructure for both the country and the Cork region. That slide towards deregulation and privatisation ends with stupid decisions that impact on workers and the infrastructure and services available to people, in this case people in Cork. It is worth noting that this is also part of the push towards deregulation of services of general economic interest by the European Union. The process of commercialisation and backdoor privatisation leads to the undermining of key public services. This comes on the back of a terrible history of closure of rural post offices and the damage that is doing to rural Ireland, all because of commercial considerations. A vital public service having to run on narrow, short-term, purely commercial considerations leads to the destruction of rural infrastructure and services, with devastating consequences for rural Ireland. The Government should not allow this to happen. It should ensure those jobs are saved and this hub and service are maintained for the expansion of parcel services in the Cork region.

Deputy Gino Kenny: I commend this motion and fully support it. I would like to show Solidarity's support to over 300 An Post workers who are facing job losses. Our solidarity and support go out to them today. This closure will have a detrimental effect on them, their immediate families and the economy. Commercially, this decision does not make sense, as the commercial figures show that An Post is in good shape. The company reported revenues of €900 million last year, which is an increase of 7% from 2017. Stamp and meter receipts are also up 20%. The use of stamps and parcels is very productive for An Post, so this does not make commercial or strategic sense. As other Deputies have stated, this closure is a reflection of An Post's shift from a State company to a semi-State company and then to a commercial entity. That was borne out in the closure of post offices in rural areas, which has had a hugely detrimental effect on many villages. Responsibility for this lies squarely with the management of An Post, not the workers who have served the centre in Cork very well for the past 16 years. We are calling for An Post to reverse this decision because of the detrimental effect it will have on the workers.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I move amendment No. 3:

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

“recognises that:

- An Post is a commercial State company with its own Board and a mandate to deliver a postal delivery service, and a viable post office and mails centre network;
- staff in the Cork mail centre have delivered a consistently high level of performance over the years and have given great service to An Post;
- the impact of email and other forms of online communication on mail volumes have presented significant challenges to the existing postal business model, with the Cork mail centre operating at 25 per cent capacity and, in response, the An Post Board has put in place a strategic plan to transform the company in both the mails and retail business;
- An Post needs to reduce its letter processing capacity in line with global industry trends, and switch investment into its eCommerce/parcels network to ensure the future sustainability of the company;
- the closure of a mail centre was considered by the Labour Court in its recommendation of September 2017, which provides that 50 per cent of the savings arising from the closure of a mails processing centre will contribute towards pay awards in An Post; and
- continued transformation of the postal business will be difficult but the new changes will allow An Post to continue to be financially sustainable and in a position to avail of opportunities in the digital/eCommerce environment;

notes that:

- An Post has committed that all staff will be offered strong exit packages, redeployment opportunities within An Post’s delivery and post office networks in the Cork area, further education grants and support in securing jobs with new employers;
- An Post is engaged with the Communications Workers’ Union (CWU) to ensure the best possible outcome for affected staff and has indicated that it will continue to work with the CWU in addressing all issues that may arise;
- An Post plans to invest over €15 million in parcels infrastructure across Cork City and the wider region over the next three years and that a major parcel delivery centre for Cork will open by 2022;
- An Post employs over 9,000 staff, continues to have a strong regional focus and will still employ almost 1,000 people in the Cork area;
- the Government has taken significant action to ensure the future viability of An Post and secure the future of the company, and these actions have resulted in a restructuring of the company, expansion of services in the post office network and have protected thousands of jobs in the postal sector across the country;
- a Government investment of €30 million was secured for An Post in order to safeguard the five days a week mail delivery service (€15 million) and to protect post

office counter services (€15 million); and

— the Government continues to provide significant business to An Post through the Department of Employment Affairs and Social Protection social welfare contract and National Treasury Management Agency business; and

commits the Government to:

— ensure that all relevant State supports will be made available to the workers impacted by this announcement; and

— monitor the An Post commitments to invest in the Cork area and the ongoing delivery of its strategic plan.”

I thank the Deputies for raising this issue. I understand that it is a matter of significant concern for local workers and there is no doubt that those workers have provided a great service. This is not a reflection on the quality of work or the dedication they have shown over a number of years.

The sad fact that lies behind this decision is the substantial decline in the use of traditional mail. As the Deputies will appreciate, the volume of mail has halved in the past ten years and that decline is projected to continue. As Deputies will recall, this led to a very serious financial situation for An Post just two years ago when we had to introduce special legislation in this House to increase the cost of stamps. We also had to invest €30 million to support An Post and ensure elements of its public service commitment, such as the five-day service and post office counter services, continued. The market in which An Post is trading is changing rapidly and it had to respond by developing a restructuring programme. We are now seeing early signs of that programme’s success.

The Deputies are correct that although parcel delivery services were exploding, An Post experienced a decline in its market share. One of the strategic decisions it has taken has been to radically change that and grow its parcel business. One of the elements that allowed that to happen on the scale that it has was a negotiation with its employees. As a result of that negotiation, restructuring has taken place in the context of how the company delivers services. It has facilitated seven-day delivery in its parcel service and greater flexibility to increase the company’s market share in this thriving business in respect of which there is sharp competition. Nonetheless, the company is doing very well in that business as a result of the restructuring to which I refer. The restructuring, which, as Deputies will be aware, was the subject of a Labour Court recommendation, involved a decision to make certain productivity improvements, one of which was to reduce the number of sorting centres from four to three in light of the dramatic collapse in the volume of mail. This is the outworking of that decision.

While I can understand both the concern locally and the reason the Deputies have raised this matter, An Post recognises that if it is to be a public service company it must take account of the change in the shape of the expectations of its customer base. If people are moving away from mail towards parcel and from some of the traditional post office services and demanding new retail services, it must show that it has the capacity and the strategy to deliver. That is at the heart of what it is doing and there are signs it is being successful in the context of repositioning itself so that it will have a strong growth prospect.

It is interesting that, contrary to what the Deputies have suggested, this is not a short-term

commercial perspective An Post has taken. At the heart of its strategy are four key principles, including, that it has to be customer-centred so it has to know the direction of business customers want of it and respond to that and that it has to be a responsible employer, meaning that it must make the changes necessary to provide high-quality and sustainable employment that will endure into the future. That is what it is seeking to do and the very significant success it has enjoyed since it started to make these changes is a very good indication of where it is heading. However, it must be competitive in these new areas, which is important. It has had to make changes in work practices and investment to be competitive. Part of this has been a significant investment of €50 million in its services, so it restructured that business.

I acknowledge that which is happening is very disappointing but I also acknowledge An Post has been very careful to ensure that there are strong exit packages for workers who will be directly affected. It will have redeployment opportunities for the workers affected and it has a 100-strong employment force in Cork county, there will be support for the many changes in training and supports for people who do not choose to redeploy and want to go elsewhere, not only from An Post but from the wider State services.

This was a decision of the board. Under law, some of the things the Deputies are seeking to do, namely, to instruct An Post, is directly contrary to the laws we have established here. It is not for the Minister, the Government or the Dáil to instruct An Post. We have set up a way in which our State companies are managed which gives the Minister responsibility for certain high-level policy decisions. However, the commercial management and working out of these decisions must be done locally. An Post will be sitting down with the trade unions involved to work through the various terms and support workers in this difficult transition. It has already engaged with the unions and that will continue.

Deputy Barry raised the role of the McKinsey & Company report in this matter. I understand that it was involved in the restructuring programme from the beginning, dating back to when it was first engaged in 2016, and that it has been a support to An Post. There is not a McKinsey report on the closure of mail centres. McKinsey & Company has been an element in the development of An Post's strategy. The choice made by the board has had to balance the company's various needs, its employer interests, its ability to service its customer base and the best way in which it can manage from a cost point of view the changes it has to make. That calculation must be done by the company in the best interests of its employees, its customer base and the future of the company. That is what has underpinned the approach it has taken.

It is important to recognise that An Post is making significant investments in the Cork area, specifically in respect of the future of its parcel delivery service. Deputies are right to indicate that this will be a growth area. Even though mail delivery will continue to decline, which puts a major burden on the company, it must continue to win new market share in the other areas in order to counteract one of its continuing declining revenue streams, which, up until recently, represented more than 50% of its overall revenue. The company must undertake to successfully transit from an area of business that is highly loss-making and in serious decline to develop these new areas.

I must congratulate the board of An Post, the workers and those involved in management for undertaking and executing a strategy that is bringing about results. We see the success of the two new distinct business units the company created, the relaunched parcel business and its growing role in financial services, an area in which it can bring new services to its customer base. It is one of the biggest retail outlets in the country and it must develop that retail potential

for its future recovery.

I accept that this is a disappointing day. There is no way of glossing over that from the point of view of the workers concerned. An Post is doing this in order to ensure that it will be repositioned in a very strategic way to service its customers in the future. It is also seeking to ensure that it will deliver the services required of a postal communications company. It has looked at successful models in Germany, Canada and other countries where successful change has been undertaken and where the businesses of the companies involved are strong and thriving. It is encouraging to see the early signs that this restructuring is working and that we will have growing, albeit different, employment over time as An Post successfully builds its new future.

While I thank the Deputies for raising this matter, I cannot support the motion. As indicated, I have proposed a counter motion in amendment No. 3 on behalf of the Government.

Acting Chairman (Deputy Declan Breathnach): Fianna Fáil has the next time slot of 20 minutes. Four Members are sharing time, starting with Deputy Micheál Martin.

Deputy Micheál Martin: I wish to share time with Deputies Michael McGrath, Murphy O'Mahony and Aindrias Moynihan.

I welcome the opportunity to participate in this debate. In the first instance, I would say to the Minister as a representative of the State and the shareholder in the company there is a clear responsibility and obligation on him to the workforce of An Post and to the company. The idea that the Minister is completely at a distance from the board and the policy decisions it takes does not hold water. The Government announced the national planning framework to great fanfare in Cork and elsewhere around the country. That framework refers to "Supporting ambitious growth targets to enable the four cities of Cork, Limerick, Galway and Waterford to each grow by at least 50% to 2040 and to enhance their significant potential to become cities of scale." It also states, "A target of half ... of our future population and employment growth will be focused in the existing five cities and their suburbs." Under the heading "National Policy Objective 3B", the framework includes the phrase "Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints". This decision of An Post, a semi-State company, bears no relationship to those targets and objectives. It annoys people when they hear the rhetoric and all the plans with people congregating in UCC for that big launch and people being told that this is their new future and meanwhile an arm of the State seems completely at odds with the latter's overarching objective for these cities. This is the most modern mail centre in the entire An Post network. I am not trying to score political points. I have been accused of being the person who is now responsible, according to Deputy Barry, for the centre's closure. I will not go there because there are 230 people who will potentially lose their jobs here and I want to deal with that.

There is no secret that the origins of this - I remember Deputy Sherlock raised this in the Dáil - date back to an agreement in 2017 between the Communications Workers' Union, CWU, and An Post hammered out at the Labour Court. A letter from the deputy general secretary of the CWU to his colleagues states that they will be aware of the Labour Court recommendation, LCR21563, issued in September 2017, which provided for the possible closure of one mail centre. It states that since that time, the union has dedicated its efforts towards keeping all four mail centres open with the surplus staffing which arises from significant letter and mail decline redeployed to the growing parcels and packet mail streams; that while this has been success-

ful to date, the sad reality is the existing letter machinery network of all four mail centres has outlived its usefulness resulting in a major underutilisation of the 19 letter machines at the four centres; and that, in fact, there has been a further 10% decline. The letter goes on to state that as a consequence, regrettably, the union has been advised by the company that the board of An Post will decide, at a meeting scheduled for 27 June, which mail centre will close, and that in advance of the likely decision being made, the union and company has agreed provisional arrangements to deal with this most difficult situation facing its members at the mail centre concerned. The letter refers to later setting up a joint working group to deal with the migration of mail from this centre. Both the company and the national union were well aware that a mail centre was to go. Deputy Buckley said that in a previous contribution to the House as well. I say this as a matter of fact and objective reality.

What was not clear was which mail centre would close. Members sought clarity on that in this House on a number of occasions and did not get that clarity. I met the chief executive officer of An Post - I sought the meeting - and he revealed that Accenture was brought in to independently assess which centre was to close. I sought access to the Accenture document. I was able to read it but was not given a copy. I said to the chief executive officer that it should be published. There is no great differentiation between Cork and the remaining centres. There were three criteria, the first of which is operational feasibility, in other words, An Post's legal obligation to deliver the mail on the next day. The second related to recurring savings on an annual basis. The third related to staff welfare - how easy is it to redeploy and for the local economy to absorb.

On the recurring savings, there is little between the three centres. In Cork, one is looking at a potential €11 million saving. It is €10 million for Athlone and €9.7 million for Portlaoise. In terms of the property, there are once-off capital costs which also are within €1 million of each other.

There seems to have been an assessment made that the Cork economy could absorb the employees a bit better than the other locations, and then there is the talk of redeployment as well. I would raise questions. I have a real fear - I do not like saying this - that the closure of the Cork centre was pre-cooked. I cannot prove that. It will be denied, reference will be made to the Accenture report, etc. Having read that document quickly - I did not have prolonged access to it - it seems there is no compelling reason that the Cork mail centre had to close *vis-à-vis* other centres or why a different approach could not be taken. The remit given was the closure of one centre, not an evening out of cost savings. This arises from the Labour Court agreeing a 2% pay increase but that it has to be offset by savings on the letter mailing system. That is a disappointing outcome. That is where there has been something of a disingenuous approach here. There was no clarity on this, from 2017 right up to 27 June last. People informally held a suspicion. I suspect that was coming from the workers' side, they were picking up something from the monitoring group or somebody on the monitoring group was letting out information, but we could not get a hard fix on it.

The Minister stated An Post's restructuring has been a success. This House voted in the stamp increase. The Opposition here supported it. There needs to be give and take here. The Minister cannot expect Deputies to come in and agree an increase in the price of the stamp, which we did to help secure An Post's future and to help the restructuring plan, and then to be hit with a closure involving 235 job losses overall, when one adds in the part-timers who will lose their jobs.

Neither the company nor the Minister is being sincere when the Minister states there will be redeployment. On the redeployment, one is talking about people who work night shifts, who work part time and who will not easily migrate to or be absorbed by the delivery side of An Post. That is disingenuous as well. Equally, many being made redundant will find it difficult to get jobs, in terms of the position they were in *vis-à-vis* their life-work balance but also in terms of getting similar-type remunerative jobs in the local economy.

Structurally and for other reasons, there was a sense in An Post that the Cork one is easier to close than the remainder. I am not satisfied at all as to the underlying criteria that drove this decision.

Having spoken to the workers, much of what has been said is on offer has not materialised. Workers are at a loss. There is no hands-on engagement from the company at present, from what workers said to me as late as last evening, in terms of what options are available to them, in terms of redeployment within the company or in terms of advice, supports and all of that. It simply has not happened, according to the workers there. Likewise, they are unsure of the ultimate supports for those who might want to move on. There has been poor engagement from the company.

Fundamentally, there was little point in Government stating that it wants to grow the city of Cork and that it will double in population, when the most modern mail centre in the entire network gets closed after an NDP and national planning framework was published six to 12 months ago. Here was a key piece of infrastructure. By and large, it was covering all of Munster.

Another issue raised was that the motorways were a factor. Motorways were meant to open up, not close down, the regions. The comment was made to me yesterday by An Post management that the motorways mean the company can service Munster now from Portlaoise in double-quick time. What are the implications for industry in the regions if that logic is to follow through and is that why we have congestion in the upper half of the country on all fronts?

My ten minutes are up and I will hand over to Deputy Michael McGrath. I would ask the Minister to revisit this matter and review it and to take the spirit of the motion on board.

Deputy Michael McGrath: I welcome the fact that Deputy Barry and his colleagues have tabled this motion.

In the short time available to me, I merely want to state - I am sure the Minister will be aware of this - that many of the 240 workers directly affected and their families are devastated. The impact of this will vary from individual to individual and family to family, but many of them are now facing into a very uncertain future. They do not know where to turn.

On the substance of this, if one stands back and looks at it, looks at the map of Ireland, the proximity of Athlone, Portlaoise and Dublin and the fact that An Post has chosen to close Cork serving the entire southern region, it really does not make any sense from that perspective, yet that is what it has chosen to do despite all of the ambitious plans that the Government has laid out for Cork over Project Ireland 2040, as has been stated by my party leader and others in this debate so far. There is a complete mismatch there. When I look at that map and at the proximity of the other three centres, the fact that Cork was chosen appears to make no sense whatsoever. From a sustainability point of view and from the perspective of developing An Post's business model into the future, the company will need a substantial parcels centre to serve the southern

region in the decades to come. This is a short-sighted decision.

I would ask the Minister, if he is speaking again during this debate, to confirm that the building will not be sold. There are many rumours that the building has already been sold and competitors of An Post in the parcel distribution business are eyeing up its purchase. It would be a deeply retrograde step by the company if it were to let this happen. Many of the assertions that have been made by An Post are disputed by people working at the front line. An Post says that the Cork mail centre is operating at below 25% capacity. In comments made by spokespersons on behalf of the company, the impression has been given - many employees take umbrage at this - that it is underperforming. That really is not fair or accurate. Consistently, it has been one of the two best performers among An Post mail centres over that period. As some of the staff have said to me, they have the posters on the wall stating this and they have a trophy in the cabinet confirming that they have been the most efficient and best performing mail centre. As Deputy Micheál Martin has said, it is the most modern and best equipped of the mail centres. This decision needs to be reviewed.

The Minister's Cabinet colleague, the Minister for Justice and Equality, Deputy Flanagan, welcomed the decision, of course, and said he had been working closely with An Post over the last 12 months. The Minister for Communications, Climate Action and Environment, Deputy Bruton, has said there was no political involvement whatsoever in this decision. Is the Minister for Justice and Equality claiming credit for something in which he had no involvement? It cannot be both ways; something does not add up. The Minister, Deputy Bruton, needs to become involved and make his views known on this. It is not adequate for him just to wash his hands. There is a report from Accenture to which Deputy Micheál Martin has referred which should be published and put into the public domain. Much of what has been said by the company so far is not accurate and does not stand up to independent scrutiny. These workers feel they have been thrown under the bus. In my view, Cork has been shafted in respect of this issue. It is not fair or right and the Minister should become involved to bring about a reversal of the decision.

Deputy Aindrias Moynihan: I acknowledge Deputy Barry for bringing forward this motion, which is very much needed. The announcement of 240 job losses at the Cork mail centre is a serious blow for all the staff and their families. It is a retrograde step. Shutting down a state-of-the-art centre is a strategic mistake. The staff involved are devastated, as are their families. They are facing redundancy, which is very unfair on them. Every effort should be made to meet their needs. We see the great work they are doing night after night so that post can be delivered in the morning. There is another group, in addition to the 240, who are also at a loss. They are the seasonal workers, many of them students, who come in during the run-up to Christmas for those very busy weeks. They too will lose out. This centre, which opened in 2003, was the most modern in the country. Its closure is announced against the background of Cork being expected to grow dramatically and its population to double in size over the next decades. We see also the way in which parcel post is continuing to increase steadily, up some 40% last year. An Post is in far better financial health, with mail and parcel revenue up €38 million in 2018. Last November, we saw a 60% increase in the number of parcels it delivered compared with previous years.

The Minister referred to having a strong exit package. Having spoken to a number of the staff, I ask the Minister for clarification. I understand that while the severance package offers six weeks' pay per year worked for many people, up to a maximum of two years' pay, those over the age of 60 appear to be in a far less favourable position, as they will receive a maximum of six months' pay when they retire. These are people who are on the D stamp PRSI or the older

An Post contracts. Will they have to wait for retirement? Can the Minister clarify whether they have less favourable conditions?

Deputy Margaret Murphy O'Mahony: I support the motion and thank Deputy Barry for bringing it forward. There are some technical issues but the sentiment and outline of the solutions proposed are the correct ones. The announcement of 240 job losses at the Cork mail centre is very disappointing for the workers involved and their families. Some of these people live in my constituency of Cork South-West and some live in that of my colleague, Deputy Kevin O'Keeffe, who is unable to be here this evening but shares our concern. While I wish those working in the other mail centres in Dublin, Athlone and Portlaoise well, it is ironic that the newest and most modern of the four centres was the one that had to lose out. I said last week that the decision of An Post to close its Little Island mail centre is further evidence of the erosion of services outside of Dublin and the east coast. The closure of 12 post offices in the greater Cork area in 2018 was bad enough and now we have this. Two post offices in my own constituency closed, despite a public meeting at which a local Minister of State gave assurances that everything would be done to avoid these closures. I have first-hand experience of the importance of the local post office network, having worked in An Post for many years. In the absence of other amenities such as Garda stations, pubs and general practitioner services, I understand the reliance on the post office for both economic and social well-being, not to mention the efforts of post office staff in the community. The failure of An Post and the Government to offer replacement contracts as opposed to redundancy packages has made the situation worse. It will inevitably lead to the closure of further post offices in County Cork and further decimate rural west Cork.

It was only yesterday that we spoke here about mental health issues. It is undeniable that all matters pertaining to rural Ireland are linked. The closure of rural services will lead to further rural isolation and hence create more pressures on mental health services. That is just one indirect consequence. The blame game cannot continue to play out here. The closing of this mail centre is fundamentally wrong and I ask the Minister to re-examine it. Given that this facility is the newest of the four mail centres in the country, the decision to close it is counterproductive notwithstanding any savings that may be envisaged. I am calling on the Minister to take a stand, undertake meaningful dialogue with An Post and put provisions in place to save this mail centre, the jobs affected and what remains of rural Ireland.

Deputy Brian Stanley: I am sharing time with Deputies Ó Laoghaire, Buckley and Jonathan O'Brien. I welcome the motion from Solidarity-PBP in respect of the mail centre. I also welcome the fact that the Deputies proposing it will accept Sinn Féin's amendment. Here we are again discussing the closure of another piece of a vital network in terms of the postal services. A number of times, we have heard Ministers tell us in the House that the Government is committed to protecting the postal services. However, over 200 workers in Cork are being forced into redundancy with great losses to the community and the city of Cork. Despite all the talk, the decision has been made. Is the Minister going to stand idly by while the post office network is being run down? This is a blow for regional development. If any one of the four centres is closed, it will be a blow for whichever region is losing it. I find what has happened with the post office network over the past decade very disheartening. Between 2000 and 2010, we saw 732 post offices close their front doors. This is a direct contradiction of what Government policy should be. The process has continued and has done terrible damage. We do not view the post office network as a burden. We see it as key infrastructure that is vital to the economy. We want to see the establishment of a long-term vision for our network.

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It is true that mail volumes are falling but we have known that for a long time.

We need more long-term planning and we need to diversify. An Post has gone from crisis to crisis for a number of years. While the position stabilised in the past two years, the company was in free-fall for five or six years before that. The vital planning for diversification and expansion of other services did not take place. We had the Kerr report and the McKinsey report. The post office infrastructure needs to offer new services. The use of parcels is increasing and this should be fully exploited.

The Minister for Communications, Climate Action and Environment, Deputy Bruton, represents the public and is the sole shareholder in An Post. As such, he is not a bystander in this process. It is important that everything possible is done to save these jobs.

Deputy Donnchadh Ó Laoghaire: The employees of the mail centre at Little Island were called into a meeting late on Wednesday night and given the hammer blow that many of them feared. Many of them were deeply worried, indeed heartbroken, and having given ten, 20 or 30 years of service to An Post, they feel let down. The way they were treated by the company was extremely shabby.

I could speak about this issue and many other issues for 20 minutes but I have only two minutes' speaking time. One of the issues that needs to be cleared up is the possibility that employees aged over 60 may not be entitled to full severance of six weeks per year worked capped at two years' pay and declining on a sliding scale. They are potentially being placed in a disadvantageous position.

The Minister stated that staff can take a severance package or be redeployed. The hours worked and the nature of individuals' duties and abilities mean it will not be possible to redeploy many of them. What will happen if there are not enough positions available elsewhere for those who opt for redeployment instead of the severance package? Will those who cannot be redeployed be made redundant? I have asked this question previously. The Minister and An Post should state that no one will be subject to mandatory redundancy. Positions should be made available for all staff who want to continue working for An Post.

The bottom line is that the mail centre should be kept open. The decision to close it is crazy and makes no sense. The McKinsey and Accenture reports should be published. It could be argued that the McKinsey report is a little out of date but my experience in this institution is that if the Government does not like the findings of a report, it puts in place another process, changes the criteria and ends up with a different outcome.

Government Ministers are claiming credit for the Portlaoise mail centre staying open. It needs to be clarified whether they had a part in this process.

I acknowledge the meeting between Deputy Micheál Martin and the chief executive of An Post but this issue has been in the ether for two years. An Post should have been told before now that it was not right to close the centre. Other Deputies did that and raised the matter in the House.

Deputy Micheál Martin: We raised it.

Deputy Donnchadh Ó Laoghaire: I am not aware of such communication.

The staff are very concerned. An Post's parcel responsibilities are expanding at a rapid rate.

I understand that the ordinary sorting officers lower down the food chain, as it were, do not have the capacity to sort all the mail that comes from Portlaoise. Another smaller unit will probably have to be set up. Why can it not be set up in Little Island, thereby allowing the centre to retain some parcel responsibilities? The Minister and An Post should keep this centre open and save the jobs.

Deputy Pat Buckley: I welcome the opportunity to speak on this motion and I thank the Deputies for introducing it. Many points have been made so I will cut to the chase. I spoke to many of the affected employees in the past week or ten days. They are absolutely devastated. Some of them have been treated in a disgusting manner. While senior staff met in hotels, these people were doing their jobs. All of a sudden, they have been told it is all over.

When I raised this matter last October I was told there was nothing to worry about. That is no longer the case. Reference was made to the viability of the parcel centre in Little Island. I will not be disingenuous in respect of the other centres around the country. I told staff that I had been informed that the output in the Cork centre is equivalent to the combined output of two centres. For this reason, I do not accept the validity of the argument on viability.

I have also been told that this decision was made on the basis of location. As the Cork mail centre is on the most valuable site, it provides An Post with an opportunity for a quick flip at the expense of the employees, which is disgusting. I have also been told that the possibility of outsourcing the work to casual workers has been mooted if a smaller parcel service is opened on the outskirts of Cork city. That the company is also de-unionising is disgusting as well.

If Deputies cannot have the Accenture report, the employees should be given it so they at least know what is happening. Let them know the truth. This is devastating for Cork and the south. I urge the Minister to revisit this matter and be as fair as possible to everybody involved. All the centres should be kept open and the service invested in properly.

Deputy Jonathan O'Brien: I do not understand this decision. The Minister cannot sit there with a straight face and say this matter has nothing to do with him. Ministers are claiming responsibility for ensuring the centres in their localities stayed open. If Ministers are taking the credit for this decision, they are either doing so falsely or they have some influence. If they have influence, I question why the Minister, Deputy Bruton, has no influence in this matter. The Tánaiste is from Cork and I do not see why he does not have the same degree of influence as the other Ministers who seem to believe they are the sole reason the mail delivery centres in their areas will remain open.

I do not understand the decision from an economic point of view. Cork will double in population in the coming decades. While the mail centre in Cork may be running below capacity, the volume of mail going through the centre is still higher than the volume going through two other centres combined. The Little Island centre is the most modern of An Post's mail centres and can be more easily adapted than the others to meet future needs.

A number of Deputies described this decision as another attack on rural Ireland. I am sure that is the case and any attack on rural Ireland should be called out. However, the impact of this decision is not confined to rural areas. Many of those who will lose their jobs are from working class areas across my constituency, Deputy Barry's constituency and the constituencies of Cork South-Central and Cork East. This is not just a rural issue; it is an issue of workers losing their jobs and the Government sitting on its hands saying it has no part to play in this. That is just

not good enough. This amendment will pass tomorrow and the Minister needs to start thinking about what he will do when that happens. If he believes he can come into the Chamber, press the red button to vote against the amendment and then have no further role to play after that, he is wrong. He has to do something.

An Leas-Cheann Comhairle: The Labour Party is giving two minutes of its time to the non-aligned Deputies.

Deputy Sean Sherlock: When I raised this issue in November, I believe I was the first of the Cork Deputies to raise it. I brought it up again six days ago. I do not believe there is an economic justification for the closure of the Little Island mail centre in Cork. I would like to examine the justification for the decision in greater detail because we have not seen a detailed justification. To provide clarity for the proposers of the original motion, our amendment seeks clarity on the McKinsey report. The Minister has not come before the House to explain to us, chapter and verse, what is in the McKinsey report. We have now heard from Deputy Micheál Martin about the Accenture report. As the Minister stated, McKinsey and Company was commissioned to do a report in 2016 but we do not have sight of any information on the engagement between An Post and McKinsey, nor do we know what recommendations were made arising from that interaction. It is a fair assumption that the Cork centre was not the one that was slated for closure. I believe there was a politically expedient decision to close Cork on the basis that it was the path of least resistance. This process should be stalled pending a further interrogation by this House in respect of the decisions that have been made about Cork.

I say this with some justification. If the previous Minister can come before the House and create a scenario whereby he seeks some sort of moral authority in respect of the increase in the cost of a stamp to €1, and if this House gives that Minister some impetus to do that on the basis that we want to give An Post a fighting chance, then I also believe that we have the right in this House, given there is a public interest at stake, to interrogate the decisions in respect of Cork.

I have already rehashed the arguments in two previous interventions in this House in respect of the increase in revenue and the loss of retail business, so I will not go over them again. However, when revenue is increasing, the profit line is increasing and the company says it is moving into the parcels business, why would it then hive off one of the parcels centres as an area of activity and close it? That does not stack up and I do not understand it.

Notwithstanding all of that, An Post's administrative costs, according to its annual reports, have ramped up as a percentage of sales and, specifically in 2018, went from €55.9 million to €63.9 million, which gives it an extra €8 million. To quote directly from a *journal.ie* post on 17 March, in its official rebranding An Post has spent €5 million, changed the colouring of its logo and created a fictional millennial character called Ciara, and there is a whole blurb about the future direction of An Post. Therefore, in these two examples, there is already €13 million that we have not had sight of or had an opportunity to interrogate. Yet, we in this House are expected to accept at face value the closure of a vital, modern and relatively new centre. I refuse to accept the justification for the closure of this centre until such time as we have a proper process by which we can interrogate those decisions on the basis that there is a public interest issue at stake.

With respect to the Minister, Deputy Bruton, he said to me on the record of the Dáil on 20 November last year, when I first raised this issue, that "it must be borne in mind that this is a public company that has a commercial responsibility". We have the right to interrogate that

relationship between Government and An Post on the basis that we cannot accept an at face value everything An Post is telling us in regard to rationalisation of services at a time when its revenue is increasing. We want the opportunity to protect jobs and to give those workers a fighting chance. We need to know exactly how much has been paid to Accenture and to McKinsey thus far by An Post. While it is talking about savings and rationalisation, one could argue that the spend on consultants and on rebranding would have saved any number of jobs at the Cork mail centre.

I support the motion. We have put forward an amendment and I have clarified the rationale behind it. If it is the case that the decision is made absolutely and we are not given an opportunity in the House to interrogate that decision further, then our amendment seeks to ensure those workers get the best possible terms and conditions. We want to speak for those workers, if that is the case. Nobody has given up the fight, however. This is the third time I am on my feet in this House, trying to defend those workers on the basis of a set of rational arguments that I seek to put forward based on the criteria that have been presented to us, despite the lack of transparency in the process in regard to how An Post has dealt with this issue.

Deputy Joan Collins: The news on 26 June was devastating for the workers in Cork mail centre. I have raised questions about the management going down late in the evening to inform workers before the board meeting the following day, where they were going to make the official announcement that Cork mail centre was the one. I support the motion and I am glad it is being discussed in the House. I am a member of the Communications Workers' Union, CWU, and I have been talking to the union about this issue. Deputy Micheál Martin read from a circular that was sent around to An Post employees about the closure of the mail centre, and he has already dealt with some of the points I wanted to raise.

What is happening in An Post with regard to the reduction in the volume of letters being delivered is a phenomenon due to the changeover to email and the change in the way people are communicating. The reality is that the volume of business has gone down to 50% and even less in some areas. I have been talking to the CWU about this over the past year and it is obviously very concerned. It knew the Labour Relations Commission recommendation from 2017 had indicated that one mail centre should close and, in essence, the four mail centres where workers were working were all fearful of the news that was going to come down the road. If it was not the Cork mail centre, it was going to be the Athlone mail centre, the Portlaoise mail centre or the Dublin mail centre. The reality is that the reduction in the volume of letters means we have to change, and the workers and the unions have to adapt in regard to building a service around the parcels business.

More of this is going to happen in the next period, for example, with regard to workers in fossil fuel industries. We will have to ensure there are strong unions so that, when changes come about in those industries, there are jobs elsewhere for those workers and redeployment opportunities.

The situation with the letters business is different from the Government's position on rural post offices in general. It was this Government that encouraged people to go online and to not go through the post office for many of the services people would have relied on, and this had an impact on postmasters and postmistress being able to keep local post offices going. There was a different policy by the Government that regard.

The reality is the mail centre has closed. I believe it should remain open pending the de-

velopment of the parcels service in Cork and the distribution of that service. From talking to my union colleagues, I know there has already been agreement that An Post is going to modify the GPO in Cork to take on the extra packaging involved. I do not know how practical that is and how much room there is for the Cork post office to expand and to take in extra parcels and packaging.

The second part of the motion calls on An Post to enter negotiations with the workers' trade union representatives. That is in place. The CWU, knowing this was coming down the line, set up a monitoring group to ensure that workers would not be treated badly and that they would get options of voluntary redundancy or redeployment, and that it is not just in the Cork mail centre but around the country that those voluntary redundancies would be offered. The union has a commitment that the workers will be offered evening jobs in the parcels area in Cork. The union is confident enough at this stage that no worker will be forced to take redundancy, or at least that is its feeling at the moment. If it believes there are to be forced redundancies, it will go to the Labour Court and to the monitoring group to ensure those workers are represented from that point of view.

This is devastating for families who were last week forced to face a precarious future. The union was prepared for this. It knew it was going to happen and how it could potentially impact on workers. Union officials visited the mail centre over the last week to talk to union members. On the point regarding a new centre that will employ workers who are not union members, the CWU will be representing its members to ensure that does not happen.

It struck me that two thirds of the 240 jobs are part-time. This shows the way work has changed over the last number of years. Permanent full-time workers are now outnumbered by part-time workers. It is important that part-time workers join a union to ensure they are represented when things change. We do have to adapt to change.

The increase in parcel services should maintain these jobs rather than result in workers losing their jobs. The union will represent the postal workers to the best of its ability. It is a bad day for people in Cork. It could have been a day for people in Portlaoise, Athlone or Dublin if the mail centres in those areas had closed as well. We have to ensure that no worker at the Cork mail centre is forced to take redundancy or give up his or her job. As I said, the union has put in place a structure to ensure that does not happen. It is confident that no worker, other than those who wish to do so on their own terms, will have to leave a job.

It is worthwhile having this debate and calling for the Cork mail centre to remain in the ownership of An Post to be used to develop the parcel service such that the current workforce can be maintained and additional workers can be recruited into the future to deliver that service. I again welcome the motion.

Deputy Michael Healy-Rae: I am glad to support my colleagues on the other side of the border. While it should not make any difference, I should put on the record that I am a postmaster of a rural post office. Having looked at the figures in terms of the savings that will be made, I believe this was a political decision to take out Cork. The Government took the view that the local economy in Cork would better absorb the hit than the other two areas in which there are mailing centres. I do not agree with it. I think it is ill-thought out. A lot of the methodology in which An Post has engaged in the last ten years, in my humble opinion, leaves a lot to be desired. I know that many of the An Post workers listening to this debate would want the issue of collection and delivery, C&D, allowances raised. These are allowances that are not being

paid to people who entered the An Post service after 2007. For the benefit of those who do not understand what this means, in blunt terms it means they are not getting €50 or €60 per week to which they are entitled. As things stand, one employee is in receipt of €50 or €60 per week more than another employee who is doing the same work. The latter are being denied €50 or €60 per week, which is a lot in anybody's language. It is a lot of money for those paying mortgages and struggling.

To the workers directly affected by this closure, all I can do is support the Deputies who represent them, for example, Deputy Micheál Martin, and others. My job is to support the motion and to thank those who brought it forward. It provides us with the opportunity to show An Post that we are not going to sit idly by and keep our mouths shut while mail centres are closed. It is our job to support this motion. In regard to redeployment, I find it hard to see how those affected will get jobs of equal financial recompense in a short timeframe.

Deputy Michael Collins: I welcome the motion. The decision by An Post to close the Cork mail centre by March 2020 will result in the loss of 240 jobs, which will have a devastating effect on the workers and their families. These staff have been hardworking and loyal and this is how they are being repaid. The Minister, Deputy Bruton, is on record in regard to the need for An Post to be commercially viable. This Government has no problem throwing money down the Swanee on grossly overrun projects such as the national children's hospital and the national broadband plan. It has a neck to cut jobs now because it wants An Post to be commercially viable. What about all the taxpayers' money that has been wasted on project overruns? The Government has nothing to say on that issue.

What is crazy about all this is that An Post has turned the corner and entered profitability yet the staff who worked tirelessly to make it profitable are being discarded with nothing but a thank you for all their hard work and effort. The Government cannot stand idly by, as it did when An Post closed the post offices in Allihies, Ballineen, Drinagh and Minane Bridge. Most of the post office closures were in Cork. Cork is the pick of the deal when it comes to An Post. If there is any cut to be made, it will be made in Cork and west Cork.

It makes no sense that in the future a letter posted in Goleen and destined for Schull, a distance of 15 km, will have to travel 280 km to Portlaoise and 270 km back to Schull. I am no ecologist but a journey of 550 km is one hell of a carbon footprint. How can the Government justify this in the context of climate change and the need to reduce our carbon emissions? The closure of the Cork mail centre is one more attack on rural Ireland. It is a case of one step forward, two steps back yet this Government insists it is making progress.

Deputy Mattie McGrath: I am happy to speak on this important motion. I note the decision of An Post to close the Cork mail centre by March 2020, with the loss of 240 jobs and the devastating affect this decision will have on the workers concerned and their families. There is an increasing sense among communities that An Post is deliberately moving away from a model based on supporting communities towards a solely profit driven model. This is happening under the watch of the Minister, Deputy Bruton. We accept that An Post has to make profit if it is to succeed but what is happening is to be deeply regretted. We know that An Post returned to growth and profit in 2017 following a restructuring of the business and an increase in the price of a stamp to €1, which I voted against at the time. Along with the previous two speakers, I am a small business owner. If we increased our prices by 30% we would be out of business the day after doing so. An Post did it and it made €140 million and a profit of €8.4 million. An Post has no sense that this money and these profits are being generated through the good will and custom

of communities and its employees. Where is the sense of public obligation? It is non-existent.

I agree with the motion that this is a very short-sighted action by An Post in Cork. The motion makes clear that the Government's Project Ireland 2040 and national development plan targets are to make Cork the fastest growing city in Ireland for the next two decades with a 2040 population of 320,000. It even took in part of west Cork to County Cork to make it bigger. When it comes to this Government, one hand does not know what the other is doing. It is shambolic.

Yesterday, on the Order of Business I asked the Minister, Deputy Bruton, about the relocation of the post office in Liberty Square in Thurles to a private shopping centre anchored by Dunnes Stores. I spoke an hour ago with the planners. Huge issues have arisen in regard to this shopping centre. Work has stopped. When I raised this issue yesterday, the Minister told me that work has recommenced. It has recommenced in spite of the fact that Tipperary County Council has issued warning letters for non-compliance to the anchor tenant, Dunnes Stores. This Government thinks it can ride roughshod over everybody. An ordinary man building a kitchen or an extension in respect of which he did not get planning would be stopped in his tracks. The council has not issued an enforcement order; it has issued a warning letter for non-compliance across a huge area in that development to which it is proposed to relocate the post office. The Minister is happy to stand over relocating the post office to a building that is non-compliant with fire regulations and building regulations. It is also in breach of Environmental Protection Agency, EPA, guidelines, with run-off into the river and so on. It is a catastrophe. If the EPA was acting properly, it would close it down. A road which is supposed to be used for emergency access is being used every day. Earlier today, concrete was being mixed on it. Plastering of the inside of the building continues even though it is non-compliant. Is the Minister going to stand over this? Can An Post or the anchor tenant, whichever is responsible, break the rules at will? Can a semi-State body override the rules of the county council and everybody else? It is disgraceful carry-on.

Deputy Bríd Smith: We have been debating An Post and its dilemma for some time in these Chambers, usually in the context of small rural post offices closing. I remember a time when there was a big row in this House about which Minister was responsible, whether it was the Minister for Communications, Climate Action and Environment, the Minister for Rural and Community Development or the Minister for Culture, Heritage and the Gaeltacht. It is like a football that has been kicked around from Department to Department without anyone ever really getting a hold on what was happening. This has been happening for a long time.

The main argument has been that the financial position of the company was on a knife-edge and that it needed to cut jobs. It instigated pay freezes at one stage and it was argued that the closure of rural post offices was essential. This seems to be hinted at as the justification of the closure of Little Island with the loss of 240 jobs. When one looks at the facts, one sees that since the Labour Court recommendation in 2017, the company recently announced that a revenue of €897 million in 2018, an increase of 7% on the previous year. During the last Christmas period, we saw a substantial increase in mail volume, with parcel volumes increasing by 50% from the previous year, with 100,000 postal deliveries a day and record sales of postage stamps. We see continued growth in parcel and e-deliveries. I think that a Sinn Féin Deputy mentioned that in a city which is meant to double its population over the coming period, this seems like a crazy planning decision which the Minister should look at again. It certainly is not climate-proofed. As has been said by several Deputies, the distances that trucks etc. will have to travel without this mail delivery centre do not do anything for the competency of the company or for

the possibility of reducing our carbon emissions.

I do not think it is a narrow decision made on a commercial basis. We can blow that out of the water. There was a Labour Court recommendation in which there was agreement with the unions that a centre would close. It is extraordinary when one looks at Athlone and Portlaoise, with only 32 miles between them, that a political decision was made to close Cork. That is not to argue that any of them should close; I would argue that we should keep all three open. This company has turned a corner and we have just gone through the figures to show how. In addition, we also have a company with a history where, at the very moment that parcel deliveries were taking off, it closed the SDS centre on the Naas Road. It seems to have a history of making ill-judged and badly-timed decisions about its business. We are on the cusp of doing something about broadband. The Minister, Deputy Bruton, and Minister of State, Deputy Canney, sitting opposite us have consistently said that we need this and will not do without it. They have said that rural broadband will be delivered come hell or high water. If we are to deliver rural broadband on the scale envisaged and for people to have access to it to buy online, surely the volume in parcel deliveries will increase even more. Consider the distance that those parcel vans will have to travel.

The closure of the rural post offices has had a devastating effect on towns and villages. The closure of Little Island will have a devastating effect on the decent, unionised, pensionable jobs that the population there can enjoy. I have no confidence in the proposal that a jobs fair or redeployment scheme will protect the lifestyle, wages and income of those workers. We may see many of them being forced into precarious non-unionised and low-paid jobs because that is the economy that we are living in. Instead, this Government should subsidise An Post with an amount that will keep it alive and vibrant. This would keep pensionable jobs that allow people to spend money that goes back into the economy. It is not rocket science. What is going on here is that people are being told to move over and make way for the great lord, competition. If any company wants to set up and compete with An Post on the same scale, this Government will facilitate it to do so, as it has done in facilitating every aspect of competition. We want to see the workers in Little Island protected and their jobs ring-fenced. I do not have the same level of confidence that some Deputies seem to enjoy in the union. After all, it did the deal and instead of fighting to keep those jobs when the economy has been turned around, it has been much too silent on the issue.

Deputy Ruth Coppinger: The closure of the mail centre in Cork has been presented as a done deal by An Post, backed up by the Government and apparently by a report; the media narrative that it is inevitable; the Labour amendment to propose to accept redundancies; and, the national union leadership which locked into the closure of at least one of the centres nationally. I would say to workers not to let their fate be decided by other people. Workers have been told the news this week. We encourage them to come together to discuss how this can be reacted to. Workers are not powerless. We saw it with the transport strikes and with the nurses and midwives. Opposing the closure and defending jobs is a viable and necessary option. The reality of the Fine Gael narrative is that it says there is full employment and there is even a suggestion that people can go and get another job anywhere. What kind of job? Jobs that are precarious, low-paid and which have poor pension and other entitlements are the order of the day.

What could workers do to maintain these jobs? Political pressure is vital. We all know that the Government has influence, as does its partner in government, Fianna Fáil. There will shortly be a by-election in Cork and also a general election in the near future. Some 240 workers and their families can have an impact on those elections. They could organise a public meeting of

workers, booking a huge hotel for it, to which all parties and candidates would be invited and left with a message that, in no uncertain terms, workers do not want to accept redundancies and that this decision must be reversed. The idea that unity is strength is important. The attempt to pit one mail centre against another, with Cork against Athlone or Portlaoise, should be rejected. An Post workers can unite. The workers from the four mail centres could meet to discuss a united campaign against closure of any of the centres.

There is significant potential to increase jobs in the parcel sector. That is the message of this motion tonight. We all know and do not need to be told that posting letters is no longer common. A ComReg survey in 2015 showed the exponential growth of the parcel sector. An Post is already the largest player of this, with 40% of the sector. There are seven other much lesser players. Why would a company which is the key player in a sector allow a modern centre in the second city of the country to be closed down when it could be expanded to facilitate its growth into the parcel sector? Some 64% of Irish consumers had parcels delivered by post. Some 50% now shop online. Online shopping has increased fivefold in just three years. Small businesses spend €11,000 to €15,000 on parcel delivery every year; it is a significant growing sector. This motion argues that there is no need for any job losses in An Post. This should be diversified into the parcel sector. There is potential for support from other An Post workers in Cork. For example, many casual workers will lose out in the other depots in Cork if this centre closes because they will not be able to get casual or part-time work there. The idea that an injury to one is an injury to all is the old trade union slogan that the unions were built on. A one-day strike in Cork would send a message to An Post. Actions such as these would send a signal to the company and the political parties that jobs matter.

The Labour Party amendment is the opposite of what I have just advocated and contrary to what Deputy Sherlock himself said. It cuts out any idea of opposing the closure of the mail centre and just argues about accepting redundancies.

From the very outset, that is cutting across the workers having any ability to fight. I even heard a claim from the Labour Party saying that we would cut across people getting redundancies. I will finish with a quotation from Rosa Luxemburg who was a socialist and a trade unionist 100 years ago. When they were fighting for the eight-hour day she said:

It is clear that you must not demand a ten-hour day if you want the eight-hour day. Do the contrary and you'll do well: if there is any possibility of getting legislation to limit working time to ten hours, it is only by constantly pressing for an eight-hour day.

I urge the leadership of the CWU nationally not to lock itself in, and not to manage the closure of the centre but to discuss expansion into the parcel sector with the local workforce.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): An Post's announcement that it is to close its mail centre has undoubtedly been very difficult for An Post's workers, their families and the wider Cork area. The Government very much welcomes the commitment by An Post that all staff will be offered strong exit packages and redeployment opportunities within An Post's delivery and post office networks in the Cork area, where nearly 1,000 people are currently employed. In addition, further education grants and support in securing jobs with new employers will be provided. All relevant State supports will be made available to workers impacted by the announcement.

An Post has committed to dealing with the closure and its impact on workers affected in a

sensitive manner. I am pleased to note that An Post has engaged, and is continuing to engage, with the CWU to ensure the best possible outcome for affected staff. I understand that the union is working closely with the company in terms of how to deal with the immediate impact on employees.

The financial challenges facing An Post have been well documented and, as Deputies will be aware, are primarily due to the impact of email and other forms of online communication on mail volumes. In this context, An Post faced growing losses and has had to undertake a major restructuring of its business to continue to be able to build, maintain and protect a service that meets the needs of communities across the country. There is widespread acceptance that elements of the company require modernisation to build, maintain and protect a service that meets the needs of communities. Much time and effort has been spent in the past two years working to restructure An Post. The work was critical in order to save it and protect thousands of jobs and the post office network across the country.

In the face of the serious declines in the volume of mail and post office business, the board of An Post oversaw the preparation of a strategic plan setting out a transformation of the company in both the mail and retail business. An Post has advised that as part of the process a lot of detailed work was done to ensure that the right infrastructure is in place to adapt to the rapidly changing mail and parcel business.

Reflecting its commitment to sustaining a nationwide post office network and daily mail service, the Government made €30 million available in State funding which is being used to support the renewal of the post office network, which will require €15 million, and the continued fulfilment of a five-day per week mail delivery service, which will cost another €15 million. As An Post is a commercial State body, the support was provided by way of a loan.

Critically important decisions have been made and An Post has been stabilised because of the action that has been taken. The implementation of the strategic plan is continuing to yield results. An Post has gone from being in a very precarious financial position to making a profit. However, as its chief executive has noted, An Post is “not out of the woods yet”. It has taken a major effort to deliver the recovery but it will require greater efforts again to ensure the sustainability of the company and the jobs it provides across the country.

An Post employs 9,000 staff and it continues to have a strong rural focus. As noted earlier, An Post will employ almost 1,000 people in the Cork area. It is important to understand the extent of An Post’s footprint in rural Ireland and the need to protect the employment the company provides across the country. A total of 6,000 of An Post’s employees are outside Dublin and 4,700 are outside cities. Some 79% of An Post’s post offices and 80% of its delivery facilities are also outside cities.

The closure of a mail centre was considered by the Labour Court in its recommendation of September 2017. The recommendation was that payment of a 2% pay increase from 1 July 2017 was conditional on necessary cost savings being achieved. One of the requirements of the recommendation was the conclusion of discussions in relation to An Post’s proposal to reduce the size of its mail processing network. The recommendation provides that 50% of the savings arising from the closure of a mail centre would contribute towards the cost of the pay award. Following extensive consideration, the Cork mail centre was assessed by An Post as being the most suitable for closure. Currently, the Little Island plant is operating at below 25% capacity as mail volumes continue to decline. Letter processing to and from the Munster region will

be incorporated into existing operations in Portlaoise and Dublin. There will be no impact on service quality or mail delivery times for customers in the south west.

An Post has indicated that the closure will result in savings of €11 million per year and that the company will invest €15 million in its parcel infrastructure in Cork and the wider region over the next three years. Parcel volumes are increasing dramatically due to the growth of online shopping. A total of 1,040 parcel lockers are being installed across Cork city and county to make collections more convenient for customers and a major parcel delivery centre for Cork will open by 2022. A new, all-electric fleet with zero emissions will be rolled out for deliveries and collections in Cork city within weeks, extending to Kinsale, Bandon, Midleton and Mallow from next year. A new €750,000 mail delivery unit to serve the Skibbereen area will open next month. Cork's GPO in Oliver Plunkett Street is to undergo a major refurbishment reflecting the rapidly growing range of services being developed for customers.

Where such difficult decisions have to be made, they must be made in the best interests of the company, its employees and its customers by the board which has been put in place to lead and direct An Post. As such, it would not be appropriate for a Minister to intervene and instruct An Post to reverse its decision, as the motion proposes. There is no doubt that continued transformation of the postal business will be difficult and will require tough decisions but the new changes are designed to make An Post fit for a future where the organisation can be confident, robust, and begin growing again.

Deputy Mick Barry: Before moving on to the main issues I will start by referring to two small points that came up in the course of the debate. The Minister was asked about the McKinsey report. He seemed to indicate that there was no such report. He indicated that McKinsey had been involved in the process since 2016 and had been working with An Post but there was not a report, as such. That is a very surprising and an interesting development because the McKinsey report has been spoken about and batted back and forth quite a bit recently. For the first time we have an indication that it may not exist. I ask the Minister to clarify that point after the debate. Perhaps the media might be interested in asking about it as well.

More importantly, we learn of a second report, the Accenture report, which Deputy Micheál Martin got to glance at when he met the chief executive of the company yesterday. That report should be made public. There should be no secret report when we are looking at the future of An Post and the future of the Cork mail centre and 240 jobs. The Minister should publish the report.

I can report to the House that An Post has been invited to come in here next Wednesday, 10 July from 9 a.m. to 12 noon to answer questions at the Oireachtas Joint Committee on Communications, Climate Action and Environment on this and other issues. An Post must take up that invitation and not refuse it and try to be out the gap for the summer. We will put pressure on An Post to do that. We want to question it about this.

In terms of the more substantive issues. The Minister said that this was not a short-term decision. It flies in the face of all the information and data that have been given in the course of this debate about the boom in parcel deliveries. The argument has been made that Cork was chosen instead of another mail centre because it might be easier to redeploy staff in Cork. I do not believe that the welfare of the staff was a serious consideration in the matter. I believe that the key consideration was that An Post felt it could get serious money from the sale of the building and the site. Rather than retaining an asset, it felt it could strip assets and opt for a

short-term quick buck at a time when parcel delivery is booming and when the building could be extremely valuable to the company.

The Minister stated that the company intends to invest €15 million in parcel delivery and hubs in Cork over the next couple of years. That is an important point. There is speculation as to where the site might be. Will it be in Ballincollig, Carrigtwohill or, perhaps, Watergrasshill? More important, what will be the wages of the workers in the hub? What will be the conditions of those workers? What will happen if staff lose their jobs in the Cork mail centre and end up working in the hubs? Will they carry over their wages and conditions? I am of the view that it is the intention of An Post to drive down wages and alter workers' conditions. This must be seen in the context of an attempt to organise a race to the bottom.

Deputy Coppinger raised extremely important points on the potential of the workers to resist the closure and push back against it. She raised the fact that there is likely to be a by-election in Cork in the next six months and possibly a general election shortly thereafter. She rightly stated that represents an opportunity to the workers. At a mass meeting attended by all the workers and their families, as well as An Post workers from throughout the Cork region, a clear message could be given to the Fine Gael and Fianna Fáil representatives in attendance that they should reverse the decision quickly or there will not be a single vote for them or their parties from a mail centre worker or An Post worker, or a member of their families, in the Cork region, be it in the by-election or general election. One should remember that An Post workers deliver mail through letter boxes and have the ability to put messages through letterboxes in that regard.

The workers have industrial power. They have the ability to withdraw their labour. There needs to be a united approach involving the workers in Athlone, Portlaoise, Dublin and Cork. Someone said it was a good day for the workers in Athlone when they learned Athlone would not be affected. It was not a good day for them. It is a bad day for every mail centre worker and every An Post worker if one of the centres - it is Cork in this case - is to close. If Cork is closed more easily, the company will target Portlaoise and Athlone more easily. Maybe the vision of An Post is to have one centre for mail and parcels, heavily automated and with workers on lower wages and with poorer conditions. It is in the interest of all mail centre and An Post workers to resist this.

The idea of strike action by united mail centre workers and An Post workers, first, perhaps, in the Cork area and involving a one-day stoppage, would send a very clear message to An Post management, the political establishment and big parties in the run-up to a by-election.

There are important votes on these issues tomorrow. I want to make a few points about this. The Government is opposing the motion and tabling an amendment supporting the closure. That is what I expected it to do. I will not comment on that. Let me consider the Labour Party. Deputy Sherlock stated that there is no economic justification for closure. I agree with him 100%. If he believes that, he should withdraw his party's amendment. The effect of the Labour Party amendment is to take out of the motion the only sentence stating the closure must be opposed and stopped and that influence must be brought to bear on An Post to stop it. Why would one support an amendment that takes that sentence out of the motion if one believes there is no economic justification for the closure? Deputy Sherlock is not present but he will be watching the debate. I appeal to him to withdraw the Labour Party amendment if he believes that there is no economic justification for the closure. If the Labour Party does not withdraw its amendment, I shall appeal to all other Deputies who are not in government, including those in Fianna Fáil, to vote for the Solidarity motion and put pressure on the Government to put pressure on An Post

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to prevent the closure and save the 240 jobs. I ask mail centre and An Post workers in Little Island, Cork and beyond to contact their public representatives tonight and appeal to them to vote in support of this motion tomorrow. Fianna Fáil holds the balance on this vote. If it votes one way, the motion will be rejected. If it votes the other way, the motion will be carried. Fianna Fáil must support this motion tomorrow and oppose the closure of the Cork mail centre. Mail centre workers and An Post workers should make their views known tonight in this regard. I do not believe that a majority vote by the Dáil will resolve this matter. The Government has made clear already that it will attempt to ignore it. The opposition to the mail centre that can be most effective is the workers themselves organising to stop the closure but I am in favour of giving them the moral authority of a majority vote in the Dáil to say the national Parliament supports what my party is doing and that it is opposed to closure. That is how the national Parliament must vote tomorrow. If Deputies do not vote for this motion, this debate will have been nothing but hot air and words. We need to see some concrete support tomorrow.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 July 2019.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Civil Law (Presumption of Death) Bill 2016 without amendment.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Health has completed its consideration of the CervicalCheck Tribunal Bill 2019 and has made amendments thereto.

Parole Bill 2016: Motion to Recommit

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

That Dáil Éireann, pursuant to Standing Order 157(1) of the Standing Orders relative to Public Business, directs that the Parole Bill 2016 in whole be recommitted to a Committee of the whole House.

Question put and agreed to.

Parole Bill 2016: Report Stage

An Leas-Cheann Comhairle: I understand that all parties are anxious to have this Bill enacted before the recess. Since we are recommitting it, the Deputies might consider a time-frame that is not open-ended. Strictly speaking, they may speak for as long as they like but I recommend that, in making their points, they take about three minutes. It is not a hard-and-fast rule but it is hoped that the Deputies might be able to adhere to it.

7 o'clock
Section 1 agreed to.

SECTION 2

An Leas-Cheann Comhairle: Amendments Nos. 1 to 11, inclusive, will be discussed together.

Minister for Justice and Equality (Deputy Charles Flanagan): I move amendment No. 1:

In page 5, between lines 18 and 19, to insert the following:

“ “Act of 1960” means the Criminal Justice Act 1960;

“Act of 2001” means the Children Act 2001;

“Act of 2005” means the Health and Social Care Professionals Act 2005;

“Act of 2006” means the Criminal Law (Insanity) Act 2006;

“Act of 2007” means the Medical Practitioners Act 2007;

“Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“application for parole” has the meaning assigned to it by section 26(3);”.

Amendment Nos. 1 to 11, inclusive, amend and expand the definition and interpretation Part of the Bill. Many of the changes here are for drafting reasons and to ensure a greater level of clarity and legal certainty on the various terms used throughout the Bill. There are few, in particular, that I will mention. On the definition of “victim”, the definition of “victim” used here is in line with the Criminal Justice (Victims of Crime) Act 2017. The definition of “parole” here is defined as the release from prison, pursuant to a parole order, of a person serving a term imprisonment prior to the expiry of that term. It is important to note that release on parole does not and will not conclude the sentence of the person, who is being allowed the privilege, under certain conditions, of serving the remainder of the term in the community. The definitions of medical professionals are important for those sections of the Bill dealing with the composition of the board and the sections dealing with the powers of the board to obtain expert reports.

Amendment No. 7 inserts a new subsection into section 2 of the Bill, which will mean that where the death of a victim is caused by an offence, the entitlements under the Act for victims to be heard can be exercised by a family member. This must, of course, be anticipated for many of the cases coming to the Parole Board in respect of a decision. The Parole Board will initially

only be considering life sentence prisoners, who will in most cases be serving sentences either for murder or manslaughter, although the Bill does provide that this can be extended later by regulation to other prisoners who may be serving long sentences.

Amendment No. 9 is related to amendment No. 7, which inserts a new section 3 into the Bill, which provides a mechanism for dealing with a decision on which a family member may exercise rights under the Bill. Amendment Nos. 7 and 9 reflect the provisions in the Criminal Justice (Victims of Crime) Act 2017.

Amendment No. 8 inserts a new subsection (3) into section 2 of the Bill to state that the Bill applies to people who were sentenced to detention when they were a child but are now in an adult prison and that the period that they spent in child detention centre is included when calculating the length of sentence served for the purpose of determining when they first become eligible to be considered for parole. This ensures that prisoners who were sentenced to life as children are treated similarly to those sentenced as adults. This amendment No. 8 also ensures that a person can apply for parole while on temporary release and that any periods that a prisoner spent on temporary release during his sentence can be included for the purpose of calculating when they become eligible to be considered for parole.

Deputy Jim O'Callaghan: I welcome this debate on the Parole Bill and I share the sentiment expressed by the Leas-Cheann Comhairle on our joining together to enact it. I put down many amendments which got through on Committee Stage and I have not put down further amendments for this Stage. I support the amendments the Minister has referred to, namely, amendments Nos. 1 to 11, inclusive, which in effect expand and provide greater definition in the interpretation section and also deal with sections 2 to 5, inclusive. As the Minister outlined, these deal with, in particular, the difficult situation that can arise when the family of a victim of crime cannot identify who should be the person who makes submissions to the board, and this is dealt with in amendment No. 9. This also deals expressly with the fact that the Act is without prejudice to other pieces of legislation, such as the Criminal Justice Act 1951 and the temporary release provisions in another piece of criminal justice legislation. I had indicated that in respect of the explanatory memorandum before the House when we debated this on Second Stage. The proposed amendment No. 11 is more appropriate and is worthwhile having it included. I will, therefore, be supporting amendments Nos. 1 to 11, inclusive, as they improve the drafting of the Bill.

Deputy Donnchadh Ó Laoghaire: I may need help as I do not appear to have the groupings. I wonder if they are available in the Chamber. On the amendments in question, I am satisfied with them. They improve the Bill as to definitions and circumstances. Where a family member would have been the point of contact is now deceased, it enables their replacement. These amendments provide greater detail to some of the other provisions of the Bill and I will be supporting them.

In general, this is my first occasion to speak on this legislation. Our party had a different justice spokesman, Deputy Jonathan O'Brien, when this legislation was initiated. It is valuable legislation. I welcome the work the Minister and Deputy O'Callaghan, in particular, have done on this as to putting this on a statutory basis and creating greater legal clarity. It is important legislation that will aid the process and I look forward to supporting it. I may consider further amendments for the Seanad but taking the Bill as a whole, we will be supporting it.

Deputy Charles Flanagan: I merely wish to state for the record and I should have opened

by saying that this is, in essence, Deputy O'Callaghan's Bill.

Deputy Jim O'Callaghan: It is our Bill.

Deputy Charles Flanagan: I wish to acknowledge that. The amendments being put forward from the Government side are to assist Deputy O'Callaghan in the matter of clarity and I suggest to the House that Deputy O'Callaghan will be familiar with any Government amendments proposed. I hope that we have not done anything nor said anything that might cut across what is a Private Member's Opposition Bill. That is in the letter and spirit of what I would like to ensure is a common theme in the course of this debate.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 2:

In page 5, line 19, after "the" to insert "Parole".

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 3:

In page 5, to delete lines 20 to 24 and substitute the following:

"chief executive", in relation to the Board, has the meaning assigned to it by section 18(1);

"child", other than in the definition of family member, means a person who has not attained the age of 18 years;

"children detention school" has the meaning it has in section 3(1) of the Act of 2001;

"civil partner" means a person in a civil partnership or legal relationship to which section 3 of the Act of 2010 applies;

"cohabitant" means a cohabitant within the meaning of section 172(1) of the Act of 2010;

"designated centre" has the meaning it has in section 1 of the Act of 2006;

"eligible for parole", in relation to a person, means eligible for parole in accordance with section 24;

"establishment day" means the day appointed under section 6;

"family member", in relation to a victim, means—

(a) a spouse, civil partner or cohabitant of the victim,

(b) a child or step-child of the victim,

(c) a parent or grandparent of the victim,

(d) a brother, sister, half brother or half sister of the victim,

- (e) a grandchild of the victim,
 - (f) an aunt, uncle, nephew or niece of the victim, and
 - (g) any other person—
 - (i) who was dependent on the victim, or
 - (ii) who the Board considers had a sufficiently close connection with the victim as to warrant his or her being treated as a family member;
- “governor”, in relation to a prison, means—
- (a) the governor of the prison, or
 - (b) a person who is for the time being performing the functions of governor of the prison;
- “Irish Prison Service” means the prison service of the Department of Justice and Equality, which is charged with the management of prisons;
- “legal representative” means a practising solicitor or a practising barrister;”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 4:

In page 5, to delete lines 26 and 27 and substitute the following:

- ““parole” means the release from prison pursuant to a parole order of a person serving a term of imprisonment prior to the expiry of that term;
- “parole applicant” means a person who has made an application for parole;
- “parolee” means a person who is the subject of a parole order;”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 5:

In page 5, line 28, to delete “shall be construed in accordance with section 22” and substitute “has the meaning assigned to it by section 27(1)”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 6:

In page 6, to delete lines 1 and 2 and substitute the following:

- ““prison” means a place of custody administered by or on behalf of the Minister (other than a Garda Síochána station) and includes—
- (a) a place provided under section 2 of the Prisons Act 1970, and
 - (b) a place specified under section 3 of the Prisons Act 1972;

“probation officer” means a person appointed by the Minister to be a probation officer;

“Probation Service” means those officers of the Minister assigned to perform functions in the part of the Department of State for which the Minister is responsible commonly known by that name;

“medical practitioner” means a medical practitioner who is for the time being registered in the register of medical practitioners;

“psychiatrist” means a medical practitioner who is for the time being registered in the Specialist Division of the register of medical practitioners under the medical specialty of

“Psychiatry” or under the medical specialty of “Child and Adolescent Psychiatry”;

“psychologist” means a person—

(a) who practices as such,

(b) who holds a qualification listed opposite the profession of psychologist in the third column of Schedule 3 to the Act of 2005 or a qualification that is a corresponding qualification, within the meaning of section 90 of that Act, to that qualification, and

(c) following the establishment under section 36 of the Act of 2005 of the register of members of the profession of psychologist, whose name is for the time being entered in that register;

“register of medical practitioners” means the register of medical practitioners established under section 43 of the Act of 2007;

“relevant governor”, in relation to a parole applicant or parolee, means—

(a) where the parole applicant or parolee, as the case may be, is detained in a prison, the governor of the prison where he or she is so detained,

(b) where the parole applicant or parolee, as the case may be, is on release from prison for a temporary period in accordance with a direction given by the Minister under section 2 of the Act of 1960, the governor of the prison from which he or she is so released, or

(c) where the parolee is on release from prison on parole, the governor of the prison from which he or she is so released;

“relevant victim”, in relation to a parole applicant or a parolee, means the victim of the criminal offence in respect of which the parole applicant or the parolee, as the case may be, is serving the sentence of imprisonment to which the application for parole or the parole order, as the case may be, relates;

“victim” means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an offence.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 7:

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In page 6, between lines 2 and 3, to insert the following:

“(2) Subject to section 3, a reference to a victim in this Act shall, where the death of a victim is caused directly by an offence, be construed as a reference to a family member provided that the family member concerned has not been charged with, or is not under investigation for, an offence in connection with the death of the victim.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 8:

In page 6, between lines 2 and 3, to insert the following:

“(3) In this Act—

(a) a reference to a person serving a sentence of imprisonment shall be construed as including both—

(i) a person upon whom a sentence of detention was imposed by a court when he or she was a child where he or she has been transferred to a prison to serve the remainder of the sentence in accordance with section 155 of the Act of 2001, and

(ii) a person who is released from prison for a temporary period in accordance with a direction given by the Minister under section 2 of the Act of 1960,

and

(b) for the purposes of calculating the length of a sentence of imprisonment, or the portion of such a sentence served—

(i) any period of detention served in a children detention school by the person where he or she has been transferred to a prison to serve the remainder of the sentence in accordance with section 155 of the Act of 2001,

(ii) any time spent in a designated centre, where the person has been transferred to the designated centre pursuant to section 15 of the Act of 2006, while serving the sentence of imprisonment, and

(iii) any time spent on release from prison for a temporary period in accordance with a direction given by the Minister under section 2 of the Act of 1960 while serving the sentence of imprisonment other than time spent on such release where the currency of the sentence of the person is suspended pursuant to section 5 of that Act, shall be included.”.

Amendment agreed to.

Section 2, as amended, agreed to.

NEW SECTION

Deputy Charles Flanagan: I move amendment No. 9:

In page 6, between lines 2 and 3, to insert the following:

“Nomination of family members

3. Where the death of a relevant victim is caused directly by an offence and more than one family member of the victim seeks to make a submission to the Board in accordance with procedures determined under section 14, the Board may—

(a) request that the family members concerned nominate a family member to make such submission, or

(b) where the family members are unable to reach agreement in respect of a nomination under paragraph (a), nominate one or more family members for the purposes of making the submission, having regard to the degree of relationship between the family members and the victim.”.

Amendment agreed to.

Section 3, as amended, agreed to.

SECTION 4

Deputy Charles Flanagan: I move amendment No. 10:

In page 6, to delete lines 19 to 22.

Amendment agreed to.

Section 4, as amended, agreed to.

NEW SECTION

Deputy Charles Flanagan: I move amendment No. 11:

In page 6, between lines 22 and 23, to insert the following:

“Application of Act

5. (1) This Act is without prejudice to—

(a) the power of the Minister to give a direction that a person be released from prison for a temporary period under section 2 of the Act of 1960,

(b) the power to commute or remit a punishment under section 23 of the Criminal Justice Act 1951, or

(c) rules or practice whereby prisoners generally may earn remission of sentences by industry or good conduct,

or anything done under those sections or rules, or in accordance with that practice, as the case may be, whether prior to or after the commencement of this section.

(2) This Act shall not apply to qualifying prisoners within the meaning of the Criminal Justice (Release of Prisoners) Act 1998.”.

Amendment agreed to.

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Section 5 deleted.

NEW SECTION

An Leas-Cheann Comhairle: Amendments Nos. 12 to 16, inclusive, are related and will be discussed together.

Deputy Charles Flanagan: I move amendment No. 12:

In page 7, between lines 3 and 4, to insert the following:

“Establishment day

6. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.”.

These amendments are, by and large, technical in nature. They deal with the setting up of the board. The new section 6 allows the Minister to appoint a day to be the establishment day of the board. I would contend that this is a standard provision in this type of Bill. I ask Members to accept it.

Amendment agreed to.

SECTION 6

Deputy Charles Flanagan: I move amendment No. 13:

In page 7, line 5, to delete “commencement” and substitute “establishment”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 14:

In page 7, lines 5 and 6, to delete all words from and including “to” in line 5 down to and including line 6 and substitute “which shall be known as An Bord Parúil or, in the English language, the Parole Board,”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 15:

In page 7, to delete lines 14 and 15.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 16:

In page 7, line 17, to delete “signature” and substitute “signatures”.

Amendment agreed to.

Section 6, as amended, agreed to.

NEW SECTIONS

An Leas-Cheann Comhairle: Amendments Nos. 17 to 20, inclusive, and 31 are related and

will be discussed together.

Deputy Charles Flanagan: I move amendment No. 17:

In page 7, between lines 25 and 26, to insert the following:

“Functions of Board

9. (1) The Board, in addition to the other functions conferred on it by this Act—

(a) shall provide information to persons serving sentences of imprisonment, victims and members of the public in relation to its functions,

(b) shall provide information to the Minister in relation to its functions and make recommendations to the Minister, upon his or her request, to assist him or her in coordinating and making policy related to the release of persons from prison on parole, and

(c) may undertake, commission or assist in research projects and other activities related to the release of persons from prison on parole which in the opinion of the Board may assist it in the exercise of its functions, and make recommendations to the Minister arising from those projects or activities.

(2) Subject to this Act, the Board shall be independent in the exercise of its functions.

(3) Any function of the Board may be performed through or by the chief executive or any member of the staff of the Board duly authorised in that behalf by the Board.”.

These amendments are to Part 2 of the Bill and relate to the functions and composition of the board. I would contend that they reflect the intentions of Deputy O’Callaghan to large measure. There are some changes, which I will make brief reference to now, if I may.

Amendment No. 17 inserts a section on the functions of the board replacing the existing section 7. Importantly, this is the section that provides that the board is to be independent in the performance of its functions, which is a central feature of Deputy O’Callaghan’s legislation. While the primary functions of the board are described throughout the body of the Bill, this section gives the board the power to do other things such as providing information in respect of its functions.

Amendment No. 18 refers to the membership of the board and replaces the existing section 8. The original policy intent as to how people are to be appointed to the board is retained. While members of the board are technically to be appointed by the Minister, the majority will in effect be nominated by State bodies and a number of professional organisations. This is to ensure that the board has the necessary range and depth of expertise to make decisions properly on the matter of parole. There will be experts in law and psychology and experts with experience in psychiatry. There will be a member of the staff of the Irish Prison Service, a member of An Garda Síochána and a probation officer. These will bring their expertise of working on a day-to-day basis on the front line within the criminal justice system to the decisions of the board. Another member of the board will be drawn from an NGO working in an area of prisoners’ rights or prison reform. The other members will be persons chosen on the basis of their

experience and expertise. This section also includes provisions to ensure that there will be a gender balance on the board.

There have been some suggestions that board members should be appointed following an open competition by the Public Appointments Service. I am not averse to this idea in principle, but I am concerned, especially in the early years, that this would confine the selection process to those who apply. This might result in the necessary and appropriate breadth of experience and expertise not being available to the board. I would say to those Deputies who may have some concerns that I am happy to keep this matter under review. We can re-examine it at some stage in the future in light of the experience and workings of the board.

Amendments Nos. 19 and 20 deal with the terms of the appointments, the matter of resignation from the board, the ineligibility of board members and the removal of board members. As with an earlier amendment, these are standard provisions in legislation of this kind. These sections replace the original section 9 of the Bill.

Deputy Jim O'Callaghan: These amendments amend the Part of the Bill that governs the Parole Board. Amendment No. 17 seeks to provide a more precise definition of the functions of the board than was outlined in section 7 of the Bill as originally drafted. I am happy to go along with that. The amendment is effective and beneficial.

As the Minister stated, amendment No. 18 sets out specifically what the membership of the board should be. This is similar to what was originally outlined in the section 8 that I drafted, and it remains the case that the membership of the board can number no more than 15. The Minister, in the amendment, has suggested that the number of members should be between 12 and 15. That is appropriate, and it is worthwhile keeping flexibility in that respect.

One of the concerns with the parole process was that the Executive had too much control over it in that the Minister appointed the Parole Board and ultimately made the decision on whether parole was granted. I am pleased that the Minister has kept on board the proposal in the original legislation, which is that, although he appoints the people, the individuals are nominated by persons who are independent of the Government. For example, the chairman of the board will be nominated by the Chief Justice and any lawyer on the board will be nominated by the Bar Council or the Law Society. Obviously, this is a board that will require members with diverse abilities across multifaceted disciplines. For that reason, we need to have psychiatrists and psychologists on the board. It will not be the Government that will be nominating them. Rather, they will be nominated by their respective professional bodies. However, the Minister will ultimately appoint. A person will be nominated by the Irish Prison Service, the Garda and the Probation Service. People may be concerned that these are all entities that are under the control of the Department of Justice and Equality, but the days of a Minister trying to influence the appointment of individuals to boards such as this are long gone. Although some people may have concerns about the fact that the Department will have some level of indirect control over it, I do not share those concerns.

In the Bill as originally drafted, I included a member of the Irish Penal Reform Trust, IPRT, which is a body that does a great deal of excellent work on behalf of prisoners. I specifically identified it in the legislation as being an entity that should nominate a person for membership of the Parole Board. That is not included, but I note that there will be a representative from an NGO that specialises in advocating for the rights of persons in prisons. Being realistic, the IPRT will fulfil that function in any event. I urge the Minister, who will have the executive

power in respect of appointing that person, to do so and to concentrate on that body. The rest of the amendments are standard amendments in language favoured by the Office of Parliamentary Legal Advisers regarding the term of appointment, resignation and removal of members. This is standard in much legislation and I am happy to go along with those amendments.

Deputy Donnchadh Ó Laoghaire: I am happy to support each of the amendments in this grouping apart from amendment No. 18. It is correct to have a certain level of flexibility in the number of members, with between 12 and 15 being permissible. Many of the categories of appointee identified are appropriate for membership of the board. In some respects, these proposals closely resemble what was outlined by Deputy O'Callaghan in the Bill previously. However, there are several key differences. One is that the original Bill proposed that panel convenors be appointed by the Public Appointments Service. The removal of that provision is a regressive step, which is why I do not support the amendment.

Deputy O'Callaghan identified a point regarding agencies of the Department of Justice and Equality and people appointed directly by the Minister. I do not believe that the Minister, Deputy Flanagan, would have in any way used either the offices or the appointees to try to influence this process. However, the point is that this is similar to the situation for Caesar's wife, in that the Department must not only be above reproach, but seen to be so. The involvement of the Public Appointments Service is important for the confidence of those going before the parole board to seek parole and their families, as well as the interests of the victims of crime. It is important that the board is as independent as possible and is seen to be so. For that reason, the proposal in the amendment is a regressive step.

In addition, the amendment removes subsection 8(2)(h) of the Bill, which provides for the inclusion of a representative nominated by the Irish Penal Reform Trust, and that is a regressive step.

On a minor drafting issue, I may be wrong, but section 10(3)(a)(i) as proposed in amendment No. 18 should include the word "or" in order to be clear that it is one of the three conditions, rather than the first and one of the latter two. I am being fussy, but my substantive point stands.

Deputy Catherine Connolly: This is my first time to speak on the Bill. My colleague, Clare Daly, who has departed from the Dáil, usually dealt with such legislation. I am sure she was involved in dealing with this Bill. I congratulate Deputy O'Callaghan on bringing it forward. It is time to put this matter on a statutory footing.

On the amendments, I am glad that the proposal I made in amendment No. 31 has been taken on board and that the reference to the Irish Penal Reform Trust has been removed from the relevant section. It specifically asked for that to be done, and I welcome that it was.

The Minister stated that he is open to reviewing the Act, which we will come to. If that is the case and he is open to it being reviewed on many levels in two years, I will support the amendments in this grouping.

The Irish Penal Reform Trust has been mentioned and given great praise. It does tremendous work, but it worries about funding from year to year. If we are seriously interested in it and think it such a good organisation that it should be nominated and mentioned in legislation when it does not wish to be so nominated or mentioned, perhaps we should consider the level of funding it receives in order to ensure that it continues its good work.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 18:

In page 7, between lines 25 and 26, to insert the following:

“Membership of Board

10. (1) Subject to this section, the Board shall consist of such and so many members, including the chairperson, not being fewer than 12 or more than 15 in number, as the Minister may consider appropriate.

(2) The members of the Board shall be appointed by the Minister.

(3) Of the persons appointed to be members of the Board—

(a) one shall be—

(i) a judge, or a retired judge, of the Circuit Court, the High Court, the Court of Appeal or the Supreme Court,

(ii) a practising barrister or practising solicitor of not less than 10 years' standing, or

(iii) a legal academic of not less than 10 years' standing who has been employed as such for a continuous period of not less than 2 years immediately before such appointment, nominated for appointment by the Chief Justice,

(b) one shall be a practising barrister of not less than 5 years' standing nominated for appointment by the General Council of the Bar of Ireland,

(c) one shall be a practising solicitor of not less than 5 years' standing nominated for appointment by the Law Society of Ireland,

(d) two shall be psychiatrists nominated for appointment by the College of Psychiatrists of Ireland,

(e) two shall be psychologists nominated for appointment by the Psychological Society of Ireland,

(f) one shall be a member of staff of the Irish Prison Service nominated by the Director General of the Irish Prison Service,

(g) one shall be a serving member of the Garda Síochána not below the rank of superintendent nominated by the Commissioner of the Garda Síochána,

(h) one shall be a member of staff of the Probation Service nominated by the Director of the Probation Service,

(i) one shall be a representative of a non-governmental organisation that specialises in advocating for the rights of persons serving terms of imprisonment in prisons or the amelioration of conditions in prisons, and

(j) the remaining member or members shall be such other person or persons as, in

the opinion of the Minister, has or have sufficient experience and expertise relating to matters connected with the functions of the Board to enable him, her or them to make a substantial contribution to the effective performance of those functions.

(4) The person appointed as a member of the Board pursuant to the nomination of the Chief Justice under *subsection (3)(a)* shall act as chairperson of the Board.

(5) In appointing a person to be a member of the Board, the Minister shall satisfy himself or herself that the person has—

(a) a knowledge and understanding of the criminal justice system, and

(b) the ability to make a reasonable and balanced assessment of—

(i) the risk a person serving a sentence of imprisonment might present to the safety and security of members of the public if released on parole,

(ii) the extent to which such a person has been rehabilitated and would, if released on parole, be capable of reintegrating into society, and

(iii) whether it is appropriate in all the circumstances that such a person be released on parole.

(6) In nominating persons for appointment under this section, a nominating person or body referred to in *subsection (3)*, other than the Chief Justice—

(a) shall—

(i) subject to *subparagraph (ii)*, nominate a primary nominee of one sex and a substitute nominee of the other sex, and

(ii) in the case of the College of Psychiatrists of Ireland or the Psychological Society of Ireland, where the two members of the Board to be nominated by the body under *subsection (3)(d)* or *(e)*, as the case may be, are nominated at the same time, nominate one man and one woman,

and

(b) shall satisfy itself that its nominees meet the criteria specified in *subsection (5)*.

(7) In appointing members of the Board, the Minister shall—

(a) have regard to the objective of there being no fewer than 6 members who are women and no fewer than 6 members who are men, and

(b) appoint a substitute nominee referred to in *subsection (6)(a)* rather than a primary nominee of the nominating body concerned, but only where necessary in order to achieve that objective.

(8) In this section—

“Director of the Probation Service” means the person appointed by the Minister to the post of Director of the Probation Service;

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“legal academic” means a permanent member of the academic staff of an educational establishment who—

- (a) teaches one or more subjects in the field of law, or
- (b) carries out, or supervises the carrying out of, research in one or more such subjects, whether or not in conjunction with the carrying on by him or her of administrative duties relevant to that teaching, research or supervision;

“educational establishment” means—

- (a) a university to which the Universities Act 1997 applies,
- (b) the Honorable Society of King’s Inns, or
- (c) the Law Society of Ireland,

and in computing, for the purposes of this section, any period that a person must have served as a legal academic, successive employment of the person by 2 or more of any of the foregoing educational establishments shall suffice.”.

Amendment put and declared carried.

Deputy Charles Flanagan: I move amendment No. 19:

In page 7, between lines 25 and 26, to insert the following:

“Term of appointment of members of Board

11. (1) Subject to this section and *section 12*, a member of the Board shall hold office for the period of 4 years from the date of his or her appointment.

(2) (a) Of the members who are first appointed to be members of the Board, other than the chairperson, 7 members, who shall be selected by the drawing of lots by the chairperson at a meeting of the Board to be held for that purpose as soon as may be after the establishment day, shall hold office for a term of 2 years from the date of their appointment.

(b) A member of the Board may be selected as one of the 7 members of the Board referred to in *paragraph (a)* notwithstanding the fact that he or she is not present at the meeting of the Board referred to in that paragraph.

(3) Each member of the Board shall be paid such remuneration (if any) and allowance for expenses (if any) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time determine.

(4) Subject to *subsection (5)*, a member of the Board whose term of office expires by the effluxion of time shall be eligible for reappointment as a member of the Board.

(5) A member of the Board who has served two terms of office shall not be eligible for reappointment to the Board.

(6) (a) Where a member of the Board dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to

be a member of the Board to fill the casual vacancy so occasioned in the same manner as the member of the Board who occasioned the casual vacancy was appointed.

(b) A person appointed to be a member pursuant to *paragraph (a)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to *subsection (5)*, be eligible for reappointment as a member of the Board on the expiry of the said period.

(c) A term of office of the Board of any duration arising from an appointment under this subsection shall be regarded as a term of office for the purposes of *subsection (5)*.“.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 20:

In page 7, between lines 25 and 26, to insert the following:

“Resignation, removal, disqualification, ineligibility etc. for office of member of Board

12. (1) A member of the Board may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.

(2) The Minister may, at any time, remove a member of the Board from office if the Minister is satisfied that—

(a) the member has become incapable through ill-health of performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the removal of the member appears to the Minister to be necessary for the effective performance by the Board of its functions.

(3) If a member of the Board is removed from office in accordance with *subsection (2)*, the Minister shall provide the member with a statement of reasons for the removal.

(4) A member of the Board shall cease to be qualified for office and shall cease to hold office as such a member if he or she—

(a) is convicted on indictment of an offence,

(b) is convicted of an offence involving fraud or dishonesty,

(c) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(d) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.

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(5) Where a member of the Board—

- (a) ceases to hold the office or position by virtue of which he or she was eligible to become a member of the Board,
- (b) is nominated as a member of Seanad Éireann,
- (c) is elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (d) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament,

he or she shall thereupon cease to be a member of the Board.

(6) A person who is for the time being—

- (a) entitled under the Standing Orders of either House of the Oireachtas to sit therein, or
- (b) a member of the European Parliament,

shall, while he or she is so entitled or is such a member, as the case may be, be disqualified for membership of the Board.”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 21 to 24, inclusive, are related and may be discussed together.

Deputy Charles Flanagan: I move amendment No. 21:

In page 7, between lines 25 and 26, to insert the following:

“Powers of Board

13. (1) The Board shall have all such powers as are necessary or expedient for the purposes of its functions, including—

- (a) to direct that a report in writing relating to the relevant person be prepared by such person as it considers appropriate,
- (b) where it is considering an application for parole or the revocation of a parole order, to assign a legal representative to the relevant person unless he or she proposes to engage one,
- (c) to meet with a relevant person for the purposes of interviewing him or her or receiving oral submissions from him or her or his or her legal representative,
- (d) to receive written submissions from a relevant person or his or her legal representative,
- (e) where it is considering an application for parole or the revocation of a parole

order, to assign a legal representative to the relevant victim where he or she wishes to make submissions to the Board, unless he or she proposes to engage one,

(f) to meet with a relevant victim for the purposes of receiving oral submissions from him or her or his or her legal representative,

(g) to receive written submissions from a relevant victim or his or her legal representative, and

(h) to apply to the Courts Service for a transcript of a court hearing which was held for the purposes of the consideration or imposition by the court of a sentence on a relevant person.

(2) Without prejudice to the generality of subsection (1)(a), the Board shall, for the purposes of considering an application for parole, the variation of a condition attaching to, or the date of release specified in, a parole order, or the revocation of a parole order, have the power to direct that a report in writing in respect of the relevant person be prepared and furnished to it by or on behalf of—

(a) the Irish Prison Service,

(b) in the case of a parole applicant, the person in charge of—

(i) a designated centre,

(ii) a children detention school, or

(iii) any institution other than a prison,

in which the parole applicant has, during the course of the term of imprisonment in respect of which he or she is being considered for parole, been detained,

(c) the Probation Service,

(d) the Commissioner of the Garda Síochána,

(e) a psychologist,

(f) a person in a place outside the State who is entitled under the law of that place to practise psychology,

(g) a psychiatrist,

(h) a person in a place outside the State who is entitled under the law of that place to practise medicine in the field of psychiatry or child and adolescent psychiatry,

(i) a medical practitioner, or

(j) a person in a place outside the State who is entitled under the law of that place to practise medicine.

(3) Where the Board directs that a report be prepared pursuant to this section, it shall specify in its direction the matters to be dealt with in the report in respect of the relevant person which matters may include any one or more of the following:

(a) details of the sentence imposed on the relevant person and the manner in which it has been served to date;

(b) the conduct of the relevant person;

(c) in the case of a parole applicant—

(i) the risk or likelihood, if he or she were to be released on parole, of him or her—

(I) committing another criminal offence,

(II) failing to comply with conditions attaching to the parole order, or

(III) presenting an undue risk to the safety and security of members of the public (including the relevant victim),

(ii) the extent to which the person has been rehabilitated and would, if released on parole, be capable of reintegrating into society, or

(iii) whether it is appropriate in all the circumstances that such a person be released on parole;

(d) such other matter as the Board may consider necessary to assist it in its consideration of the application for parole or of the variation or revocation of the parole order, as the case may be.

(4) Where the Board directs a person or body referred to in *paragraph (a), (b), (c) or (d)* of subsection (2) to prepare a report pursuant to that subsection, the person or body referred to in the direction shall, insofar as is possible, prepare such a report and furnish it to the Board as soon as practicable.

(5) Where the Board applies to the Courts Service for a transcript of a court hearing pursuant to subsection (1)(h), the Courts Service shall, insofar as is possible, provide a copy of the transcript to the Board as soon as practicable.

(6) The reasonable costs of a person who is directed under this section to prepare a report may be paid by the Board out of moneys at the disposal of the Board.

(7) A meeting between the Board and a relevant person may be conducted—

(a) in such place as the Board considers appropriate, including, where the person is detained in a prison, in that prison, and

(b) by such members of the Board, not fewer than 2 in number, as the chairperson may, in his or her discretion, determine.

(8) A meeting between the Board and a relevant victim may be conducted—

(a) in such place as the Board considers appropriate, and

(b) by such members of the Board, not fewer than 2 in number, as the chairperson may, in his or her discretion, determine.

(9) In this section and in *section 14*, “relevant person” means—

- (a) where the Board is considering an application for parole, the parole applicant to whom the application relates, or
- (b) where the Board is considering the variation of a condition attaching to, or the date of release specified in, a parole order, or the revocation of a parole order, the parolee to whom the order relates.”.

The amendments in this grouping deal with the powers and procedures of the board, including how it conducts its meetings and gathers information to assist it in the making of a decision.

Amendment No. 21 deals with the powers of the board. The Bill as it stands provides that the board would sit in panels of three to five members to consider applications for parole. Upon careful examination, it became apparent that there were legal and policy concerns with this approach, mainly relating to consistency in the composition of these panels, how the full range of expertise of the board could be brought to bear in every case and that the panels could lead to a disparity of treatment between different parole applications. I decided that all decisions should be made by the full board, although meetings and information gathering can still be conducted by a subgroup of the board to be determined by its chair.

The Bill also envisages two ways in which decisions on parole could be made, namely, a review and a hearing, with the hearing being somewhat more formal in terms of process. I decided there should be a single consistent process that is robust and transparent, although I am anxious to ensure that it is not overly formal. As the former Minister for Justice and Equality, Frances Fitzgerald, outlined when the Bill was discussed on Second Stage, a formal hearing process could become adversarial. I am keen to ensure that the new process will be closer to that of the current parole board, albeit with some important differences. The board would have the power to obtain reports about the prisoner. For example, it can direct the Irish Prison Service to provide a report on the prisoner’s behaviour in prison, engagement with treatment and involvement or otherwise with education programmes. It can obtain psychological reports in respect of the prisoner. The board can meet with the prisoner, interview him or her and provide him or her with an opportunity to put forward a case for being granted parole. This meeting or interview can be conducted by two or more members of the board and may take place at the prison. All of this will help the board to determine whether the person poses a risk to the public, or has been rehabilitated.

At this stage of the process, the victim will be entitled to make an oral submission to the board should he or she so wish. Under the current system, the victim is entitled to write to the board and the board takes these submissions very seriously. However, I know that some victims would prefer an opportunity to address the board personally, and it is important that we give favourable consideration towards providing for that.

Legal representation and legal aid will be provided for the parole applicant and the victim in the parole process. The board will be making decisions which have a significant impact on a prisoner’s liberty. Many prisoners will have limited capacity to make their case. Legal representation for the applicant was a recommendation of the final report of the strategic review on penal policy published in 2014. As I stated, the victim will also be entitled to legal representation and legal aid. This will help ensure that the balance is maintained between the need of the applicant and the requirements of the victim.

Amendment No. 23 deals with the practical arrangements for meetings of the board, the matter of a quorum and other procedural details.

On a matter of clarification on the legal representation, the provision of such for the victim and the applicant is a feature of the Bill in its current form. The amendment as proposed provides for legal aid to be given for that purpose.

Amendment No. 22 provides for the board to make its own procedures under the Act, subject to stipulations. In particular, there is a requirement for these procedures to be fair. There are certain matters that the board is obliged to take into consideration.

These amendments will ensure the board can determine procedural detail such as time-frames and the manner in which notifications are to be made. This allows for the less formal structures of which I speak and for a degree of flexibility and practicality. There will be limits on the discretion of the board. For example, the board will have to allow for legal representation. It will have to notify the victim of consideration of an application of parole and give the victim an explanation of how he or she will participate in the process. The board will also provide the parole applicant with the information it will consider in reaching a decision.

I have referred already to amendment No. 23.

Amendment No. 24 provides that members of the board and the chief executive will not be liable for damages for the performance in good faith of the functions of the board.

Deputy Jim O'Callaghan: These are probably the most significant amendments that have been tabled by the Government. They will change the Bill as originally drafted. Under the Bill as passed on Second Stage - it went through Committee Stage as well - there were to be panels and panel convenors. Under the legislation as originally drafted, there were to be reviews and hearings. Reviews would take place on the basis of a paper analysis of the application. These would have been appropriate for less controversial applications, for those that could be dealt with by the Parole Board without too much controversy or difficulty. Hearings were to take place, however, where an issue arose requiring greater deliberation. Under the original legislation, the board was to sit in different panels. Of the board's 15 members or thereabouts, a panel of three to five members would be constituted to hear a parole application and it could conduct a review or direct that there be a hearing.

I had the benefit of the expert advice that the Minister has available to him in his Department. I had an informative meeting with officials from the Department, for which I thank the Minister and the officials. They provided me with an insight into the thinking of the Department and the reasons those responsible thought they needed to change the legislation.

I appreciate that the process of different panels within the Parole Board could become complicated. It could make it difficult for the board to make determinations based on the assembled qualifications that exist within the board. I appreciate and understand the logic of moving away from the panel criteria and allowing the board to operate as one entity. I suppose it will mean the board will be able to set its procedures for reviews and hearings. That is a matter for the board to determine. I am supportive of these amendments. I recognise the Minister's logic in putting them forward.

As the Minister mentioned, the original Bill provided for legal representation. It is important that the person who is seeking parole has an opportunity to put forward his or her best case.

Similarly, as the Minister has indicated, victims of crime are to be involved. This is at the heart of the Bill. I believe they should have a say in whether a life sentence should in practice be reduced significantly. It is beneficial that there is legal representation for families affected. I welcome the fact that the Minister has now provided that those families will not have merely abstract legal representation but, rather, they will get the benefit of legal aid so that they can be heard. I also see the logic of the requirement that if one party is to be given legal assistance, the other must be given assistance too. I will support these amendments.

Deputy Donnchadh Ó Laoghaire: I understand the rationale the Minister has given for the amendments. It potentially ensures a certain level of uniformity to have things done through the board rather than through panels as originally proposed.

The point on hearing the voices of the victims of crime is right. It is important that those seeking parole have the right to put their case forward. We have discussed this in several Bills in recent times. I expect the Minister was discussing the matter in the Seanad earlier today as well. The voices of the victims of crime during the past 200 years have become more marginal. We need to be conscious of ensuring that they have more of a participatory stake in the justice system. It is right that they have a say. It is right that they have legal representation. A balancing of rights must be struck but I believe it is right and proper that they have their say and that they have legal aid. I support the amendments.

Deputy Sean Sherlock: I am seeking the guidance of the Chair from a technical point of view. I have two specific amendments on the rights of victims. These are amendments Nos. 48 and 29, which relate to the right of victims to information. Forgive me if I am way off track, but I am seeking to buttress the rights of victims in respect of notification. There is a specific request in my amendment that we would have regard to the Criminal Justice (Victims of Crime) Act 2017 in the context of information a victim would be entitled to. If I am off track with my intervention now, I beg the Acting Chairman's forgiveness. I do not have on the list of schedules sent to me an articulation of where my amendments sit in the restructuring of the Bill. I trust that makes sense.

Acting Chairman (Deputy John Lahart): I am told Amendment No. 48 will be taken on its own when we reach it.

Deputy Charles Flanagan: That will be at 11.30 p.m.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 22:

In page 7, between lines 25 and 26, to insert the following:

“Procedures of Board

14. (1) The procedure of the Board in relation to the exercise of its functions shall, subject to the provisions of this Act, be such as shall be determined by the Board, and the Board shall, without prejudice to the generality of the foregoing, make provision for the following:

(a) the making, with the consent of the Minister and the Minister for Public Expenditure and Reform, of a scheme or schemes for the granting of legal aid to—

(i) parole applicants,

(ii) parolees, and

(iii) relevant victims who wish to make a submission to the Board,

for the purposes of the consideration by the Board of an application for parole or of the revocation of a parole order;

(b) giving the relevant person (within the meaning of *section 13(9)*) and his or her legal representative a copy of any document furnished to the Board by any person other than the relevant person, and an indication in writing of the nature and source of any information relating to the matter which has come to notice in the course of the application or consideration, as the case may be, other than where the Board is of the opinion that exceptional circumstances exist that warrant such a document or indication, as the case may be, not being so given;

(c) enabling the relevant person and his or her legal representative to attend a meeting with the Board as provided for under *section 13(1)(c)*;

(d) enabling the relevant person to present his or her case to the Board in person or through a legal representative;

(e) the persons who are required to be notified of any action taken under this Act and the manner in which they are to be so notified, including the notification of the relevant victim of an application for parole, which notification shall include an explanation of the process by which a person is considered by the Board for parole and details of how the victim may participate in that process;

(f) enabling the relevant victim to make submissions to the Board, whether in person, through his or her legal representative, or in writing—

(i) where the Board is considering an application for parole or the revocation of a parole order, or

(ii) where the Board considers it appropriate, where the Board is considering the variation of a condition attaching to, or the date of release in, a parole order;

(g) requiring the parole applicant to be given a copy of the draft decision of the Board in an application for parole and enabling him or her to make written submissions on the draft prior to its finalisation;

(h) specifying the time periods within which anything is required to be done under this Act, including the time period within which the Board shall make a determination on an application for parole;

(i) specifying conditions, where it considers it appropriate, to which all parolees, or a specified class of parolees, shall be subject;

(j) the keeping of statistical and other records relating to the exercise by it of its functions.

(2) In determining its procedures under *subsection (1)*, the Board shall have regard

to the need for it to exercise its functions in an effective manner and in accordance with fair procedures.

(3) The Board shall publish procedures determined by it under this section in such manner as it considers appropriate.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 23:

In page 7, between lines 25 and 26, to insert the following:

“Meetings

15. (1) The Board shall hold such and so many meetings as may be necessary for the due performance of its functions.

(2) The quorum for a meeting of the Board shall be 8.

(3) At a meeting of the Board—

(a) the chairperson shall, if present, be chairperson of the meeting, and

(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the members of the Board present shall choose one of their members to act as chairperson of the meeting.

(4) Each member of the Board, including the chairperson, present at a meeting of the Board shall have a vote.

(5) At a meeting of the Board, a question on which a vote is required shall be determined by a majority of the votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(6) Subject to *subsection (2)*, the Board may act notwithstanding one or more vacancies among its members.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 24:

In page 7, between lines 25 and 26, to insert the following:

“Liability of Board and chief executive

16. Neither—

(a) the Board, a member or former member of the Board, nor

(b) the chief executive or a former chief executive,

shall be liable in damages in respect of any act done or omitted to be done by it or him or her in the performance, or purported performance, of its or his or her functions under this Act, unless the act or omission concerned was done in bad faith.”.

Amendment agreed to.

Acting Chairman (Deputy John Lahart): Amendments Nos. 25 to 30, inclusive, and 32 and 33 are related and may be discussed together.

Deputy Charles Flanagan: I move amendment No. 25:

In page 7, between lines 25 and 26, to insert the following:

“Staff of Board

17. (1) The Minister may appoint such and so many of his or her officers as he or she may determine to be members of staff of the Board.

(2) The terms and conditions of service of a member of the staff of the Board shall be such as may be determined from time to time by the Minister with the approval of the Minister for Public Expenditure and Reform.

(3) There shall be paid by the Minister to the members of the staff of the Commission such remuneration and allowances as, from time to time, the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

(4) The members of the staff of the Board shall perform their functions under the direction and control of the chief executive.

(5) Appointments under this section shall be subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005.”.

We are discussing amendments Nos. 25 to 33, inclusive. In short, they cover the obligations on the chief executive and staff of the board. Amendment No. 25 provides that the staff will be civil servants appointed by the Minister under the usual terms and conditions of such appointments. Amendments Nos. 26 to 30, inclusive, insert a series of new sections providing for a chief executive of the board. The role of the chief executive will be to manage and control generally the board staff, administration and business. The chief executive will have to prepare the accounts for audit by the Comptroller and Auditor General. The chief executive is to be accountable to the Committee of Public Accounts and other Oireachtas committees. The amendments also set out the requirements for an annual report.

I will wait for Deputy Connolly to make a contribution on amendment No. 31. Amendments Nos. 32 and 33 deal with sections 12 and 13.

Deputy Jim O’Callaghan: These amendments seek to set out the statutory regime in respect of the staff and the chief executive of the board. I am sure neither the Minister, nor I or anyone else wants this to turn into a large quango. I do not believe that will be the case. The Parole Board currently operates efficiently on limited resources and I do not see any reason it should have to become much bigger as a statutory body than it currently is as a non-statutory body. The workload will increase over the years and it will be necessary for the board to be properly resourced. For that reason, it is appropriate that we set out procedures and rules for the staff and chief executive of the board and that the Minister will be able to appoint staff to it. In doing so, I have no doubt that he will liaise with the members of the board on what the full requirements of their workload are.

Amendment No. 27 deals with superannuation. Amendments Nos. 28, 29, and 30 deal with the accountability of the chief executive to the Committee of Public Accounts and other Oireachtas committees. All Members of the Oireachtas will know that when the chief executive of the Parole Board comes before any Oireachtas committee, they will not be able to ask him questions about individual parole cases. I know that will not happen, but I am pleased to see it set out in the legislation that the function of the Committee of Public Accounts is to ensure the Parole Board's moneys are being appropriately and properly spent.

Deputy Connolly's amendment No. 31 has been overtaken by events as we have already amended the section dealing with membership of the board and the reference to the Irish Penal Reform Trust has been removed. It is a matter for Deputy Connolly but I do not think it is necessary to push her amendment since the relevant provision has already been changed. I will support these amendments.

Deputy Donnchadh Ó Laoghaire: I have no difficulty with the amendments, which generally relate to the structure, accountability and answerability of the Parole Board, the manner in which the chief executive and board are accountable to the Oireachtas, the proper running of the board and such matters. As I have the opportunity, it is appropriate that I address as part of the grouping the proposed deletion of section 15, which I do not support. Given that the panel structure has been removed, we would have to amend the wording of section 15 in the Seanad. It is appropriate, however, to provide for some form of review within a relatively short period of a parole decision, although it would not have to be done in the manner provided for in the section. It is reasonable to have reviews because people deserve an opportunity to have parole decisions looked over again. In that context, I will oppose the deletion of section 15.

Deputy Catherine Connolly: Amendment No. 31 has been dealt with and overtaken, as Deputy O'Callaghan noted.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 26:

In page 7, between lines 25 and 26, to insert the following:

“Chief executive of Board”

18. (1) There shall be a chief executive officer of the Board (in this Act referred to as the “chief executive”) who, subject to *subsections (2)* and *(3)*, shall be appointed by the Board with the consent of the Minister and the Minister for Public Expenditure and Reform.

(2) The Minister may, before the establishment day, designate a person to be appointed to be the first chief executive of the Board.

(3) If, immediately before the establishment day, a person stands designated by the Minister under *subsection (2)*, the Board shall appoint that person to be the first chief executive.

(4) The chief executive shall hold office under a written contract of service for such period as is specified in the contract, not exceeding 5 years, and subject to such terms and conditions (including terms and conditions relating to remuneration) as are specified in the contract, as may be determined by the Board with the approval of the Minister and

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the Minister for Public Expenditure and Reform.

(5) A contract referred to in *subsection (4)* may, at the discretion of the Board and with the consent of the Minister, be renewed, provided the aggregate of the periods for which the chief executive holds office thereunder shall not exceed 10 years.

(6) The chief executive shall—

- (a) implement the policies, procedures and decisions of the Board,
- (b) manage and control generally the Board’s staff, administration and business,
- (c) be responsible to the Board for the performance of his or her functions, and
- (d) perform such other functions (if any) as may be required by the Board to be performed by him or her or as may be authorised under this Act.

(7) The chief executive may be removed or suspended from office by the Board, with the consent of the Minister, for stated reasons.

(8) The chief executive shall not be a member of the Board but may, in accordance with procedures determined by the Board, attend meetings of the Board and shall be entitled to speak at and give advice at such meetings.

(9) The chief executive shall provide the Board with such information, including financial information, in respect of the performance of the chief executive’s functions as the Board may require.

(10) The chief executive shall not hold any other office or position in respect of which remuneration is payable, or carry on any business, trade or profession, without the consent of the Board given with the approval of the Minister.

(11) Such of the functions of the chief executive as the chief executive may specify may, with the consent of the Board, be delegated to such member or members of the staff of the Board as the chief executive may authorise for that purpose, and that member or those members of staff shall be accountable to the chief executive for the performance of the functions so delegated.

(12) The chief executive shall be accountable to the Board for the performance of functions delegated by him or her in accordance with *subsection (11)*.

(13) If the chief executive—

- (a) dies, resigns, becomes disqualified for or is removed from office, or
- (b) is for any reason temporarily unable to continue to perform his or her functions,

the Board may designate such member or members of the staff of the Board as it considers appropriate to perform the functions of the chief executive until—

- (i) in the circumstances mentioned in *paragraph (a)*, a new chief executive is appointed in accordance with this section,

- (ii) in the circumstances mentioned in *paragraph (b)*, the chief executive is able to resume the performance of his or her functions, or
- (iii) the Board decides to revoke or alter a designation made under this subsection.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 27:

In page 7, between lines 25 and 26, to insert the following:

“Superannuation

19. (1) The Board may, with the approval of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to or in respect of any person appointed chief executive who does not become a member of the Single Public Service Pension Scheme.

(2) A scheme under this section shall fix the time and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) The Board may, with the approval of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this section including a scheme under this subsection.

(4) A scheme under this section shall, if approved by the Minister for Public Expenditure and Reform, be carried out by the Board in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Public Expenditure and Reform, whose decision shall be final.

(6) No superannuation benefits shall be granted by the Board to or in respect of a person on ceasing to be the chief executive otherwise than—

(a) in accordance with a scheme or schemes under this section, or

(b) with the approval of the Minister for Public Expenditure and Reform.

(7) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(8) *Subsection (7)* shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme under this section.

(9) In this section—

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“amending”, in relation to a scheme under this section, includes revoking the scheme; “superannuation benefit” means any pension, gratuity or other allowance payable to or in respect of a person ceasing to be the chief executive.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 28:

28. In page 7, between lines 25 and 26, to insert the following:

“Accounts and audit

20. (1) The chief executive, under the direction of the Board, shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and spent by the Board, including an income and expenditure account and a balance sheet.

(2) The accounts of the Board shall be approved by it as soon as is practicable, but not later than 3 months after the end of the accounting period to which the accounts relate, and submitted by the Board to the Comptroller and Auditor General for audit.

(3) A copy of the accounts and report of the Comptroller and Auditor General on the accounts shall be presented to the Board and the Minister as soon as is practicable, and the Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 29:

In page 7, between lines 25 and 26, to insert the following:

“Accountability of chief executive to Public Accounts Committee

21. (1) The chief executive shall, whenever required in writing by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the economy and efficiency of the Board in the use of its resources,
- (b) the systems, procedures and practices employed by the Board for the purpose of evaluating the effectiveness of its operations, and
- (c) any matter affecting the Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a) or (b)) that is laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a

Minister of the Government or on the merits of the objectives of such a policy.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 30:

In page 7, between lines 25 and 26, to insert the following:

“Accountability of chief executive to other Oireachtas Committees

22. (1) In this section “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—

(a) the Committee referred to in *section 21*,

(b) the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann, or

(c) a subcommittee of a committee referred to in *paragraph (a)* or *(b)*.

(2) Subject to *subsection (3)*, the chief executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Board.

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(5) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion—

(a) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)* applies, or

(b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(6) Pending the determination of an application under *subsection (5)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the chief executive shall

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attend before the Committee to give account for the matter.

(8) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.”.

Amendment agreed to.

Section 7 deleted.

Amendment No. 31 not moved.

Sections 8 to 14, inclusive, deleted.

Question, “That section 15 be deleted”, put and declared carried.

Section 16 deleted.

SECTION 17

Deputy Charles Flanagan: I move amendment No. 32:

In page 16, line 13, after “report” to insert “(in this section referred to as the “annual report”)”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 33:

In page 16, to delete lines 16 to 20 and substitute the following:

“(2) Notwithstanding subsection (1), if but for this subsection, the first report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months after the end of that year.

(3) The Board shall ensure that, as soon as practicable after copies of the annual report are laid before the Houses of the Oireachtas, the report is published in such manner as the Board considers appropriate.”.

Amendment agreed to.

Section 17, as amended, agreed to.

NEW SECTIONS

Acting Chairman (Deputy John Lahart): Amendments Nos. 34 to 36, inclusive, and 50 are related and may be discussed together.

Deputy Charles Flanagan: I move amendment No. 34:

In page 16, between lines 22 and 23, to insert the following:

“Eligibility for Parole

24. (1) Subject to this section and *section 5(2)*, the following persons shall be eligible for parole:

(a) a person serving a sentence of imprisonment for life who has served at least 12 years of that sentence;

(b) a person serving a sentence of imprisonment of a term equivalent to or longer than such term as is prescribed in regulations made by the Minister under *subsection (3)*, who has served at least such portion of the sentence as may be prescribed by the Minister in accordance with that subsection.

(2) *Subsection (1)* shall apply to a person regardless of whether the sentence of imprisonment being served by the person was imposed prior to or after the commencement of this section.

(3) The Minister may, for the purposes of *subsection (1)(b)*, following consultation with the Board, by regulations prescribe—

(a) a term of imprisonment of not less than 8 years, and

(b) the portion of such a term to be served by a person prior to becoming eligible for parole.

(4) In making regulations under *subsection (3)*, the Minister shall have regard to—

(a) the objective of ensuring that there is an incentive for persons serving sentences of imprisonment to be rehabilitated,

(b) the availability to persons serving sentences of imprisonment of such a term of other forms of early release from prison and the extent to which the objective referred to in *paragraph (a)* is achieved by such other forms of early release,

(c) the desirability of the early release from prison of a person being decided upon by an independent body,

(d) the desirability of equality of treatment with regard to eligibility for consideration for parole, insofar as is possible, between persons serving sentences of imprisonment for life and persons serving sentences of imprisonment for a determinate term, and between persons serving sentences of imprisonment for determinate terms of differing lengths, and

(e) the capacity of the Board to consider an increased number of applications for parole.

(5) Where a person has made an application for parole and the application has been refused by the Board under *section 30*, the person shall not be eligible again for parole prior to the date specified in the decision of the Board pursuant to *subsection (1)(b)* of that section.

(6) Where a parole order relating to a person has been revoked under *section 33*, the person shall not be eligible again for parole prior to the date specified in the deci-

sion of the Board pursuant to subsection (5)(b)(iii) of that section.

(7) A person who has been sentenced to a term of imprisonment and has been transferred to a designated centre pursuant to section 15 of the Act of 2006 shall not be eligible for parole while he or she is detained in the designated centre.

(8) Where a person has been sentenced to two or more terms of imprisonment to be served concurrently, the eligibility of the person for parole shall be determined by reference to the longest sentence being served by the person.

(9) Where a person has been sentenced to two or more terms of imprisonment, each of determinate length, to be served consecutively, the eligibility of the person for parole shall be determined by reference to the cumulative length of the terms of imprisonment.

(10) Where a person has been sentenced to a term of imprisonment for life and one or more terms of imprisonment of determinate length to be served consecutively with the term of imprisonment for life, the person shall be eligible for parole when he or she has served 12 years of the sentence of imprisonment for life.

(11) Where a person is serving a minimum term of imprisonment within the meaning of section 27C of the Firearms Act 1964, he or she shall not be eligible for parole before the expiry of such minimum term.

(12) Where a person is serving a sentence of imprisonment under section 27(3A) of the Misuse of Drugs Act 1977, in respect of which the court specified a minimum term of imprisonment to be served by the person pursuant to subsection (3C) or (3F) of that section, he or she shall not be eligible for parole before the expiry of such minimum term.

(13) Where a person is serving a term of imprisonment for an offence to which section 3 of the Criminal Justice Act 1990 applies, he or she shall not be eligible for parole before the expiry of a minimum period of imprisonment to be served by the person specified under section 4 of that Act.

(14) Where a person is serving a sentence of imprisonment imposed in accordance with section 25(1) of the Criminal Justice 2007 in respect of a subsequent offence within the meaning of that section, he or she shall not be eligible for parole before the expiry of the minimum term of imprisonment specified by the court in accordance with that subsection.

(15) Where a person is serving a sentence of imprisonment imposed in accordance with section 58(1) of the Criminal Law (Sexual Offences) Act 2017 in respect of a subsequent offence within the meaning of that section, he or she shall not be eligible for parole before the expiry of the minimum term of imprisonment specified by the court in accordance with that subsection.”.

These amendments deal with eligibility for parole and how an application is made. Members will see that Part 3 of the Bill deals with the parole process. Due to the Bill’s move away from the distinction between reviews and hearings, as well as for drafting reasons, it was necessary to replace this Part in its entirety. However, I am keen to ensure that I have retained the

essence of what Deputy O'Callaghan intended in bringing forward this Bill.

Amendment No. 34 inserts a new section relating to eligibility for parole. The Bill in its current form increases the length of time which must be served by a life sentence prisoner before being considered for parole. Members will be aware that prisoners serving a life sentence currently become eligible after they have served seven years. Under this Bill, that increases to 12 years and the amendments I am proposing will not affect that. I hope that increase will go some way towards limiting the ongoing trauma, distress and upset victims currently experience when they are notified that a prisoner is to be considered for parole seven years into his or her sentence. Eligibility to be considered by the new Parole Board will be limited initially to those serving life sentences, although the Minister will eventually be able to extend it to other prisoners serving long sentences through regulation. Parole is particularly relevant for life sentence prisoners because of the need, recognised by the European Court of Human Rights, to ensure prisoners are not detained indefinitely without any prospect of revisiting or review. This amendment also states that prisoners who are serving mandatory minimum sentences are not eligible until the minimum period has been served. It sets out how eligibility is to be decided when a prisoner is serving a concurrent or consecutive sentences.

Amendment No. 35 provides that the Irish Prison Service will notify the board of who is eligible for parole and also if a person becomes ineligible, for example, if they are convicted of another offence.

Amendment No. 36 deals with the application process for parole. The board will notify the prisoner six months before he becomes eligible. The prisoner writes to the board to confirm that they wish to apply for parole.

I oppose amendment No. 50, assuming Deputy Connolly moves it. The process for applying for parole is dealt with in the new section 26. I invite the Deputy to accept these issues are dealt with in the new section but I agree that prisoners should be notified by the board when they are eligible for parole. This is the current practice. If we consider the new section 26, this is provided for in subsection (1). My contention is that the import of Opposition amendment No. 50 in the name of Deputy Connolly has in effect been provided for.

Deputy Jim O'Callaghan: The Minister is correct when he said the essence of what was in Part 3 of my Bill has been retained in the amendments. Under Part 3 of the legislation, the parole process is set out. In the Bill, as originally drafted, we included sections dealing with guiding principles, criteria for parole, eligibility and consideration for parole. In many respects, the Minister's draft has it in a very similar format. There is eligibility for parole, which is dealt with in the new section 24. The Minister mentioned a point that was in the earlier draft I prepared which stated that people convicted of a life sentence would not eligible to apply for parole until they had served 12 years. That is an important provision and I welcome the fact the Minister has retained it in his proposal. We talk about the victims of crime and it is unfair on the family of somebody who has been murdered to be told after having served seven years the person who murdered their family member can apply for parole. An application for parole can start when a person has served seven years but in reality there is no prospect of that person getting parole. If we consider any of the decisions of the Parole Board, it is clear that nobody who is sentenced to life imprisonment gets parole after serving seven years. It also has the effect of misleading a person who is serving a life sentence into believing he or she has a prospect of getting out of prison after serving seven years. He or she does not. It is important we set on a statutory basis that one cannot apply for parole until such time as one has served 12 years, if one is sentenced

to life imprisonment.

The Minister deals in amendment No. 35 with how a prisoner will be informed of his or her entitlement to apply for parole. We know from the new section 25 that the Prison Service will notify the board in writing of the eligibility of a person for parole and once the Irish Prison Service is informed of that the parole applicant shall be entitled to be informed of it so that he or she can bring forward their application for parole. That is a sensible way of doing it. It takes pressure off the prisoner in terms of trying to find out when they can apply for parole. Now a prisoner will be told by the Prison Service that he or she is eligible for parole and an application can be made. Section 26 sets out how the application for parole will arise. Section 27 deals with the decision on parole, which is an important decision. In the first instance, we will be only dealing with people who have life sentences imposed upon them. There are conflicting rights at stake. First, there is the right of the community to be protected, which is the fundamental priority. The system is stating that a person who is given a life sentence should go to prison for life but in reality that does not happen because we hold out the prospect of rehabilitation and redemption. After serving 12 years a person may apply for parole. It may be that in the vast majority of cases a person will not be granted parole having served 12 years. As the Parole Board currently operates, the likely time one must serve before one can get out from a life sentence is of the order of 18 years. We need to ensure the process is properly considered. I welcome the fact we will have a statutory regime in place so that the person applying for parole and the families of victims of murder can have a say in respect of it. I will be supporting these amendments.

As the Minister said, Deputy Connolly's amendment is not necessary because under the provision of the section I referenced there will be an obligation on the Prison Service to inform the Parole Board of when a prisoner is eligible for parole and the Parole Board must then tell the prisoner.

Deputy Catherine Connolly: I accept my amendment is covered in section 26. It is important my proposal is included as it was not included originally. The onus is now on the Parole Board to inform the prisoner, and I welcome that. I will be guided by the Acting Chairman on this. I have a difficulty with the 12-year period. I have a later amendment proposing that the period be reduced to eight years. It is actually seven years. I will not be supporting the period of 12 years. I fully support the victim. The victim and the protection of the community must be foremost in this respect. I am not sure where the Deputy is coming from in this regard. The Parole Board annual report 2017 points out the difficulties on the ground. The report refers to the delays in the timeframes for the review of an individual serving a life sentence. There are major delays on the ground. The report states that such delays can be based on the Parole Board not receiving reports in a timely manner, delaying the complete dossier from being available, and-or the capacity within the Parole Board secretariat to administer the volume of cases. The report concludes that the current parole model is not efficient and requires change and states that hopefully, the new Parole Bill, which is due to be debated, will bring about substantial changes. The Parole Board is highlighting the problems on the ground and stating that the reviews cannot be done.

I agree fully with what Deputy O'Callaghan is trying to do with this Bill and I support almost all of it. I read the debate on the Bill when it was considered by the Select Committee on Justice and Equality on 24 May. On the proposed amendment to delete "eight" and substitute "twelve", Deputy O'Callaghan stated:

At present the Parole Board is required to consider people who are convicted of a life-sentence offences for parole after eight years. It is just not feasible because people do not get parole after eight years. Parole is not generally considered until after 12 years...

For that reason he proposed putting on a statutory basis something I cannot support on the basis of that logic. I would have thought we needed to improve the system rather than copper-fasten a bad system. The Parole Board's report highlights victims and families
8 o'clock and clearly states how often it receives letters from victims and families. It states that if a case involves a murder, many family members are still experiencing severe trauma and mental health problems after the death of their loved one. I want to put that on the record. The Parole Board's report states that these letters are seriously considered before deciding on a recommendation.

The difficulty I see here is the logic behind it because in reality they are not considered for parole at eight years in any event. I do not know why Deputy O'Callaghan would want to copper-fasten that in legislation. I would leave the little discretion that is there to the Parole Board if the practical difficulties can be worked out.

As a general principle, they say that parole only operates, as we know, for those who have received a sentence of more than eight years or a life sentence. It goes on then to point out, as Deputy O'Callaghan has already said, that it is up at 15, 16 or 17 years before parole is ever considered. I have a difficult, where it is highlighted as a problem that should be analysed and helped, that we will copper-fasten it in legislation.

I do not know where the amendment is taken but I have that amendment in. One is already being taken care of, I think, in amendment No. 50. Then I have amendments Nos. 49 and 47. Amendment No. 49 was to reduce it, to take out the "twelve". I will move that amendment.

Amendment No. 47 is one on which I will be guided by the Minister and Deputy O'Callaghan. In amendment No. 47, I ask that "clear and accessible information and support" be provided to the prisoner. That arose from section 18(2)(b) of the original Bill.

Acting Chairman (Deputy John Lahart): Deputy Connolly will get an opportunity.

Deputy Catherine Connolly: It is part of this. If this section goes, then that section will go. I refer to the original section 18(2)(b), which states "persons whose parole is being considered should be provided with information relevant to the consideration [...]".

Acting Chairman (Deputy John Lahart): It will be discussed before the question of deleting it is arrived at because it is all part of section 18.

Deputy Catherine Connolly: All right.

Deputy Donnchadh Ó Laoghaire: I suppose one could discuss this either with this current grouping or with Deputy Connolly's amendment No. 49 because this retains the change that was made on Committee Stage regarding 12 years. I suppose it is relevant to both areas.

I gave this a fair bit of thought and I looked over the Committee Stage debates. I was not participating in the Joint Committee on Justice and Equality at that time. There is a reasonable point that can be made there but the average amount of time that those who are recommended for release had spent in prison was 18 years. People may say that is a long time and, indeed, it is. It seems potentially excessive to set the statute basis for the beginning of review

of sentences at less than half of that. There is a fair point that it creates an unrealistic expectation, potentially putting prisoners up for numerous reviews before they have any hope of being successful. Realistically, that would be a rubber-stamping exercise. There is a point that it is difficult for the victims of crime to imagine, even if it is not realistic, that somebody could be released on parole seven years after a potentially heinous crime. Potentially, I would consider something more than eight years and less than 12. Eight is too little. It is far out of line with the reality of what is happening and with what is a reasonable expectation.

I note that there are concerns about whether it delays some of the processes that surround parole, such as hearings and parole reviews in terms of treatment, training, evaluation, etc. Perhaps we should consider an amendment for the Seanad to see whether there is some legislative basis for beginning some of that work - I am sure some of it is going on all the time anyway but putting some formal shape to it within the context of the parole system - in advance of that 12 years. I will consider that in advance of the Seanad.

For the moment, I will be supporting the amendments that are currently before us. I will not be supporting amendment No. 49, which we will come to at a later stage.

Acting Chairman (Deputy John Lahart): For the sake of accuracy, Deputy Connolly's amendment No. 47 is to part of this section, section 18, but her amendment No. 50, which is being discussed with amendments Nos. 34 to 36, inclusive, because they are related, is not. If Deputy Connolly wants to make a further contribution on that, it is in a different section.

Deputy Catherine Connolly: On amendment No. 47?

Acting Chairman (Deputy John Lahart): Amendment No. 50. Amendment No. 47 is in part of this section, section 18. We will get to it.

Deputy Catherine Connolly: I am happy that amendment No. 50 has been taken care of.

Deputy Jim O'Callaghan: I appreciate Deputy Connolly's interest in the legislation. When the Bill was originally drafted I put down the statutory provision that a prisoner could not apply for parole if he or she was serving a life sentence until he or she served 12 years. The effect of that, if it is enacted, will take a great deal of pressure off the Parole Board. At present, the Parole Board has to consider applications from life prisoners, say, who are told after seven or eight years that they can apply for parole. Such prisoners go through the process and the board has to consider their application in the knowledge that the prisoner will not get parole. It would be a much more efficient system, from everyone's point of view, if prisoners were told that they cannot apply for parole if they are serving a life sentence until they have served a specified period of time.

Seven or eight years is too low. Twelve years is approximately right. One must balance the rights of the victims of crime and the rights of the prisoner. It reflects the purpose of imprisonment which is twofold: punishment and rehabilitation. It is a difficult balancing act to achieve. As legislators, we cannot be swayed too much by the interests of one group over the interests of another group. For too long, the interests of the victims of crime have not been given sufficient weight by the Oireachtas. It is not as though this is a provision which is appalling from a prisoner's point of view. If a person has been convicted of a crime that results in a life sentence, he or she has committed a very serious offence of deliberately and intentionally killing somebody. For that reason, it is appropriate to put it at 12 years. It will ease the work of the Parole Board. There is a logic to putting it in so that prisoners do not have the expectation that they will get

parole.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 35:

In page 16, between lines 22 and 23, to insert the following:

“Notification by Irish Prison Service of eligibility for parole

25. (1) The Irish Prison Service shall notify the Board in writing at intervals of not more than one year of the persons serving sentences of imprisonment who—

(a) are eligible for parole, whether for the first time or not, or

(b) to the knowledge of the Irish Prison Service, shall become so eligible in the period of 18 months following the date of the notification.

(2) Where a person becomes ineligible for parole by virtue of the operation of *subsection (7), (8), (9), (10), (11), (12), (13), (14) or (15)* of section 24, the Irish Prison Service shall, as soon as practicable after it becomes aware of the person becoming so ineligible so notify the Board in writing.

(3) Where a person who became ineligible for parole by virtue of the operation of *subsection (7), (8), (9), (10), (11), (12), (13), (14) or (15)* of section 24 ceases to be so ineligible and is otherwise eligible for parole, the Irish Prison Service shall, as soon as practicable after it becomes aware of the person becoming eligible for parole so notify the Board in writing.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 36:

In page 16, between lines 22 and 23, to insert the following:

“Application for parole

26. (1) Where a person is eligible for parole, or is scheduled to become so eligible, whether for the first time or not, the Board shall notify the person in writing—

(a) of the date on which he or she became or shall become, as the case may be, so eligible, and

(b) that he or she may make an application for parole in accordance with *subsection (3)*.

(2) The Board shall endeavour, insofar as is possible, to notify a person pursuant to *subsection (1)* no later than 6 months prior to the date on which he or she shall become eligible for parole.

(3) A person who is eligible for parole, or a person who is scheduled to become eligible for parole, may notify the Board in writing that he or she wishes to be considered by the Board for parole (in this Act referred to as an “application for parole”).

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(4) Where a person who is scheduled to become eligible for parole makes an application for parole, the Board shall not consider the person's release on parole prior to the date on which he or she becomes so eligible.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 37:

In page 16, between lines 22 and 23, to insert the following:

“Decision on parole

27. (1) Subject to subsection (3), the Board may make an order that the parole applicant be released on parole (in this Act referred to as a “parole order”), where it is satisfied that—

(a) the parole applicant—

(i) would not, upon being released, present an undue risk to the safety and security of members of the public (including the relevant victim), and

(ii) has been rehabilitated and would, upon being released, be capable of re-integrating into society,

and

(b) it is appropriate in all the circumstances that the parole applicant be released on parole.

(2) The Board shall, in deciding whether to make a parole order in respect of a parole applicant, have regard to—

(a) the nature and gravity of the offence to which the sentence of imprisonment being served by the parole applicant relates,

(b) the sentence of imprisonment concerned and any recommendation of the court that imposed that sentence in relation thereto,

(c) the period of the sentence of imprisonment served by the parole applicant,

(d) any offence of which the parole applicant was convicted other than the offence to which the sentence of imprisonment being served by him or her relates,

(e) the conduct of the parole applicant—

(i) while serving the sentence of imprisonment,

(ii) while previously the subject of a parole order, if any,

(iii) while the subject of a direction under section 2 of the Act of 1960, if any,
or

(iv) during a period of temporary release, if any, to which rules under section 2 of the Act of 1960, made before the coming into operation of the Criminal Jus-

tice (Temporary Release of Prisoners) Act 2003, applied,

(f) the risk of the parole applicant committing an offence while on parole,

(g) the risk of the parole applicant failing to comply with any conditions attaching to his or her release on parole,

(h) any treatment, education or training the parole applicant has undergone, or programmes he or she has participated in, while serving the sentence of imprisonment,

(i) any report relating to the parole applicant prepared and furnished to the Board pursuant to a direction in that regard under *section 13*,

(j) any meeting with the parole applicant conducted in accordance with procedures determined under *section 14*,

(k) any submissions made by or on behalf of the parole applicant, including any submissions made in relation to a draft decision on parole, in accordance with procedures determined under *section 14*,

(l) any submissions made by or on behalf of the relevant victim in accordance with procedures determined under *section 14*, and

(m) any such other matter as the Board considers appropriate.

(3) The Board shall not make a parole order in respect of a parole applicant where—

(a) the release of the parole applicant from prison is prohibited by or under any enactment, whether passed before or after the coming into operation of this section, or

(b) the parole applicant has been charged with, or convicted of, an offence and is in custody pursuant to an order of a court remanding him to appear at a future sitting of a court.”.

There was a section in the original Bill on giving comprehensive information, that is, section 18(2)(b). That has been watered down a little. It was under the guiding principals in the original Bill, at section 18(2)(b), “persons whose parole is being considered should be provided with information relevant to the consideration of their parole and be advised how they may participate in decision-making that directly concerns them;”. That seems to have been left out.

Deputy Jim O’Callaghan: I do not purport to answer for the Minister. The difference, from the previous version of this Bill, is that now the applicant will have legal representation. That will enable the applicant to ensure that he or she is provided with all the relevant information before his or her application can be made or considered.

Deputy Charles Flanagan: Amendment No. 37 is the decision on parole. It sets out the criteria the board must consider when making a decision. As Deputy O’Callaghan has said, the amendment retains the principles in the Bill in its current form which are themselves similar to the criteria used to make decisions with regard to temporary release.

There are essentially three criteria to be met in respect of parole. First, the applicant must

not present an undue risk to the safety and security of the public, including the victim. Second, the applicant must be rehabilitated and capable of reintegrating into society. Third, the board must decide that it is appropriate in all of the circumstances to grant parole. The third limb of the test is being introduced by amendment here. There is a similar provision in the legislation pertaining to temporary release. It is important that it is also included here. It is one of a range of factors that the board will consider in making its decision, including the nature of the offence and the seriousness and gravity of the offence committed. Members will recall that there was an interesting debate on Committee Stage about whether the board should be considering the circumstances of the offence. It was felt that in reality, this information could be very important in the decision making of the board. I agree. We are now dealing with the criteria in reaching a decision on the part of the board.

Amendment agreed to.

Acting Chairman (Deputy John Lahart): Amendments Nos. 38 to 42, inclusive, are related and may be discussed together.

Deputy Charles Flanagan: I move amendment No. 38:

In page 16, between lines 22 and 23, to insert the following:

“Parole order

28. (1) A parole order shall—

(a) be in writing,

(b) specify the person to whom it relates,

(c) direct that the person shall be released on parole on or before such date as may be specified in the order, which date shall be not more than 18 months from the date of the making of the order, and

(d) direct that the release on parole of the person shall be subject to—

(i) such conditions, if any, as may be specified in the order, having regard to the circumstances of the case,

(ii) such conditions, if any, as are specified in procedures determined under *section 14* and are applicable to the person to whom the order relates or the class of persons to which he or she belongs, and

(iii) the condition that the person does not commit an offence while on parole.

(2) A parole order shall not include, other than to the extent the Board considers it necessary, any information that identifies, or could identify, a relevant victim or his or her place of residence.

(3) A parole order shall have effect—

(a) where the person is serving one sentence of imprisonment for a determinate term only—

(i) until the sentence of imprisonment expires,

(ii) until the order is revoked, or

(iii) for so long as the order is not suspended under *section 34(3)*,

(b) where the person is serving two or more sentences of imprisonment, each of a determinate term, to be served concurrently—

(i) until the longest sentence of imprisonment being served by the person expires,

(ii) until the order is revoked, or

(iii) for so long as the order is not suspended under *section 34(3)*,

(c) where the person is serving two or more sentences of imprisonment, each of a determinate term, to be served consecutively—

(i) until the sentence of imprisonment to be served last by the person expires,

(ii) until the order is revoked, or

(iii) for so long as the order is not suspended under *section 34(3)*,

or

(d) where the person is serving a sentence of imprisonment for life, until the order is revoked or for so long as it is not suspended under *section 34(3)*.

(4) Without prejudice to the generality of *subsection (1)(d)(i)*, a parole order may specify that the release of the person to whom it relates on parole shall be subject to any one or more of the following conditions:

(a) that the person submit to supervision by the Probation Service;

(b) that the person resides or remains in a particular district or place in the State;

(c) that the person refrains from attending at such premises or other place as the order may specify;

(d) that the person refrains from having any contact with such person or persons as the order may specify.

(5) A person released on parole pursuant to a parole order shall comply with any conditions to which his or her release is made subject.

(6) Where the Board makes a parole order, it shall, as soon as practicable after the making thereof—

(a) provide a copy of the order to—

(i) the parole applicant to whom it relates,

- (ii) the Irish Prison Service,
 - (iii) the relevant governor,
 - (iv) the Probation Service, and
 - (v) the Commissioner of the Garda Síochána,
- (b) notify the Minister in writing of the making of the order, and
- (c) where it considers it appropriate, notify the relevant victim in writing of the making of the order and of any conditions attaching to such release which relate to the victim.”.

The amendments deal with parole orders, namely, the granting of a parole order, the refusal of a parole order, the variation of a parole order and the conditions which might be attached to parole orders. Amendment No. 38 broadly replaces the old section 22 of the Bill. It sets out what must be in a parole order when it takes effect and who must be given a copy of the order. The order will specify a date upon which the person is to be released, perhaps up to 18 months in the future. Often prisoners who have been detained for very many years may find it difficult to adjust if they are released immediately. Time can be used to prepare a person for their eventual release, for example by transferring him or her to an open prison, perhaps. A parole order will be subject to conditions that the board considers appropriate in the circumstances, for example, that the parolee does not communicate with the victim, that he or she does not visit a particular locality, or that he or she does not commit an offence while on parole. At the moment, life sentence prisoners living in the community are supervised by the probation services. As was mentioned on Committee Stage, these officers are responsible for facilitating and assisting an offender in reintegrating into society. As such, they are likely to be best placed to identify the immediate needs of and risks faced by an offender, including how these needs or risks might change or vary.

Amendment No. 39 provides that the prison governor must comply with a parole order. Amendment No. 40 deals with the refusal of a parole order. When refusing parole, the current Parole Board can recommend measures that could further the prisoner’s rehabilitation or capacity to reintegrate into society or that might mitigate any risk they might pose to the public. For example, it can recommend that prisoners undergo a therapeutic programme or educational course or that they undergo short periods of temporary release. This is an important aspect of the board’s current work, particularly when it is reviewing prisoners at an early stage of their sentences. There was broad agreement among Deputies on Committee Stage that this sentence management function should continue. At the time, Deputy O’Callaghan brought an amendment to the Bill to include sentence management as one of the board’s functions. Subsection (2) inserted here makes that requirement more explicit.

Amendment No. 41 deals with the variation of a parole order. It allows the board to vary a parole order, for example, where it believes that a new condition might need to be added or that an existing condition should be changed. It can also vary the date of release of a person who is still in prison.

Amendment No. 42 deals with situations where the board decides on standard conditions that apply to all parole orders or a group of parolees. The board must notify every person affected of the new condition. It can also notify certain other people, including the victim, if the

condition is relevant to the victim.

Deputy Jim O'Callaghan: In the Bill as drafted and passed through Committee Stage, section 22 had a provision dealing with parole orders, section 24 dealt with variation of parole orders, and section 25 dealt with the revocation of parole orders. In many respects there is not much difference between that and the new sections the Minister is proposing, which deal with parole orders, refusal of application and variation of parole order. One of the important things is that we have to preserve and put into statute the power of the Parole Board to set conditions on granting parole. We need to recall that parole is granting somebody permission to be out of prison. They have been sentenced to a life sentence; parole is letting them out, but it can be on condition. One of the things I had in the original Bill which I am pleased to see the Minister has kept in his amendment is that persons being released on parole can be subject to a condition that they have to stay away from a particular person or place or refrain from having contact with a particular person. That is not too arduous from a prisoner's point of view but from the point of view of a victim of crime, it is extremely important. In the case of somebody who was sentenced for life for rape, the Parole Board could understandably want to ensure that this person stays away from the victim of his rape. It is important that we preserve that as a condition.

The amendments also deal with how refusal of an application for parole shall be effected and the variation of a parole order. Persons out on parole are out with the permission of the State; the life sentence still remains hanging over them. If they breach the terms of their parole, we need to ensure that there is some sanction for that. If they breach a condition of the parole order, there must be provision such that they can be brought back in or held to account for it. I think they are preserved in these amendments and I will be supporting them.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 39:

In page 16, between lines 22 and 23, to insert the following:

“Compliance by relevant governor with parole order

29. Where a parolee is detained in a prison, the relevant governor shall comply with the parole order, and shall make and keep a record in writing of the order.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 40:

In page 16, between lines 22 and 23, to insert the following:

“Refusal of application for parole

30. (1) A decision of the Board to refuse an application for parole shall—

(a) be in writing,

(b) specify a date, not later than 2 years after the date of the making of the decision, on which the person to whom the decision relates shall become eligible again for parole,

(c) include reasons for the decision, and

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(d) not include any information that identifies, or could identify, a relevant victim or his or her place of residence.

(2) Where the Board refuses an application for parole, the Board may, where it considers it appropriate, specify in its decision so refusing measures in respect of the management of the sentence of the person to whom the decision relates which the Board is of the opinion would assist the person in making a future successful application for parole under this Act.

(3) Measures specified under *subsection (2)*—

- (a) shall be addressed to the Irish Prison Service, and
- (b) shall not be binding.

(4) Where the Board refuses an application for parole, it shall, as soon as practicable after the making of the decision in relation to the application—

- (a) provide a copy of the decision, to—
 - (i) the parole applicant to whom it relates,
 - (ii) the Irish Prison Service, and
 - (iii) the relevant governor,

and

(b) where the Board considers it appropriate, notify the relevant victim in writing of the making of the decision.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 41:

In page 16, between lines 22 and 23, to insert the following:

“Variation of parole order

31. (1) The Board may at any time, of its own motion or on application in that behalf by a person specified in *subsection (2)*, vary—

(a) a condition attaching to a parole order, whether by the alteration, addition or revocation of a condition, or

(b) where the parolee has not yet been released on parole, the date specified in the parole order by which he or she shall be so released.

(2) An application to vary a parole order under *subsection (1)* may be made by or on behalf of—

- (a) the parolee,
- (b) the Probation Service,

- (c) the Irish Prison Service,
- (d) the Commissioner of the Garda Síochána,
- (e) the Minister, or
- (f) such other person as the Board considers appropriate.

(3) A decision of the Board in respect of the variation of a condition attaching to a parole order or of a date for release specified in a parole order, as the case may be, shall—

- (a) be in writing,
- (b) include reasons for the decision, and
- (c) not include, other than to the extent the Board considers it necessary, any information that identifies, or could identify, a relevant victim or his or her place of residence.

(4) Where the Board varies a condition attaching to a parole order—

- (a) the variation shall take effect from a date to be specified in the decision so varying, and
- (b) the variation shall have effect from that date as a condition of the parole order to which it is attached.

(5) Where the Board varies a date for release specified in a parole order, the date as so varied shall be deemed to be the date specified in the order in accordance with section 28(1)(c) as the date on or before which the person shall be released on parole.

(6) The Board shall, as soon as practicable after the making of a decision in relation to the variation of a condition attaching to a parole order or the date of release specified

in a parole order, as the case may be, under this section—

- (a) provide a copy of the decision to—
 - (i) the parolee,
 - (ii) the Irish Prison Service,
 - (iii) the relevant governor,
 - (iv) the Probation Service, and
 - (v) the Commissioner of the Garda Síochána,
- (b) notify the Minister in writing of the making of the order, and
- (c) where it considers it appropriate, notify the relevant victim in writing of the making of the decision and of any condition so varied of relevance to him or her or the date of release so varied, as the case may be.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 42:

In page 16, between lines 22 and 23, to insert the following:

“Specification of condition attaching to parole order

32. (1) Where the Board specifies a condition to which all parolees, or a specified class of parolees, shall be subject pursuant to procedures determined in accordance with *section 14(1)(i)* the Board shall, as soon as practicable after so specifying the condition—

(a) notify in writing the Minister and each parolee who shall be subject to the condition so specified, of—

(i) the condition so specified, and

(ii) the date on which the condition shall take effect,

(b) where it considers it appropriate, notify the relevant victim of each such parolee in writing of any condition so specified of relevance to him or her and the date on which the condition shall take effect, and

(c) notify in writing the persons specified in *subsection (2)* of—

(i) the condition so specified,

(ii) the date on which the condition shall take effect, and

(iii) the parolees who shall be subject to the condition.

(2) The Board shall notify the following persons in accordance with *subsection (1)(c)*:

(a) the Irish Prison Service;

(b) the Probation Service;

(c) the Commissioner of the Garda Síochána.

(3) A condition to which all parolees, or a specified class of parolees, shall be subject that is specified by the Board pursuant to procedures determined in accordance with *section 14(1)(i)* shall—

(a) take effect, for each parolee to whom it relates, from the date specified in the notification given to that parolee pursuant to *subsection (1)(a)*, and

(b) have effect from that date as a condition attaching to the parole order relating to the parolee.”.

Amendment agreed to.

Acting Chairman (Deputy John Lahart): Amendments Nos. 43 to 46, inclusive, are related and may be discussed together.

Deputy Charles Flanagan: I move amendment No. 43:

In page 16, between lines 22 and 23, to insert the following:

“Revocation of parole order

33. (1) The Board may at any time, of its own motion or on application in that behalf by a person specified in *subsection (2)*, revoke a parole order where it is satisfied that—

- (a) the paroled person who is the subject of the order—
 - (i) poses an undue risk to the safety and security of the public, or
 - (ii) has breached a condition attaching to the order,

and

(b) the revocation of the order is justified by the gravity of the risk or breach of the condition, as the case may be.

(2) An application to revoke a parole order under *subsection (1)* may be made by or on behalf of—

- (a) the Probation Service,
- (b) the Irish Prison Service,
- (c) the Commissioner of the Garda Síochána,
- (d) the Minister, or
- (e) such other person as the Board considers appropriate.

(3) The Board shall, in considering whether to revoke a parole order, have regard to such matters as it considers appropriate, including—

- (a) the circumstance giving rise to the consideration of the revocation,
- (b) any report relating to the paroled person prepared and furnished to the Board pursuant to a direction in that regard under *section 13*,
- (c) any meeting with the paroled person conducted in accordance with procedures determined under *section 14*,
- (d) any submissions made by or on behalf of the paroled person in accordance with procedures determined under *section 14*, and
- (e) any submissions made by or on behalf of the relevant victim in accordance with procedures determined under *section 14*.

(4) The Board may, where it is considering the revocation of a parole order and is not satisfied of the matters specified in *subsection (1)(a)* and *(b)*, vary a condition attaching to the parole order or the date of release specified in the order and the provisions of *subsections (3) to (6)* of *section 31* shall apply to the variation with all necessary modifications.

(5) A decision of the Board in respect of the revocation of a parole order shall—

- (a) be in writing,
- (b) where the Board decides to revoke the parole order, specify—
 - (i) the time and date at which the revocation shall take effect,
 - (ii) where the person to whom the decision relates is not detained in prison, the time and date at which, and the place to which, the person is to return to prison, and
 - (iii) a date, not later than 2 years after the date of the making of the decision, on which the person shall become eligible again for parole,
- (c) include reasons for the decision, and
- (d) not include, other than to the extent the Board considers it necessary, any information that identifies, or could identify, a relevant victim or his or her place of residence.

(6) The Board shall, as soon as practicable after the making of a decision in relation to the revocation of a parole order—

- (a) provide a copy of the decision to—
 - (i) the paroled,
 - (ii) the Irish Prison Service,
 - (iii) the relevant governor,
 - (iv) the Probation Service, and
 - (v) the Commissioner of the Garda Síochána,

and

(b) notify the Minister and, where it considers it appropriate, the relevant victim, in writing of the making of the decision.

(7) Where the Board decides under this section to revoke a parole order which has been suspended pursuant to *section 34(3)*, the suspension of the parole order shall continue to have effect until the time and date specified in the decision of the Board at which the revocation shall take effect pursuant to *subsection (5)(b)(i)*.

(8) Where the Board decides under this section not to revoke a parole order which has been suspended pursuant to *section 34(3)*, the suspension of the parole order shall cease to have effect.”.

These amendments concern the revocation of a parole order. Amendment No. 43 provides that the board can revoke an order where the paroled poses an undue risk to the safety and security of the public or where he or she has breached a condition attaching to the order. The powers of the board to gather information, including reports, will apply when the board is considering

revocation. The board does not have to revoke the order. It can consider varying the order. Indeed, it can take no action at all, depending on the circumstance.

Amendments Nos. 44 to 46, inclusive, provide for power of arrest where a person has breached a parole order. Breach of a parole order renders a person unlawfully at large whereby he or she can be arrested. This is similar to a breach of a condition of temporary release. A person can be arrested and returned to detention. There is a similar provision in the Bill as it stands, however, on foot of legal advice, it is being amended here to reflect the system already in use for other forms of release. Where a person is arrested for breach of parole conditions, the parole order stands suspended until the board can consider whether to revoke the order, vary it or leave it in place. In this regard, the parolee will be entitled to make a submission and will be entitled to legal representation for this consideration by the board.

Deputy Jim O'Callaghan: Again, this replicates the provision that was in the original Act. We are talking about a revocation of a parole order. When a person is given parole it is legally quite complicated. The person has been sentenced to a term of imprisonment and he or she is being released from prison. That has to be effected. The proposed legislation will effect this through the issuing of a parole order. Obviously, there must be some power to put the person back into prison if he or she breaches the terms of the order. In this legislation, that is done by providing a section that deals with a revocation of the parole order. As the Minister has said, there can also be a variation of the parole order. It is to be hoped it may not be necessary for the person to be put back into prison if it is the case that the parole order has been breached in some respect. If it was breached in a very material or egregious way it would require revocation of the order. This provision, however, permits there to be a variation of it also.

I note the proposed new section 34 and the unusual term, "Persons unlawfully at large", which is used elsewhere in our legal system. It designates what happens when a parole order has been made with conditions, when those conditions have been breached, when a revocation of the parole order is issued and what one does with the person who is out in the community with a revoked parole order. This proposal seeks to categorise the person as a person unlawfully at large. This makes it an offence for the person to be unlawfully at large, and it entitles a member of An Garda Síochána - without a warrant - to arrest the person who is unlawfully at large. I will be supporting the amendments.

Deputy Donnchadh Ó Laoghaire: I agree generally with the principle involved but am a little uncomfortable with the way it has been drafted. Obviously there is a process there in that a person who breaches his or her parole conditions could potentially be arrested, have his or her parole revoked or there is a hearing of the parole board and so on. It is structured in such a way, however, that it is essentially an automatic criminal offence to be in breach of the conditions of the parole order. This is a difficulty because some of the conditions of parole may not necessarily be criminal offences. The Irish Penal Reform Trust has given the example of insobriety. The person could be expected to stay sober as a condition of his or her parole. There are other such examples. It would not necessarily lead to the revocation of the parole order but as this proposed legislation is structured, it is automatically a criminal offence, if I understand it correctly. This is despite the fact that not being sober would not ordinarily be a criminal offence. I have some reservations regarding the proposed new section 44. Perhaps the Minister will address that but if not, perhaps I will vote against the amendment. Will the Minister clarify the situation? If I understand the amendment correctly then any breach, regardless of whether it is a criminal offence, is treated as a criminal offence on the basis of it being a breach. That is my current reading of it.

Deputy Charles Flanagan: There will be a need for a criminal offence provision in order to facilitate a power of arrest when needed. There may be circumstances when this would be required very quickly and there would not be time for a court hearing; a process that might be lengthy. This amendment is similar to a breach of a condition in respect of other forms of release. A condition of temporary release, for example, is where on the matter of a breach, the person is arrested and returned to the place of detention. This process moves swiftly. I stress that this matter was given legal consideration. We were in contact with the Office of the Attorney General since the issue was discussed on Committee Stage. It is important to reflect the regime that operates and is used with other forms of conditional release, which in the circumstances this can be seen to be.

Deputy Donnchadh Ó Laoghaire: Perhaps the Minister can talk us through it. I understand the point that is being made but it appears that this is a criminal offence on top of a decision on whether to revoke the parole order. A person could have an additional six months of an offence, and then a decision as to whether the parole order is to be revoked. This is an offence in itself.

I understand the point about the powers of arrest. I am sure there are many circumstances in which a person in breach of his or her parole order should be arrested, which makes sense. Is it entirely necessary, however, to make it specifically and automatically a criminal offence? Could there be powers of arrest on the basis of suspecting a criminal element and not necessarily with the need for a hearing? A person may be suspected of being in breach of a criminal element of the parole order. Would this be safer than making it an automatic criminal offence for any breach of any kind?

Deputy Charles Flanagan: There will be an opportunity for the parolee in question to make a submission. Not every breach would result in an arrest but there will be a requirement and the Garda would need such a power, in certain circumstances. There will not always be a prosecution. The important point is the protection of victims. There would be an opportunity for the parolee to make a submission on the nature of the order. The parole order would be suspended until the board makes a decision on the matter of a variation; whether to let it stand or whether to revoke it. The parolee will be entitled both to make a submission and to legal representation on the matter of the submission when the issue is being considered by the board. The most important consideration is the need for order and the needs and concerns of the victims. What we are doing here is along the lines that exist with other forms of conditional release.

Deputy Donnchadh Ó Laoghaire: I am not sure that we are getting this right. I agree with the objective but a person could be out on parole for several years and then may come across a situation or have an adverse relationship with an individual garda. That garda would have the power to arrest the person for something that is potentially not a criminal offence. I believe it is right that it is possible for a person to be rearrested for very many breaches of parole. It would be right to arrest the person in that situation and it would be the important thing. There must, however, be a cleaner way of doing this rather than making every single potential breach automatically a criminal offence. On that basis, I will oppose the proposed section by voice vote at this Stage and consider amendments for the Seanad.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 44:

In page 16, between lines 22 and 23, to insert the following:

“Persons unlawfully at large

34. (1) A person who, by reason of having been released on parole, is at large shall be deemed to be unlawfully at large if-

(a) a condition to which his or her release was made subject has been broken, or

(b) his or her parole order is revoked and he or she fails to return to the place specified, at the time and date specified, in the decision so revoking pursuant to section 33(5)(b)(ii).

(2) A person who is unlawfully at large shall be guilty of an offence under this section and on summary conviction thereof shall be liable to imprisonment for a term not exceeding 6 months.

(3) Where, by reason of the breach of a condition to which his or her release on parole was made subject, a person is deemed to be unlawfully at large and is arrested under section 35, the parole order pursuant to which he or she was released shall thereupon stand suspended pending a decision of the Parole Board under section 33 as to whether the parole order should be revoked.

(4) The currency of the sentence of a person who is unlawfully at large for any period shall be suspended in respect of the whole of that period.”.

Amendment put and declared carried.

Deputy Charles Flanagan: I move amendment No. 45:

In page 16, between lines 22 and 23, to insert the following:

“Arrest of person unlawfully at large

35. A member of the Garda Síochána may arrest without warrant a person whom he or she suspects to be unlawfully at large and may take such person to the place in which he or she is required in accordance with law to be detained.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 46:

In page 16, between lines 22 and 23, to insert the following:

“Consideration of revocation of parole order of person unlawfully at large

36. (1) Where a person has been arrested under section 35, the Irish Prison Service shall notify the Board of the person’s arrest as soon as practicable thereafter.

(2) Where the Board is notified under subsection (1) of a person’s arrest, the Board shall, as soon as practicable after being so notified, consider whether the parole order relating to the person should be revoked pursuant to section 33.”.

Amendment agreed to.

SECTION 18

Deputy Catherine Connolly: I need clarification on whether amendment No. 47 can be moved.

Acting Chairman (Deputy John Lahart): Yes, it can be moved.

Deputy Catherine Connolly: I move amendment No. 47:

In page 17, line 1, to delete “information” and substitute “clear and accessible information and support”.

We are not just talking about people who are serving life sentences but about sentences over eight years. The statistics relating to mental health, illiteracy and many other issues among the prison population are frightening. The amendment is very practical. It was included in the original Bill in section 18(2)(b) and I have changed it only slightly. I am not sure why it was proposed to omit it on this occasion. My amendment stands, whether it is appropriate to deal with it now or whether it is to be bypassed. I am simply asking that people are given “clear and accessible information and support” in their parole application. The Minister’s answer was that there is now legal assistance. However, given the population we are dealing with, and the statistics that have been highlighted, it is not unreasonable to ask for this to be included. The amendment would fit in very much with other sections of the Bill we discussed earlier.

Deputy Charles Flanagan: I contend the amendment is unnecessary and I am not inclined to accept it. As Deputy Connolly has said, the amendment suggests that the information provided to the applicant must be clear and accessible. Of course, everybody will agree that the information should be clear but I am satisfied that information the board provides would, in any event, be clear. A difficulty I have is that the use of such a term in legislation could give rise to undue difficulty and uncertainty. The meaning of what is “clear” or “accessible” in respect of one applicant might not be the same for another.

By way of comfort for the Deputy, the amendments are providing for legal representation, which would be available to the applicant for parole at an early stage. Any form of legal representation would be of such assistance to the applicant as to ensure that the applicant has an understanding of the process and, in order to have an understanding of the process, one would expect that the information would be clear and accessible. To put such terms in statutory form might give rise to unintended difficulties. I have an expectation that when the board is providing information, every effort should be made to ensure the information is clear and accessible. If that was not the case, one could suggest the board was not fulfilling its functions in a proper and reasonable manner. I add to that the issue of legal representation. With the legal representation available to the applicant, the expectation would be that the information would be both accessible and clear.

Deputy Catherine Connolly: This amendment arose in respect of section 18(2)(b) of the legislation, as drafted, which states: “persons whose parole is being considered should be provided with information relevant to the consideration of their parole and be advised how they may participate in decision-making that directly concerns them”. In addition, the Irish Penal Reform Trust referred to an unpublished survey conducted by the Irish Prison Service over the period 2015-17, so these are up-to-date figures. Some 25.6% of prisoner participants in that survey did not attend secondary school, 52% left before junior certificate, 80% had left before leaving certificate, only one in five had completed a leaving certificate, compared to three in

five of the general population, and only 9% had completed some form of higher education. There are many other studies, with which I am sure the Minister is very familiar, that link disadvantage and the population of our prisons. To go way back, although the figures have remained the same, in 1997, some 56% of prisoners in Mountjoy Prison came from six districts in Dublin and almost 80% of participants in that study had left school before the age of 16.

Literacy is an issue I am particularly interested in. The figure nationally for the general population is astounding from the 1970s onwards. However, among the prison population, an Irish literacy survey found in 2003 that 52% of the prison population had the lowest literacy levels compared to 25% of the general population. I could go on but I know the Minister is very familiar with this.

It is in that context that I moved the amendment, which seeks to ensure that information was given to prisoners in a way that was real and so they could act on it, given the importance of a parole hearing. However, the Minister suggests the legal representation will ensure that.

Deputy Charles Flanagan: I do not dispute what the Deputy said in respect of the report to which she referred. I merely make two points. First, it would be incumbent on the parole board to ensure it deals with applications in a way that is understood by the applicant and, second, the applicant has at his or her disposal access to legal representation and legal advice. I reiterate that inserting such terms as “clear” and “accessible” in legislation may be open to unnecessary argument and a lack of clarity. However, the spirit of what the Deputy has proposed will be included in the legislation in any event.

Deputy Catherine Connolly: I accept that.

Amendment, by leave, withdrawn.

Section 18 deleted.

Debate adjourned.

Visit of British Delegation

Acting Chairman (Deputy John Lahart): I welcome the Rt. Hon. Greg Hands, MP, from Westminster, who is in the Distinguished Visitors Gallery with the Minister of State, Deputy Pat Breen.

Parole Bill 2016: Report Stage (Resumed)

SECTION 19

Deputy Sean Sherlock: I move amendment No. 48:

In page 17, between lines 19 and 20, to insert the following:

“(b) any continuing effect whether long-term or otherwise of the offence on the victim of that offence and the likely impact on the victim of a grant of parole,”.”.

This amendment and amendment No. 56 speak to the issue of protecting the rights of victims in this process.

The Criminal Justice (Victims of Crime) Act 2017 gives victims a statutory right to certain information. For example, a victim may request information from An Garda Síochána, the Ombudsman Commission, the Director of Public Prosecutions, the Irish Prison Service, the director of a children detention school or a clinical director of a designated centre. The victim is entitled to information on, among other things, when a prisoner is expected to be released from prison, any temporary release of the prisoner or prison transfer. My expectation in proposing the amendments is that these criteria would be added to the Bill as ones the parole board would have to take into account.

I am not doing to die in a ditch on the amendments. I merely wanted to speak to the issue. It could be that what I am proposing in the amendments is already provided for in the Bill. If not, I would be grateful if they could be accepted.

Deputy Charles Flanagan: I am not inclined to accept amendment No. 48, although I have listened carefully to what the Deputy said. The import of the proposal is that the board take into account the continuing effect of an offence on a victim and the likely impact on a victim of a person being granted parole. I share the Deputy’s concern. I also share his sympathy for families of murder victims because of the ongoing upset and trauma they suffer, in particular, when after a period, the offender is being considered for parole. The Bill, as amended, will provide for the board receiving submissions from the victim. We have made reference to and considered the issue of legal representation for the victim and the granting of legal aid to him or her. In reaching a decision the board is obliged to take these submissions into account. There is a really important role for the victim. One of the primary concerns is whether a parole applicant would pose an undue risk to the safety of the public, communities and, of course, the victim. What the Deputy is seeking to do is covered in the new section 41 which provides that the board must be satisfied, among other things, that it is appropriate in all of the circumstances that the prisoner be released. These measures are a step forward for victims in being heard. They will have their views taken into account and considered, but in a way that must be described as balanced. I am not convinced of the nature of amendment No. 48, but I am satisfied that the issues are covered in the new section 41.

Deputy Sean Sherlock: What I am trying to do is to have a reference to the impact on the victim inserted more firmly and unambiguously into the legislation. If my interpretation of the legislation thus far is correct, the impact of the granting of parole on a victim is not listed as a criterion that the board must take into account. The Minister says it is provided for in general terms, but there is no specific codicil or line in that respect. Therefore, I am seeking to tighten the legislation in that regard. I expect the Minister to respond by saying he is standing firm, which is fair enough, but it is my intention to press the amendment.

Deputy Charles Flanagan: I have listened carefully to what the Deputy has had to say. There is not much between us in ensuring the voice of the victim will be heard. In that regard, there will be clear obligations on the board to satisfy itself that it is appropriate in all of the circumstances that the prisoner be granted parole.

Deputy Sean Sherlock: Perhaps the originator of the Bill might have a view on this matter?

Deputy Jim O'Callaghan: One of the advantages in not being the Minister is one does not have to respond on every amendment. I will take up what Deputy Sherlock said. Section 27 which is being inserted into the Bill by way of amendment No. 37 takes care of the Deputy's concern. It provides that the board, in deciding whether to grant parole, shall take into account the nature and gravity of the offence to which the sentence of imprisonment relates. This, necessarily, will involve the board considering the impact of the offence that was perpetrated by the applicant for parole on the victim. Subparagraph (l) provides that the board will also take into account any submission made by or on behalf of the relevant victim in accordance with procedures determined under section 14. This means that the victim of a crime or the family of the victim of a crime will be able to make whatever submission they wish to the board. The Deputy is concerned to ensure it will take into account the long-term and continuing impact the crime has had on the victim. I would have thought it would because those making submissions on behalf of the victim of a crime could say the person was still traumatised and badly affected by the consequences of the parole applicant's behaviour.

There has to be some objectivity to the parole process. For example, are family members who are much more vocal or take the crime much more seriously, having been affected by it, to be treated more preferably than a victim who does not have a family advocating on his or her behalf? There is a balance to be struck. My own view is that the Deputy's concern is met in the Bill. The Parole board will be able to listen to submissions from the victim of a crime or his or her family on the impact the crime has had on them.

Deputy Sean Sherlock: I thank Deputy O'Callaghan. We have to legislate on the basis that there are all types of scenario. Victims come in many shapes and guises, but we have to legislate for reasonable grounds. Victims are referenced in the Parole Bill, but, as I understand it, they are only to be notified when a hearing is scheduled to be held, rather than when an application is made. The Criminal Justice (Victims of Crime) Act 2017 gives victims a statutory right to certain information. That is the context in which I am proposing the amendments. I have made the argument which has been defeated, which I accept.

Deputy Charles Flanagan: It is not an unreasonable point, but there are areas of the Bill where these issues are covered. I regard the proposal as being less than necessary.

Amendment, by leave, withdrawn.

Section 19 deleted.

Acting Chairman (Deputy John Lahart): I have a little bit of housekeeping in a message from the Bills Office. Earlier, it was agreed that section 5 would be deleted from the Bill and subsequently agreed that section 5 stand part of the Bill. Is it agreed that section 5 be deleted from the Bill? Agreed. This will be reflected in the Official Report.

SECTION 20

Deputy Catherine Connolly: I move amendment No. 49:

In page 18, line 16, to delete "twelve" and substitute "eight".

Amendment put and declared lost.

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Section 20 deleted.

Amendment No. 50 not moved.

Section 21 deleted.

Sections 22 to 27, inclusive, deleted.

NEW SECTION

Acting Chairman (Deputy John Lahart): Amendments Nos. 51 to 55, inclusive, may be discussed together.

Deputy Charles Flanagan: I move amendment No. 51:

In page 24, between lines 3 and 4, to insert the following:

“PART 4

MISCELLANEOUS

Amendment of Criminal Justice Act 2007

37. Section 25(8) of the Criminal Justice Act 2007 is amended—

(a) in paragraph (b), by the substitution of “in prison,” for “in prison, or”,

(b) in paragraph (c), by the substitution of “Criminal Justice Act 1960, or” for “Criminal Justice Act 1960.”, and

(c) by the insertion of the following paragraph after paragraph (c):

“(d) released on parole within the meaning of the *Parole Act 2019.*.”.

Members will see that, in amendments Nos. 51 and 55, we are making consequential amendments in respect of other legislation. Many of these amendments are technical. I draw the attention of Deputies to amendment No. 53, which amends the Criminal Justice (Victims of Crime) Act 2017, providing that the victim should be informed, if he or she has requested this, in respect of any application for parole or the release of a person on parole.

Deputy Jim O’Callaghan: These are all necessary consequential amendments and I support them.

Amendment agreed to.

Section 28 deleted.

NEW SECTIONS

Deputy Charles Flanagan: I move amendment No. 52:

In page 24, after line 14, to insert the following:

“Amendment of Defamation Act 2009

38. Section 17 of the Defamation Act 2009 is amended—

(a) in subsection (2)—

(i) in paragraph (w), by the substitution of “State, or ” for “State.”, and

(ii) by the insertion of the following paragraphs after paragraph (w):

“(x) made in the course of the consideration by the Parole Board of —

(i) an application for parole, or

(ii) the variation or revocation of a parole order,

where the statement is connected with that consideration, or

(y) contained in a decision of the Parole Board, or a notification of such a decision, pursuant to the *Parole Act 2019* or a parole order.”,

and

(b) by the insertion of the following subsection after subsection (3):

“(4) In this section, ‘application for parole’ and ‘parole order’ have the meanings they have in the *Parole Act 2019*. ”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 53:

In page 24, after line 14, to insert the following:

“Amendment of Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

39. Section 31(1)(a) of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 is amended—

(a) in subparagraph (ii), by the substitution of “Criminal Justice Act 1960,” for “Criminal Justice Act 1960, or”, and

(b) by the insertion of the following subparagraph after subparagraph (ii):

“(iia) the offender is released on parole within the meaning of the *Parole Act 2019*, or”. ”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 54:

In page 24, after line 14, to insert the following:

“Amendment of Criminal Law (Sexual Offences) Act 2017

40. Section 58(7) of the Criminal Law (Sexual Offences) Act 2017 is amended—

(a) in paragraph (b), by the substitution of “in prison,” for “in prison, or”,

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(b) in paragraph (c), by the substitution of “Criminal Justice Act 1960, or” for “Criminal Justice Act 1960.”, and

(c) by the insertion of the following paragraph after paragraph (c):

“(d) released on parole within the meaning of the *Parole Act 2019.*.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 55:

In page 24, after line 14, to insert the following:

“Amendment of Criminal Justice (Victims of Crime) Act 2017

41. Section 8 of the Criminal Justice (Victims of Crime) Act 2017 is amended—

(a) in subsection (2)(m)—

(i) by the insertion of the following subparagraphs after subparagraph (iv):

“(iva) any application for parole by the person,

(ivb) any release of the person on parole and any conditions attaching to such release which relate to the victim, and”,

and

(ii) in subparagraph (v), by the substitution of “in custody, on temporary release from prison under section 2 or 3 of the Act of 1960 or on parole” for “in custody or on temporary release from prison under section 2 or 3 of the Act of 1960”,

and

(b) by the insertion of the following subsection after subsection (8):

“(9) In this section, ‘application for parole’ and ‘parole’ have the meanings they have in the *Parole Act 2019.*.”.

Amendment agreed to.

Deputy Sean Sherlock: I move amendment No. 56:

In page 24, after line 14, to insert the following:

“Victims of crime: right to information

29. (1) Section 8 of the Criminal Justice (Victims of Crime) Act 2017 is amended by inserting the following as subsection (2A):

“(2A) A victim of an offence may request from the Parole Board information regarding any application to the Board to be considered for parole by a person serving a sentence of imprisonment for that offence and the Board shall provide the information, or arrange for the information concerned to be provided, to the victim as soon as practicable.”.”.

I am back to the same issue again. The amendment is self-explanatory. I ask the Minister for a response to this. It is a tightening up of the wording in respect of the rights of the victim. The key phrase here is “the Board shall provide the information, or arrange for the information concerned to be provided, to the victim as soon as practicable”.

Deputy Charles Flanagan: I am not inclined to accept the amendment on the basis that it has already been provided for in amendments. While the Deputy makes an important point with which I agree, I do not believe it is necessary to make his amendment.

Amendment put and declared lost.

Deputy Catherine Connolly: I move amendment No. 57:

In page 24, after line 14, to insert the following:

“Report of Minister

29. The Minister for Justice and Equality shall, not later than 2 years after the commencement of this Act, cause a report to be prepared on the operation of the Act and shall cause copies of the report to be laid before each House of the Oireachtas.”.

This amendment is non-contentious and simply asks for a review not later than two years after the commencement of the Act. This is important. It is the first time that we have put parole on a statutory footing. It is now a fairly comprehensive Bill with a number of issues that are not clear. Deputy Ó Laoghaire raised one earlier relating to minor offences and whether somebody is guilty of an offence simply because of something minor such as a lack of sobriety. There are other issues related to the input of victims, which are very important and which almost every organisation has called for. It is not clear what the guidelines around that input are or how that will work out. It is not clear how it will work out with the move back to eight years instead of 12 years and all of the other practical problems. This is a minimal amendment which should be included and I hope that the Minister will consent to have it in the Bill.

Deputy Donnchadh Ó Laoghaire: I support this amendment. It is the kind of section that is frequently seen in legislation. It makes sense. We are putting this on a statutory basis. It had an institutional basis without having a statutory basis. It is important that we see the patterns that emerge, the experience of the board with the new procedures, and the organisation that is involved. It would be a useful exercise if, within two years, we had a substantial report or at least a detailed report that gave us the opportunity to reflect on this legislation and to identify any shortcomings that exist or additions that need to be made. This amendment is useful and non-contentious.

Deputy Sean Sherlock: This is a sensible amendment. I do not think there should be any cause to oppose this amendment. Is there?

Deputy Charles Flanagan: It is unnecessary. I already indicated that there were issues with the workings of the legislation that we would not only monitor closely but which we would review. Deputy Connolly suggests that this be expressly stated in the statute. However, as well as referring to what I said earlier in the course of the debate, I point to Standing Orders, which indicate that there is a requirement of this nature under Standing Order 164A for a review after 12 months.

I suggest to the Deputies that in the circumstances that is sufficient.

Deputy Catherine Connolly: I am not sure why the Minister is reluctant to accept the amendment but I thank him for telling me about Standing Order 164A. That is helpful but I am not convinced. It is brand new legislation and there are so many issues concerning its operation on the ground. It makes sense to put in a review clause. It is good if the Minister is committed to reviewing and examining the legislation. Let us copper-fasten that because of all of the issues raised. In a spirit of co-operation we did not push some amendments and because of the importance to the legislation in putting the Parole Board on a statutory footing. I cannot see where the difficulty is in committing to a review. It is in other legislation.

Deputy Charles Flanagan: For the purposes of clarity, Standing Order 164A provides: “Twelve months following the enactment of a Bill, save in the case of the Finance Bill and the Appropriation Bill, the member of the Government or Minister of State who is officially responsible for implementation of the Act shall provide a report which shall review the functioning of the Act and which shall be laid in the Parliamentary Library.” I contend that the provision is very clear.

Deputy Catherine Connolly: How many times has Standing Order 164A been complied with? How many reviews have been carried out under it?

Acting Chairman (Deputy John Lahart): I do not know if the Minister is responsible for that.

Deputy Catherine Connolly: No, but the Minister has helpfully pointed out the standing order to me. It is being put forward as a solution. How often has it been used? The word “shall” is there. How many reviews have been carried out?

Deputy Charles Flanagan: I cannot tell the Deputy but the word “shall” is worth noting.

Acting Chairman (Deputy John Lahart): Is the Deputy pressing the amendment?

Deputy Catherine Connolly: I am afraid I am.

Amendment put and declared lost.

TITLE

Deputy Charles Flanagan: I move amendment No. 58:

In page 5, to delete lines 5 to 7 and substitute the following:

“An Act to provide for the establishment of a body to be known as An Bord Parúil or, in the English language, the Parole Board; to provide for its functions; to amend certain enactments; and to provide for related matters.”.

Amendment No. 58 is a simple, straightforward amendment which replaces the Long Title of the Bill. It states that the purpose of the Bill is to provide for the establishment of a parole board and to provide for its functions.

Amendment agreed to.

Title, as amended, agreed to.

Acting Chairman (Deputy John Lahart): Pursuant to Standing 154(3), it is reported specially to the Dáil that the Committee has amended the Title.

Bill, as amended on recommittal, reported.

Acting Chairman (Deputy John Lahart): When is it proposed to take Fifth Stage?

Minister for Justice and Equality (Deputy Charles Flanagan): Now.

Acting Chairman (Deputy John Lahart): Is that agreed? Agreed.

Parole Bill 2016: Fifth Stage

Question proposed: “That the Bill do now pass.”

Minister for Justice and Equality (Deputy Charles Flanagan): Technically, the Bill is still in the name of Deputy O’Callaghan. In any event, the Bill is agreed.

Deputy Jim O’Callaghan: The Minister is beginning to sound like the Minister of State, Deputy Boxer Moran.

Acting Chairman (Deputy John Lahart): I am following my riding instructions.

Deputy Charles Flanagan: Given the questions from Deputy Connolly and others, I am sure there will be something for Deputy O’Callaghan to consider in a couple of years.

Deputy Jim O’Callaghan: I wish to emulate other Members. I welcome the passage of the Parole Bill. It is important legislation and it will be of benefit to the criminal justice system. It will be of particular assistance to the victims of crime who now will know when persons who perpetrated crimes will be eligible for and be able to apply for parole. The victims of crime will now also be able to make submissions in respect of parole applications. I also think it is beneficial for prisoners who are applying for parole because they can now see in statutory form the process by which they can seek parole. As I indicated earlier, it is a complicated matter that involves balancing the rights of the victims of crime on the one hand with on the other hand the entitlement of people who are in prison to seek parole. The purpose of prison is twofold; punishment and rehabilitation, and both of them need to be balanced. I believe that is what a good parole board will do. I know that the Parole Board that has existed on a non-statutory basis to date has done that.

I thank my party, Fianna Fáil, for giving me permission to put forward this legislation. I thank the Minister for Justice and Equality and the Government for agreeing to accept it. I thank the Minister, Deputy Flanagan, and his predecessor, Frances Fitzgerald, in respect of it. I thank Sinn Féin and the Labour Party. I also thank the Independents for their support for the Bill, in particular former Deputies, Mick Wallace and Clare Daly, who are elsewhere, and Deputy Connolly. It is worthwhile legislation. It is legislation of the House not of any one person and it will be of benefit to the criminal justice system. I hope it can find its way promptly through the Seanad.

Deputy Charles Flanagan: I also acknowledge the importance of this legislation. I thank

everybody who made a contribution to the debate this evening on this important Bill, in particular the interesting points raised by Deputies Sherlock, Ó Laoghaire and Connolly. I acknowledge the fact that the subject matter dealt with in the Bill is somewhat complex, difficult and sensitive and the balancing act that is required is also challenging. The Bill seeks to take account both of the perspective of those who have felt the oftentimes devastating effects of crimes committed by long-sentence prisoners and of those who believe that the very worst of us deserves an opportunity to rehabilitate and have at least the prospect of returning some day to the community outside the prison walls.

I especially acknowledge the work of Deputy O'Callaghan in bringing the Bill before the House in the first instance and for his co-operation and the manner in which he has engaged with officials in my Department and getting the Bill to the point where it is now. I also acknowledge the work of the existing Parole Board, which has served us particularly well for a long time. I express my appreciation to the board for its hard work. I saw the chairman of the board, Mr. John Costello, in the precincts of the House not just this afternoon but during the course of the engagement with the Bill. In that regard, I acknowledge the co-operation of the board on the matter of bringing forward the Bill to its current state.

I further acknowledge the role of many other State organisations and NGOs who have also provided their expertise on the Bill but also on issues pertaining to parole generally. The reforms in the Parole Bill are designed to put the operation of the board on an independent statutory footing to ensure that the way the board makes its decisions is open, clear, transparent, fair and at all times is fully informed. The Bill that we have amended today, which was introduced by Deputy O'Callaghan, achieves that aim and I once again commend it to the House.

Deputy Donnchadh Ó Laoghaire: I will not be long as I am aware that there is other business before the House that requires to be done. The Bill is good legislation. It will make a significant difference. There are difficult considerations to balance in this regard and the Bill strikes the right balance. The Bill started well and improved through amendment as it passed through the Dáil. It will now proceed to the Seanad.

I commend Deputy O'Callaghan. It is difficult to get a Private Members' Bill past Second Stage. It is particularly difficult to draft such a technical and comprehensive Bill, and doing so is extremely commendable and valuable. It is harder again to bring it through several Stages. It was very well done. I commend the Minister on engaging on the Bill and supporting it. I ask him to encourage his Cabinet colleagues to work on other Opposition Bills to take them through all Stages. We could do with a bit more of that. I am glad it happened in this instance.

Deputy Charles Flanagan: I thank the Deputy very much. I will take that.

Deputy Donnchadh Ó Laoghaire: Very good.

Deputy Jim O'Callaghan: The Minister should not get carried away.

Deputy Charles Flanagan: Tomorrow is another day.

Deputy Sean Sherlock: I congratulate the originator of the Bill, Deputy O'Callaghan. The Bill proves how we can all work together. We come here and make our arguments, and we win some and lose some, but we all support the broad thrust of the Bill. It is a fine Bill. It is a model of how Members of the House, if they all put their minds to it, can all work together on issues on a non-partisan basis. Well done to all.

An Leas-Cheann Comhairle: Comhghairdeas le gach duine a bhí páirteach sa reachtaíocht seo.

Deputy Charles Flanagan: I thank my officials for working to meet deadlines.

Question put and agreed to.

Local Government (Rates) Bill 2018: Order for Report Stage

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Local Government (Rates) Bill 2018: Report and Final Stages

An Leas-Cheann Comhairle: Amendments Nos. 1, 9 to 11, inclusive, 13, 14, and 19 to 21, inclusive, are related and may be discussed together.

Bill recommitted in respect of amendment No. 1.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move amendment No. 1:

In page 5, line 7, to delete “enactments” and substitute the following:

“enactments; for purposes unconnected with the foregoing, to amend the Planning and Development Act 2000 and otherwise make provision in relation to certain regional spatial and economic strategies, and to amend the Residential Tenancies Act 2004 and the Residential Tenancies (Amendment) Act 2019;”.

Amendment No. 1 is to change the Short Title and amendment No. 19 is to change the Long Title to reflect the non-rates related amendments we are to discuss this evening. Amendments Nos. 9, 10, 11, 13 and 14 are to change references to the Local Government (Rates) Act 2019 to the Local Government Rates and Other Matters Act 2019 to reflect the proposed changes to the Short Title of the Bill.

Amendment No. 20 is to allow for the collective citation of this Bill with the Local Government Acts of 1925 to 2019, with the exception of the planning and residential tenancy provisions. Amendment No. 21 is to allow for the collective citation of the planning provisions with the Planning and Development Acts 2000 to 2019 and the residential tenancy provisions with the Residential Tenancies Acts 2004 to 2019.

Amendment agreed to.

Bill reported with amendment.

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An Leas-Cheann Comhairle: Amendments Nos. 2 and 5 are related and may be discussed together.

Deputy John Paul Phelan: I move amendment No. 2:

In page 6, line 1, to delete “Valuation Act 2001” and substitute “Act of 2001”.

Amendment No. 2 is a technical amendment to clarify that the reference to “rating authority” has the same meaning as it has in the Local Government Act 2001.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 3 and 4 are related and may be discussed together.

Deputy John Paul Phelan: I move amendment No. 3:

In page 6, line 19, to delete “(1) In” and substitute “(1) Subject to this section, in”.

Amendment No. 3 is a technical amendment changing the wording for grammatical reasons in page 6, line 19.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 4:

In page 6, line 20, to delete “relevant property” and substitute the following:

“relevant property included in the valuation list caused to be published by the Commissioner of Valuation under section 23 of the Act of 2001”.

Deputy Jan O’Sullivan: The Minister of State has not told us anything about amendments Nos. 4 and 5.

An Leas-Cheann Comhairle: Amendment No. 5 was to be discussed with No. 2. We will deal with it in a second. Does the Minister of State want to inform the House about amendment No. 4?

Deputy John Paul Phelan: Yes. Deputy Jan O’Sullivan is correct that I did not deal with all the amendments. Amendment No. 4 clarifies which properties the rate is to be levied on, that is, on relevant properties on the valuation list. This detail was omitted from the Bill, as published, and is now inserted to provide legal clarity. That is the purpose of amendment No. 4.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 5:

In page 7, between lines 23 and 24, to insert the following:

“(9) Where the valuation of a relevant property on the valuation list is amended pursuant to section 28 of the Act of 2001 or a new relevant property is included on the valuation list on foot of a valuation carried out pursuant to that section, the rating authority concerned may amend the amount of the rate calculated under subsection (2) or levy a rate, or both, as the case may be, in respect of the relevant properties.

(10) Where a rate has been levied in respect of a relevant property in any local financial year and the liable person to whom a rates bill has been given under this section ceases to be the owner or occupier, as the case may be, of the relevant property before the end of that year and has not paid the rate so levied, such owner or occupier shall be liable to pay that portion of the rate levied in respect of the period during which he or she remained the owner or occupier and the remaining portion of the rate shall be levied on any subsequent liable persons on a pro-rata basis.

(11) In this section—

“Act of 2001” means the Valuation Act 2001;

“valuation list” has the same meaning as it has in the Act of 2001.”.

Amendment No. 5 modernises the rates collection process in two ways. Currently rates are levied on properties that exist on the valuation list on the date of the making of the local authority budget. This means the addition of new properties or amendments to the valuation list during the year are not effective for rates until the financial year following the making of the next budget. Amendment No. 5 allows for additions and amendments to the valuations to become effective immediately for rating purposes. It is now proposed that a new or revised valuation will trigger a new rates liability to reflect the new or revised valuation. Amendment No. 5 also provides that where a person commences the occupation of a relevant property or becomes entitled to be the occupier of a relevant property after 1 January in any year, a local authority may levy a charge for the remaining period of the year on a *pro rata* basis. Again, this is a new initiative. Where it occurs, the local authority shall adjust the charge levied on the person in occupation on 1 January. The current position is that the person in occupation on the date of the making of the rate is liable for the entire year. It is now proposed that the local authority shall adjust the rates bill issued to the person who is in occupation on 1 January or after 1 January where there was more than one previous occupier in that year, and such that the charge for the full year is apportioned between the different occupiers on a *pro rata* basis. This is a fairer system of levying rates. The current situation, where the occupier on the date of the making of the rate is liable for the whole year, is outdated and unfair and derives from a time when commercial occupation did not change frequently. As Members will know, that is not necessarily always the case at present. The new method is a more equitable and modern method of levying commercial rates where occupation changes in a rating year.

The amendment is also a technical amendment to clarify that the reference to “Act of 2001” in section 4 of the Bill refers to the Valuation Act 2001 and the reference to “valuation list” has the same meaning as in that Act.

Deputy Jan O’Sullivan: I am seeking clarity. There are only two times in the year when there can be a change. One is when the rate is made and the other is on 1 January following that. Is that correct?

Deputy John Paul Phelan: What we are proposing is that once the valuation list is revised, the new occupier will be the person who will be liable for rates. This contrasts with the current position, which is the opposite.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 6:

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In page 7, between lines 23 and 24, to insert the following:

“Rate Book

5. The contents of a rate book prepared by a local authority may be stored electronically and may be published on the internet.”.

The rate book is prepared by the local authority every year in accordance with existing regulations as soon as may be after the rates valuation has been determined. The rate book includes all relevant properties that are liable for rates. This amendment is proposed in order to allow local authorities to store and publish the contents in electronic format. This will be less onerous than producing a physical book for inspection and will allow for greater security and control access to individual ratepayers' data.

Currently, legislation provides only for a physical copy; this will provide for an electronic copy.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment Nos. 7 and 8 are related and may be discussed together.

Deputy Pat Casey: I move amendment No. 7:

In page 9, to delete lines 4 and 5 and substitute the following:

“(e) the public consultation process that must be followed by a local authority before a scheme under this section is approved;

(f) any other matters which appear to the Minister to be necessary or expedient for the purposes of this section.”.

The amendment relates to a vacancy alleviation or abatement scheme on which there should be some public consultation. A scheme should be publicised by the local authority. This serves two purposes. First, it makes the process more transparent and, second, it engages with the commercial ratepayers. The more we educate our commercial ratepayers on the exact processes, the better. The amendment helps the process.

The same applies to amendment No. 8 which relates to a different section. I realise in reading this today that there is an error in the drafting and I believe the Minister is aware of this error. The amendment should not delete line 4 but should be inserted after subsection (e). This amendment also provides for public consultation on an abatement scheme. The general thrust of this amendment is to engage the public in an alleviation or abatement scheme and allows the commercial ratepayer to engage in that process, which would bring greater transparency into the system.

Deputy Eoin Ó Broin: Notwithstanding the drafting error, as I have said on Committee Stage, we are supportive of this amendment. If memory serves me correctly, this is one of the Opposition amendments that the Minister of State said he was going to examine and he was to consider coming forward with his own wording. I will be interested to hear what he has to say about that. I presume that Deputy Casey will have to withdraw this amendment due to the drafting order and resubmit it in the Seanad. We are happy to support it in that way given the

error that is there.

Deputy John Paul Phelan: I am accepting amendment No. 7, as I indicated to Deputy Cas-sells on Committee Stage, which allows the Minister to make ministerial regulations on local authority vacancy abatement schemes. Amendment No. 8, as pointed out by Deputy Casey, has an unintended consequence, as currently drafted. It would mean deletion of section 14(1)(c), which is an important subsection that provides that a scheme for a waiver of rates may be made to support the implementation of the local area plan. I agree that Deputy O'Brien's amendment has merit, and having discussed it prior to Report Stage with officials in the Department, section 14(5) includes a broad regulation-making power for purposes relevant to the Bill. I will consider whether that provision can be relied upon to ensure a public consultation such as that envisaged by this amendment can be held. While I agree that the amendment has merit, it cannot be accepted in its current form. Failing that, section 14(5) would allow me to make the ministerial order. I commit to inserting an amendment along the same lines, but subject to ensuring that no provisions are inadvertently deleted in the next appropriate Bill to be brought forward by the Department.

Deputy Pat Casey: Based on the information the Minister of State has given us, I do not believe we have any option but to withdraw amendment No. 8. I take his point on section 14(5). On consultation, the emphasis and thrust of this is that the policies for an abatement scheme should be included in all the plans that will be there. Inadvertently, perhaps there is some consultation in that process. On that basis, I withdraw amendment No. 8.

Amendment agreed to.

Amendment No. 8 not moved.

Deputy John Paul Phelan: I move amendment No. 9:

In page 15, lines 16 and 17, to delete “*Local Government (Rates) Act 2019*” and substitute “*Local Government Rates and Other Matters Act 2019*”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 10:

In page 17, lines 15 and 16, to delete “*Local Government (Rates) Act 2019*” and substitute “*Local Government Rates and Other Matters Act 2019*”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 11:

In page 18, lines 2 and 3, to delete “*Local Government (Rates) Act 2019*” and substitute “*Local Government Rates and Other Matters Act 2019*”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 12:

In page 18, to delete lines 22 to 24.

This section, referencing this Bill on enactment in Part 19A of Local Government Act 2001,

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will no longer be required if amendment No. 26, which repeals Part 19A of Local Government Act 2001, is accepted.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 13:

In page 18, line 28, to delete “*Local Government (Rates) Act 2019*” and substitute “*Local Government Rates and Other Matters Act 2019*”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 14:

In page 18, lines 30 and 31, to delete “*Local Government (Rates) Act 2019*” and substitute “*Local Government Rates and Other Matters Act 2019*”.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 15 to 18, inclusive.

Deputy John Paul Phelan: I move amendment No. 15:

In page 18, between lines 32 and 33, to insert the following:

“Certain regional spatial and economic strategies

23. (1) Notwithstanding paragraphs (a) and (b) of Article 2 of the Planning and Development (Amendment) Act 2018 (Commencement) Order 2019 (S.I. No. 133 of 2019)—

(a) sections 31AQ and 31AR (inserted by section 4 of the Act of 2018) of the Act of 2000, and

(b) the specified amendment,

shall, in so far only as they apply in relation to a relevant instrument, be deemed never to have come into operation.

(2) Section 31A (as, by virtue of subsection (1), it is deemed to operate in relation to a relevant instrument) of the Act of 2000 is amended, in so far only as it applies in relation to a relevant instrument, by—

(a) the substitution, in subsection (3), of “6 weeks” for “4 weeks”,

(b) the substitution—

(i) in paragraph (a) of subsection (10), of “Minister” for “Office of the Planning Regulator”, and

(ii) in paragraph (b) of subsection (10), of “Office of the Planning Regulator” for “Minister”,

(c) in subsection (19), by the substitution of—

- (i) “assembly” for “authority” in each place that it occurs,
- (ii) “assemblies” for “authorities”, and
- (iii) “assembly’s” for “authority’s”,

and

- (d) the insertion of the following subsection:

“(21) The Minister may, at any time, request the Office of the Planning Regulator to—

(a) advise him or her in relation to any matter in connection with a regional spatial and economic strategy or any report under this section, or

(b) prepare, and submit to the Minister, a report in relation to any such matter,

and the Office of the Planning Regulator shall, within such period as the Minister shall specify, comply with that request.”,

and the said section 31A as so amended in relation to a relevant instrument is set out in the Table to this section.

- (3) In this section—

“Act of 2000” means the Planning and Development Act 2000;

“Act of 2018” means the Planning and Development (Amendment) Act 2018;

“relevant instrument” means—

(a) a notice in respect of which the functions under subsection (2) of section 24 of the Act of 2000 were performed (in whole or in part) by a regional assembly before 3 April 2019,

(b) a notice or draft regional spatial and economic strategy in respect of which the functions under subsection (4) of the said section 24 were performed (in whole or in part) by a regional assembly before that date, or

(c) any regional spatial and economic strategy made before that date;

“specified amendment” means the amendment of section 31A of the Act of 2000 specified in column (3) of Schedule 1 of the Act of 2018 opposite reference numbers 36, 37, 38, 39, 40, 43, 44 and 45 specified in column (1) of that Schedule.

TABLE

- 31A. (1)** Where the Minister is of the opinion that—

(a) a regional assembly, or assemblies, as the case may be, in making the regional spatial and economic strategy has ignored, or has not taken sufficient account of submissions or observations made by the Minister to

the regional assembly or assemblies under section 24 or 26,

(b) the regional spatial and economic strategy fails to provide a long-term strategic planning and economic framework for the development of the region or regions, as the case may be, in respect of which it is made, in accordance with the principles of proper planning and sustainable development and the economic policies and objectives of the Government,

(c) the regional spatial and economic strategy is not in compliance with the requirements of this Act, or

(d) if applicable, in relation to a regional assembly or assemblies whose regional area or part thereof is in the Greater Dublin Area (GDA) that the guidelines are not consistent with the transport strategy of the National Transport Authority, the Minister may, in accordance with this section, for stated reasons direct a regional assembly or assemblies, as the case may be, to take such specified measures as he or she may require in relation to that plan.

(2) Where the Minister issues a direction under this section the regional assembly or regional assemblies, as the case may be, notwithstanding anything contained in Chapter III of this Part, shall comply with that direction and the chief executive or members shall not exercise a power or perform a function conferred on them by this Act in a manner that contravenes the direction so issued.

(3) Before he or she issues a direction under this section, the Minister shall issue a notice in writing to a regional assembly or regional assemblies, as the case may be, no later than 6 weeks after the strategy or strategies are made.

(4) The notice referred to in subsection (3) shall, for stated reasons, inform the regional assembly or regional assemblies, as the case may

be, of—

(a) the forming of the opinion referred to in subsection (1),

(b) the intention of the Minister to issue a direction (a draft of which shall be contained in the notice) to the regional assembly, or assemblies, as the case may be, to take certain measures specified in the notice in order to ensure that the regional spatial and economic strategy is in compliance with the requirements of this Act and to provide a long-term strategic planning and economic framework for the development of the region, or regions, as the case may be, in accordance with the principles of proper planning and sustainable development and the economic policies and objectives of the Government,

(c) the part of the regional spatial and economic strategy that by virtue of the issuing of the notice shall be taken not to have come into effect, and

(d) if applicable, requiring the regional assembly or assemblies, as the case may be, to take measures specified in the notice to ensure that the

plan is in compliance with the transport strategy of the National Transport Authority.

(5) The Minister shall furnish a copy of the notice referred to in subsection (3) to the regional assembly, or assemblies, as the case may be, and the National Transport Authority.

(6) (a) Notwithstanding anything contained in Chapter III, or any matter prescribed thereunder, a regional spatial and economic strategy shall not have effect in accordance with that Chapter in relation to a matter contained in the strategy which is referred to in a notice under subsection (3).

(b) If a part of the strategy proposed to be replaced under section 26 contains a matter that corresponds to any matter contained in the strategy which is referred to in a notice under subsection (3), that part shall not, save where subsection (17) applies, cease to have effect in respect of that matter.

(7) No later than 2 weeks after receipt of the notice issued by the Minister under subsection (3), the director of the regional assembly, or assemblies, as the case may be, shall publish notice of the draft direction in at least one newspaper circulating in the area of the regional assembly, or assemblies, as the case may be, which shall state—

(a) the reasons for the draft direction,

(b) that a copy of the draft direction may be inspected at such place or places as are specified in the notice during such period as may be so stated (being a period of not more than 2 weeks), and

(c) that written submissions or observations in respect of the draft direction may be made to the regional assembly, or assemblies, as the case may be, during such period and shall be taken into consideration by the Minister before he or she directs the regional assembly, or assemblies, as the case may be, pursuant to this section.

(8) No later than 4 weeks after the expiry of the period referred to in subsection (7)(b), the director shall prepare a report on any submissions or observations received under subsection (7)(c) which shall be furnished to the Minister and the members of the regional assembly, or assemblies, as the case may be.

(9) The report referred to in subsection (8) shall—

(a) summarise the views of any person who made submissions or observations to the regional assembly, or assemblies, as the case may be,

(b) summarise the views of and recommendations (if any) made by the members of the regional assembly, or assemblies, as the case may be,

(c) make recommendations in relation to the best manner in which to give effect to the draft direction.

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(10) In relation to the notice issued by the Minister under subsection (3), the members of the regional assembly, or assemblies, as the case may be—

(a) may make a submission to the Minister at any time up to the expiry of the period of time referred to in subsection (7)(b), and

(b) where so submitted, shall send a copy of it to the Office of the Planning Regulator.

(11) The Minister shall consider the report furnished under subsection (8) and any submissions made to him or her under subsection (10) and—

(a) where he or she believes that no material amendment to the draft direction is required, or that further investigation is not necessary in order to clarify any aspect of the report or submissions, he or she may decide, no later than 3 weeks after the date of receipt of the report under subsection (8), for stated reasons—

(i) to issue the direction referred to in subsection (4)(b) with or without minor amendments, or

(ii) not to issue the direction referred to in subsection (4)(b), or

(b) where he or she believes that—

(i) a material amendment to the draft direction may be required, or

(ii) further investigation is necessary in order to clarify any aspect of the report furnished under subsection (8) or submissions made under subsection (10), or

(iii) it is necessary for any other reason,

he or she may, for stated reasons, appoint an inspector no later than 3 weeks after the date of receipt of the report under subsection (8).

(12) The inspector appointed under subsection (11)(b) shall be a person who, in the opinion of the Minister, has satisfactory experience and competence to perform the functions required of him or her pursuant to this section and shall be independent in the performance of his or her functions.

(13) The inspector appointed under subsection (11)(b) having regard to the stated reasons for his or her appointment—

(a) shall review the draft direction, the report furnished under subsection (8) and submissions made under subsection (10),

(b) shall consult with the regional assembly, or assemblies, as the case may be,

(c) may consult with persons who made submissions under subsection (7)(c), and

(d) shall no later than 3 weeks after he or she was appointed, furnish a

report containing recommendations to the Minister.

(14) Copies of the report of the inspector referred to in subsection (13)(d) shall be furnished as quickly as possible by the Minister to the regional assembly, or assemblies, as the case may be, and persons who made submissions under subsection (7)(c).

(15) The persons who have been furnished with the report of the inspector referred to in subsection (13)(d) may make a submission to the Minister in relation to any matter referred to in the report no later than 10 days after the receipt by them of the report.

(16) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Minister may direct) after receipt of the report of the inspector referred to in subsection (13)(d), or any submissions made to him or her under subsection (15), the Minister, having considered the report, recommendations or submissions, as the case may be, shall decide for stated reasons—

(a) to issue the direction referred to in subsection (4)(b),

(b) not to issue the direction referred to in subsection (4)(b), or

(c) to issue the direction referred to in subsection (4)(b), which has been amended by the Minister to take account of any of the matters referred to in subparagraphs (i) or (ii) as the Minister considers appropriate:

(i) recommendations contained in the report of the inspector referred to in subsection (13)(d); or

(ii) any submissions made pursuant to subsection (15).

(17) The direction issued by the Minister under subsection (16) is deemed to have immediate effect and its terms are considered to be incorporated into the regional spatial and economic strategy, or, if appropriate, to constitute the strategy.

(18) The Minister shall cause a copy of a direction issued under subsection (16) to be laid before each House of the Oireachtas.

(19) As soon as may be after a direction is issued to a regional assembly or assemblies, as the case may be, the assembly or assemblies shall make the direction so issued available for inspection by members of the public, during office hours the assembly, at the offices of the assembly, and may also make the direction available by placing it on the assembly's website or otherwise in electronic form.

(20) The Minister shall publish or cause to be published in such manner as he or she considers appropriate directions issued under subsection (16).

(21) The Minister may, at any time, request the Office of the Planning Regulator to—

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(a) advise him or her in relation to any matter in connection with a regional spatial and economic strategy or any report under this section, or

(b) prepare, and submit to the Minister, a report in relation to any such matter,

and the Office of the Planning Regulator shall, within such period as the Minister shall specify, comply with that request.”.

This amendment relates to section 31A the Planning and Development Act 2000, and there are consequential amendments to sections 31A(q) and 31A(r), regarding regional spatial and economic strategies, RSESs. This is a time-critical amendment that arises in the context of the establishment of the new Office of the Planning Regulator, OPR, on 3 April 2019. Section 31A of the Planning and Development Act 2000, as amended, provides for ministerial directions regarding RSESs. As currently enacted, the section provides only that the Minister can issue a direction on foot of a recommendation made to him or her by the OPR, on the basis of the regulator having been involved in the RSES process from the outset and having made submissions on the draft RSES document. The requirement relating to the planning regulator being involved from the outset, however, cannot be satisfied for the current strategies, as the process for all three had formally commenced prior to the establishment of the office. In all three cases, a draft regional strategy was published prior to the establishment of the office and submissions have been made by the Minister.

This amendment provides for transitional arrangements to ensure that the Minister has a robust legal basis to issue a direction to a regional assembly, if necessary. In the case of the current RSES process, the amendment will allow him or her to issue a ministerial direction to the regional assemblies to take such specified measures as he or she may require regarding that plan, which may be required to ensure that the RSES is consistent with, and does not deviate from, the national planning framework, NPF, and other key Government strategies and to bring it in line with national policies.

This amendment has the effect of reverting to the position that obtained prior to the establishment of the OPR. However, in the spirit of the Act, and in recognition of the new office, as established, the proposed transitional arrangement includes provision for the regulator to be requested by the Minister to enter any RSES process in an advisory role where the process had commenced and was under way on the date of the establishment of the office. To facilitate this advisory engagement in the context of the current RSES process, the four-week timeframe for the Minister to issue a draft direction, which was the norm prior to the establishment of the OPR, is being extended to six weeks. The proposed amendment will only apply in respect of the three current RSESs that commenced prior to the establishment of the office.

Section 31A, and related sections 31A(q) and 31A(r), will remain valid in the case of RSESs made in the future.

Deputy Pat Casey: I did not make a comment on this last night, but this is my third time contributing to a debate on legislation, where we are bringing in amendments to other Bills on Report Stage. It is disappointing and I accept that there was a presentation on the amendment last week on Committee Stage. My basic understanding is the regional planning process and the regional plans had commenced prior to the OPR being in place and, therefore, the legislation, as drafted, was not then in sync with the current regulator. The amendment gives the regu-

lator an extra two weeks to review the regional plans and give his or her opinion to the Minister to ensure that they conform with the national strategies. It also allows the Minister the standard four weeks to issue his or her instructions to the assembly. On the basis of the information that we were given on Committee Stage and in the Chamber last night, we have no problem with supporting this amendment. This situation is disappointing, though. This is the third Bill I have handled and it is the third time that we have used different legislation to sort out other problems. There will be another such amendment after this one.

Deputy Eoin Ó Broin: I have given some consideration to the amendment. I will not support it. I echo Deputy Casey's view on it. This six-page amendment is half the length of the Bill that we are discussing in the first instance and is not pertinent to it. I will repeat what I said on Committee Stage and last night. We need Ministers to stop using this mechanism of tabling Report Stage amendments - at times very detailed and technical ones - that have nothing to do with the Bill. This is not a criticism of any of the officials or the Minister of State, as this is not necessarily his fault, but it is bad practice. Our committee has been very flexible with the Department and the Ministers, but that will not necessarily always be the case.

I am opposing the amendment for the same reason I opposed the final piece of legislation on the planning regulator. It was then Judge Mahon's central recommendation, which was critical of the overcentralisation of power in the Minister as regards local government and planning, that that power be devolved to fully independent bodies such as a planning regulator. My central objection is not that the Minister should not have oversight of local authorities. I fully accept that there should be oversight, but there should be independence. It should not be the case that a regulator undertakes an investigation or report and recommends a course of action to the Minister and he or she can then ignore it if he or she so wishes. If the Minister chooses to ignore it, all he or she has to do is lay before the Oireachtas the reasons for same. That is not what an independent planning regulator should do, nor is it what Judge Mahon recommended. My principal objection does not relate to oversight but to the Minister's power to decide whether the recommendations from the Planning Regulator are acted upon, which is contrary to the letter and spirit of the Mahon tribunal's key recommendation on planning. Therefore, I will not support the amendment.

Deputy Jan O'Sullivan: I echo the point that I made last night and that has been made again in this debate about making this very long amendment to the Bill even though it does not concern this legislation. I have expressed a different view from Deputy Ó Broin regarding the question of the Planning Regulator. That the Minister must explain to the Houses if he or she is taking a different view from the Planning Regulator means that the Minister is accountable to the Houses for the decision in question. We have a number of bodies that make large decisions for citizens but are not accountable to the Oireachtas. There are transport, health and other bodies that we cannot require to appear before us regarding decisions of theirs that are relevant to citizens. It is a question of balance, but it is better that the Minister ultimately be accountable to the elected Members, who are here on behalf of the people. It is a judgment either way, but in this case it is right. It would be brave or foolhardy of any Minister to make a decision that is contrary to what the Planning Regulator has said is the appropriate action. Nevertheless, the reason behind this measure is to ensure accountability to the elected representatives of the people. While I agree with other Members about the methodology being used in this long amendment, I do not have the same view as Deputy Ó Broin as regards the Planning Regulator.

Deputy John McGuinness: May I ask for information?

An Leas-Cheann Comhairle: Of course.

Deputy John McGuinness: If the Minister disagrees with the regulator and comes before the House, is that the extent of his or her accountability or must he or she get the sanction of the House? Is accountability just another discussion or can the House decide to disagree with the Minister and vote on the matter? Most of the decisions taken around this issue or issues like it in respect of other legislation in the Dáil or at committees involve us noting matters, but we cannot change them or cause there to be votes on them. Are we just to note what the Minister says or will Deputies be able to vote on it?

An Leas-Cheann Comhairle: Can the Minister of State clarify?

Deputy John Paul Phelan: I acknowledge the Deputies' comments on the inclusion of this matter. In my years in the Oireachtas, it has not been uncommon for amendments to be made to subsequent legislation from the same Department after situations have been discovered. That is what is happening in this case. I acknowledge that this is a long amendment, but that is due more to the technical nature of what we are discussing than to anything else. My officials and I will endeavour to ensure that such situations are kept to a minimum.

Regarding the points raised by Deputies Ó Broin, Jan O'Sullivan and McGuinness about the Office of the Planning Regulator, OPR, I fully subscribe to the view outlined by Deputy O'Sullivan that the final political decision lies at the Minister's door. The Minister must lay before the House the reasons, but it is just that.

Deputy Eoin Ó Broin: It is a document.

Deputy John Paul Phelan: To the best of my knowledge, the sanction of the House is not required under the OPR legislation. As with everything that is laid before the House, however, that does not prevent discussion within the House. I agree with Deputy O'Sullivan's point that any Minister who differed from a decision of the Planning Regulator would place himself or herself in an invidious position, but it is correct that the Minister of the day should be the person who has the final say.

Amendment put and declared carried.

Deputy John Paul Phelan: I move amendment No. 16:

In page 18, between lines 32 and 33, to insert the following:

"Amendment of section 11 of Act of 2000

24. Section 11 of the Act of 2000 is amended—

(a) in subparagraph (i) of paragraph (b) of subsection (1), by the substitution of "paragraph (a), (aa) or (ab)" for "paragraph (a)",

(b) in subparagraph (ii) of that paragraph, by the substitution of "paragraph (a), (aa) or (ab)" for "paragraph (a)", and

(c) in subparagraph (iii) of that paragraph, by the substitution of "paragraph (a), (aa) or (ab)" for "paragraph (a)".

Section 11(1)(b) deals with the incorporation of the national planning framework and the

regional spatial and economic strategies into the Cork city and county development plans. This is a minor technical amendment to the Planning and Development Acts 2000 to 2018. Section 11(1)(a) requires a planning authority to give notice of its intention to review its existing development plan not later than four years after the plan is made and to prepare a new development plan for its area. Sections 11(1)(aa) and (ab) allow for alternate notification periods for Cork city and county councils whereby they may extend the notification period to review their existing development plans from four years to a maximum of five years by way of ministerial order. This is to facilitate the significant workload and range of complex issues arising from the revisions to the local government arrangements in Cork, as included in the Local Government Act 2019. However, the special provisions for Cork city and county councils are not included in section 11(1)(b) for the purpose of enabling the incorporation of the national planning framework and a regional spatial and economic strategy into a development plan. For legal certainty, this technical amendment inserts the special provisions for Cork at paragraphs (aa) and (ab) into sections 11(1)(b)(i), (ii) and (iii). This ensures consistency with sections 11(1)(a) and 11(1)(b).

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 17:

In page 18, between lines 32 and 33, to insert the following:

“Amendment of Residential Tenancies Act 2004

25. (1) The Residential Tenancies Act 2004 is amended—

(a) in subsection (1A) (inserted by paragraph (a) of section 3 of the Act of 2019) of section 3, by the substitution of “but does not apply to a dwelling” for “but does not include a dwelling”, and

(b) in subsection (5) of section 19, by the substitution of the following paragraph for paragraph (a) (inserted by paragraph (b) of subsection (1) of section 6 of the Act of 2019):

“(a) to the rent first set under the tenancy of—

(i) a dwelling—

(I) in a protected structure or proposed protected structure within the meaning of the Planning and Development Act 2000, or

(II) that is a such a structure,

provided that no tenancy in respect of that dwelling subsisted during the period of one year immediately preceding the date on which the tenancy concerned commenced, or

(ii) any other dwelling, provided that no tenancy in respect of that dwelling subsisted during the period of 2 years immediately preceding the date on which the tenancy concerned commenced.”.

(2) In this section “Act of 2019” means the Residential Tenancies (Amendment) Act 2019.”.

This amends the Residential Tenancies Act 2004 as it relates to provisions in the recently enacted Residential Tenancies (Amendment) Act 2019.

Subsection (1) of the amendment is a technical provision to improve the consistency of the wording in section 3 of the Residential Tenancies Act 2004 by substituting “but does not apply to a dwelling” for “but does not include a dwelling” in subsection (1A) dealing with student accommodation, as inserted by the 2019 Act. The remainder of the amendment replaces paragraph (a) of section 19(5) of the 2004 Act, which paragraph was also inserted by the 2019 Act and describes the works that would bring about a substantial change in the nature of the accommodation such as to warrant an exemption from the 4% rent increase restriction applicable in rent pressure zones. Concerns have been raised that it would not be possible for works undertaken to protected structures to satisfy this prescription and that this could result in the loss of such units from the sector. That is the case because works to extend, adapt for disabled use or change the layout of a property are less likely to be permitted in protected structures. Works to improve the energy rating of a protected structure would not qualify them for an extension because such structures are exempt from the BER regulations.

In recognition of these factors and to encourage continued investment in this type of property for use in the rental sector, the proposed further change to section 19(5)(a) will allow for the first rent set under the tenancy of a protected or proposed protected dwelling not rented in the previous 12 months to be the market rent. Thereafter, the 4% annual rent increase ceiling will apply. For all dwellings that are not protected or proposed protected structures, the required vacancy period will remain at two years. The enactment of such an amendment in the immediate aftermath of the 2019 Act and the changes therein should help to eliminate any potential negative impact of the changes on the planned refurbishment of protected structures in the rental sector and help to maintain supply of that type of rental property.

Deputy Eoin Ó Broin: I am not minded to support the amendment. I appreciate that the original definition did not take into account pre-63 properties or the protected structures to which the amendment relates. However, the Minister of State has gone too far in trying to solve that problem. The definition is too broad. It would have been possible to provide a more specific definition or, for example, to waive the BER change or provide greater flexibility in adaptation for persons with a disability. A 12-month vacancy period is too short. When the original rent pressure zone legislation was being introduced, with the inclusion of a reference to substantial refurbishment, many on the Opposition benches made it clear that the provision was too broad and urged the then Minister for Housing, Planning, Community and Local Government, Deputy Coveney, not to allow the legislation to go through with that broad definition. We were proved right. That deliberate exemption was widely abused, which is why the improved legal definition of substantial refurbishment was contained in the Act which the Minister of State is now trying to amend. I am not opposed to trying to find a way to tackle the difficulties in the case of pre-63 properties or protected structures, but this is not the way to do it. On that basis, I will not support the amendment.

Deputy Jan O’Sullivan: I indicated yesterday that I had questions about this proposal. I would like to tease it out a little more. There is an issue with the BERs which are provided for in the Residential Tenancies Act. I ask the Minister of State to clarify the position. He has stated the rent set for a protected structure is the market rent. Does that mean that a landlord may set the rent at whatever level he or she wishes and that it will be accepted as the rent when he or she is letting the property after the specified period of the tenancy? To echo what Deputy Ó Broin stated, this is a very broad exemption for these properties from the protections in

place in respect of other rental properties in the same electoral area. Will the Minister of State provide further clarity on why he is proposing this broad exemption in rent pressure zones for protected structures?

Deputy John Paul Phelan: The phrasing is used in the amendment in order bring it into line with the other provisions of the 2019 Act.

To answer Deputy O'Sullivan's specific question, the initial rent sought by a landlord is, by its nature, the market rent in the sense that there is no cap on what may be charged. One may set the initial rent for one's property at whatever rate one wishes. The rent pressure zone legislation acts to limit increases thereafter. In that sense, there is nothing unique about the position on pre-63 structures or the protected structures affected by this provision. I understand its phrasing may seem somewhat unclear, but the phraseology is necessary. Our system does not seek to put limits on the rent sought by a landlord letting a property for the first time, although there is a limit on the rate of increase thereafter. Obviously, there is a limit to the market rent a property can achieve, although such limits have been higher in recent years than was previously the case.

The amendment will affect a small number of properties. There is a limited number of protected properties being let. There is an acceptance that necessary works to make them occupiable are limited by the fact that the properties are protected. The amendment is to deal with an omission from the Residential Tenancies (Amendment) Act 2019 and relates specifically to the small number of protected structures.

Deputy Eoin Ó Broin: I will give the Minister of State a real world example. I live in a protected structure in Clondalkin which I rent from the Church of Ireland. It is one of four houses built in the 1870s. They are beautiful and unique stone buildings. The current rent has complied with the 4% rent pressure zone cap in the past two years and is less than half the current market rent in the area. My rent is currently €936 per month, while the market rent in the Clondalkin area is between €2,000 and €2,200 per month for a house of comparable size, albeit one built in this century, rather than 150 years ago. Through the amendment, the Minister of State is allowing my landlord to make some alterations to the property next door to me if it becomes vacant, sit on it for a year and then charge €2,200 for a property that is currently being let for €900. That would be permissible because it would be in line with the market rent. The landlord would not have to do anything to the property, apart from leave it vacant. One may ask why a landlord would do so as it would involve the loss of rental income for a year. However, if one can achieve two and a half times the rent currently being received without having to do anything other than sit on the asset, one may choose to do so.

The problem is that the families who live next door to me are on low to modest incomes and there is not enough accommodation available for such families. The Minister of State is correct that the amendment will have a limited impact and only affect a very small number of properties. However, it could result in the property in which I live or the neighbouring properties moving from a rent of €900 per month to €2,200 and, thereafter, €2,400, €2,800 and so on. There is a need to work out a solution for properties which, for example, cannot be adapted under the disability regulations or have a BER. That should be done because there are derelict properties in this city that could be renovated and rented. However, the amendment is too broad and not the right way to achieve that aim. For every property the amendment may affect in a positive way - that is what the Minister of State is trying to achieve - we may lose a property which is currently on the market for families on modest incomes who are working and renting. That is not a risk we should take.

Deputy John Paul Phelan: It may be helpful to note the situation where a landlord is seeking to let a non-protected structure. The landlord cannot seek a rent that is higher than the 4% threshold if the property is in a rent-protected zone and if it has been let within the previous 24 months. This provision for protected structures reduces the 24-month period to 12 months, as outlined by Deputy Ó Broin.

Deputy Ó Broin is a lucky man because I think I know the properties he is speaking of in Clondalkin. Certainly, it is not the intention of this legislation or this amendment to seek to diminish the rights of tenants in any way, shape or form. It is an attempt to ensure that this limited

10 o'clock number of protected structures that could be subject to letting are provided for in the legislation. I emphasise to the House that what we are talking about is not a

situation where a landlord can, at the end of a tenancy, simply return and charge any rent he wishes to charge. The rent pressure zone limit of 24 months is being reduced to 12 months in the case of protected structures. If a new letting takes place within that 12-month period, then the 4% rent pressure zone limit will still apply.

Amendment put:

<i>The Dáil divided: Tá, 52; Nil, 19; Staon, 0.</i>		
<i>Tá</i>	<i>Nil</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>	
<i>Butler, Mary.</i>	<i>Cullinan, David.</i>	
<i>Byrne, Catherine.</i>	<i>Doherty, Pearse.</i>	
<i>Cahill, Jackie.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Funchion, Kathleen.</i>	
<i>Casey, Pat.</i>	<i>Kelly, Alan.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Kenny, Martin.</i>	
<i>Cowen, Barry.</i>	<i>Mitchell, Denise.</i>	
<i>Creed, Michael.</i>	<i>Munster, Imelda.</i>	
<i>Daly, Jim.</i>	<i>Ó Broin, Eoin.</i>	
<i>Deasy, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Deering, Pat.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Doherty, Regina.</i>	<i>O'Brien, Jonathan.</i>	
<i>Doyle, Andrew.</i>	<i>O'Reilly, Louise.</i>	
<i>Durkan, Bernard J.</i>	<i>O'Sullivan, Jan.</i>	
<i>English, Damien.</i>	<i>Sherlock, Sean.</i>	
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		

<i>Kehoe, Paul.</i>	
<i>Kyne, Seán.</i>	
<i>MacSharry, Marc.</i>	
<i>McGrath, Finian.</i>	
<i>McGrath, Michael.</i>	
<i>McLoughlin, Tony.</i>	
<i>Madigan, Josepha.</i>	
<i>Martin, Micheál.</i>	
<i>Mitchell O'Connor, Mary.</i>	
<i>Moran, Kevin Boxer.</i>	
<i>Moynihan, Aindrias.</i>	
<i>Moynihan, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	
<i>Murphy, Eoghan.</i>	
<i>Murphy, Eugene.</i>	
<i>Naughten, Denis.</i>	
<i>Naughton, Hildegarde.</i>	
<i>Neville, Tom.</i>	
<i>O'Connell, Kate.</i>	
<i>O'Donovan, Patrick.</i>	
<i>Phelan, John Paul.</i>	
<i>Rabbitte, Anne.</i>	
<i>Ring, Michael.</i>	
<i>Rock, Noel.</i>	
<i>Scanlon, Eamon.</i>	
<i>Smith, Brendan.</i>	
<i>Stanton, David.</i>	

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Eoin Ó Broin.

Amendment declared carried.

Deputy John Paul Phelan: I move amendment No. 18:

In page 18, between lines 32 and 33, to insert the following:

“Amendment of Residential Tenancies (Amendment) Act 2019

26. The Residential Tenancies (Amendment) Act 2019 is amended—

(a) in section 22, by the substitution of the following subsection for subsection (2):

“(2) (a) If a tenancy (other than a tenancy to which subsection (1A) of section 3 applies) commences within 3 months from the coming into operation of

subsection (1) (other than subparagraphs (ii), (iii) and (iv) of paragraph (b)), the application in respect thereof under paragraph (a) of subsection (1) of section 134 of the Act of 2004 shall, notwithstanding clause (II) of subparagraph (ii) of paragraph (b) of subsection (2) of that section, be made not later than 4 months from the said coming into operation.

(b) If the anniversary of the commencement of a tenancy falls within 3 months from the coming into operation of subsection (1) (other than subparagraphs (ii), (iii) and (iv) of paragraph (b)), the application in respect thereof under paragraph (b) of subsection (1) of section 134 of the Act of 2004 shall, notwithstanding subsection (2B) of that section, be made not later than 4 months from the said coming into operation.”,

(b) in section 25, by the substitution of the following subsection for subsection (2):

“(2) The amendment of section 137 of the Act of 2004 effected by this section shall not apply in relation to an application under subsection (1) of section 134 of that Act—

(a) made after the commencement of paragraph (a) (as it relates to paragraph (a) of subsection (1) of the said section 137) of subsection (1), and

(b) that was required to have been made at any time before such commencement.”,

(c) in section 26, by the substitution of the following subsection for subsection (2):

“(2) The amendment of section 137A of the Act of 2004 effected by this section shall not apply in relation to an application to which subsection (2A) of section 134 of that Act applies—

(a) made after the commencement of this section, and

(b) that was required to have been made at any time before such commencement.”,

and

(d) by the substitution of the following section for section 37:

“37. (1) The Act of 2004 shall apply to licences to which this section applies and licence agreements as it applies to tenancies of dwellings referred to in subsection (1A) of section 3 of that Act and tenancy agreements relating to such tenancies, subject to the following, and any other necessary, modifications:

(a) references to tenancy shall be construed as references to licence to which this section applies;

(b) references to tenancy agreement shall be construed as references to licensing agreement;

(c) references to landlord shall be construed as references to licensor;

(d) references to tenant (other than a tenant to whom the definition of ‘multiple tenants’ in subsection (1) of section 48 applies) shall be construed as references to licensee;

(e) references to dwelling shall be construed as references to a residential unit (whether or not self-contained) situated in student accommodation;

(f) references to rent shall be construed as references to payments or charges (howsoever described) payable under a licence agreement to the licensor by any person (whether or not the licensee) in consideration of the licence concerned; and

(g) the deletion, in paragraph (a) of subsection (1) of section 12, of the words “and exclusive”.

(2) This section does not apply to a licence in respect of student accommodation in which the licensor (other than a licensor who is not an individual) resides, and references in this section to licence to which this section applies shall be construed accordingly.

(3) In this section—

‘licence’ means a licence—

(a) given by the owner (in this section referred to as the ‘licensor’) of student accommodation to a student (in this section referred to as the ‘licensee’), and

(b) created not earlier than one month after the commencement of this section,

permitting the licensee to enter and reside in a residential unit (whether or not self-contained) within that student accommodation in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor;

‘licence agreement’ means an agreement (whether or not in writing) between the owner of student accommodation and a student giving a licence to which this section applies to the student;

‘owner’ means, in relation to student accommodation, any person (other than a mortgagee not in possession) who has an estate or interest in that accommodation;

‘student’ means a person registered as a student with a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012);

‘student accommodation’ means a building, or part of a building, used for the sole purpose (subject to paragraphs (a), (b) and (c)) of providing residential accommodation to students during academic term times—

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- (a) whether or not the building or part of the building concerned is used for any other purpose outside of those times,
- (b) whether or not any such students are permitted to reside there outside of those times, and
- (c) whether or not any person other than a student resides there, provided that the purpose of the said person's residing there serves the first-mentioned purpose."".

Amendment No. 18 amends four sections of the Residential Tenancies (Amendment) Act 2019 which relate to the application of the legislation to student-specific accommodation, whether occupied under licence or tenancy. It also addresses the arrangements for the commencement of annual registration for tenancies both generally and in the student-specific accommodation sector. The primary change applies to section 37 of the 2019 Act, which provides for the application of certain aspects of the Residential Tenancies Act 2004 to student-specific accommodation occupied under licence. The intention is to commence this provision in mid-July, in time for the coming academic year. At that point, the 4% per annum rent increase restriction in rent pressure zones, RPZs, the dispute resolution services of the Residential Tenancies Board, RTB, registration requirements, and the new RTB sanctioning regime for improper conduct will all apply to the student-specific accommodation sector. The definition of "owner" used in section 37 of the 2019 Act has been identified as enabling its possible circumvention through the use of lessors to occupy the accommodation. The proposed amendments to the definition will close this potential loophole prior to the imminent commencement of the provisions by clarifying that an owner is any person with an estate or interest in the property.

Also, to improve the clarity of the provision, the substituted section 37 places the text at the end of the enacted subsection (2) into a separate new subsection (2).

The other three sections of the 2019 Act amended by amendment No. 18 are sections 22, 25 and 26. These sections relate to the introduction of annual registration for student-specific accommodation and other tenancies, which will happen in 2020 when the Residential Tenancies Board, RTB has completed its preparations for this change. These three technical amendments arise from the fact that the move to annual registration will take place after the commencement of the student accommodation provisions and the 2019 Act consequently makes separate provision for the registration fee applicable to student-specific accommodation. The amendment to section 22(2) clarifies that the three-month phasing-in arrangement relates to tenancies other than those in the student-specific accommodation sector, which are provided for with a separate but similar three-month phasing-in period via a provision in section 22(1). Sections 25 and 26 of the 2019 Act deal with the amount of the registration fee applicable generally and a reduced fee applicable to dwellings provided by approved housing bodies. The technical amendments to sections 25(2) and 26(2) clarify that the changes to registration fees under the 2019 Act will not take effect in respect of tenancies, other than those in the student-specific accommodation sector, until after the introduction of the annual registration fee regime in 2020.

Amendment agreed to.

Bill reported with amendments.

An Leas-Cheann Comhairle: Amendments Nos. 18a and 22 to 27, inclusive, are related. Amendment No. 18a is consequential on amendment No. 27. Therefore, amendments Nos. 18a

and 22 to 27, inclusive, may be discussed together.

Deputy John Paul Phelan: I move amendment No. 18a:

In page 18, to delete lines 36 and 37.

Amendment No. 18a is a technical amendment. Part 2 of the Schedule outlining regulations to be repealed is being deleted as a consequence of amendment No. 27; there are now no regulations to be repealed in Part 2 of the Schedule. Section 23(2) refers to Part 2 of the Schedule. It is thus proposed to delete section 23(2).

Amendment No. 22 is a technical amendment to remove the repeal of section 65 of the Poor Relief (Ireland) Act 1838 in order to retain the provision for a rate book. Amendment No. 23 is also a technical amendment. As Amendment No. 5 has been carried, allowing an apportionment between the different occupiers in a given year, on a *pro rata* basis - this relates to some of the points made by Deputy Jan O'Sullivan - it is proposed to repeal the existing Victorian and archaic provisions in relation to *pro rata* apportionment.

Amendments Nos. 24 and 25 are technical amendments. Section 8 allows for a local authority to make a scheme for abatement of rates in respect of vacant properties. Amendments Nos. 24 and 25 propose to repeal existing provisions relating to rates on vacant premises in section 71 of the Local Government (Dublin) Act 1930, section 20 of the Cork City Management (Amendment) Act 1941 and section 14 of the Local Government Act 1946 in relation to rates on vacant premises. These provisions, if not repealed, would undermine the ability of local authorities to devise policy on vacant properties and make abatement schemes provided for in section 8 accordingly.

Amendment No. 26 is a technical amendment to remove the provisions included in section 211B of the Local Government Act 2001, allowing for an entry-year property levy on newly erected or newly constructed relevant property. As amendment No. 5 has been carried, allowing for additions to the valuation list to be immediately effective for rating purposes, the entry-year property levy should be repealed to avoid a situation where a ratepayer can be liable for both the entry-year property levy and rates.

Amendment No. 27 is a technical amendment to retain regulations 21, 22 and 25 in the Local Government (Financial and Audit Procedures) Regulations 2014. It is intended to retain the provisions in relation to the rate book and to amend the regulations in the future, to reflect amendment No. 6, allowing for the storage and publication of the rate book in electronic format.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 19:

In page 18, line 39, to delete “Local Government (Rates) Act 2019” and substitute “Local Government Rates and Other Matters Act 2019”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 20:

In page 19, line 1, after “Act” to insert “(other than sections 23, 24, 25 and 26)”.

Amendment agreed to.

3 July 2019

Deputy John Paul Phelan: I move amendment No. 21:

In page 19, between lines 2 and 3, to insert the following:

“(3) *Sections 23 and 24* shall be included in the collective citation, the Planning and Development Acts 2000 to 2019.

(4) *Sections 25 and 26* shall be included in the collective citation, the Residential Tenancies Acts 2004 to 2019.”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 22:

In page 20, to delete lines 10 and 11 and substitute the following:

“

<i>I</i>	<i>1 & 2 Vict. c. 56</i>	<i>Poor Relief (Ireland) Act 1838</i>	<i>Sections 61, 70 and 71</i>
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Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 23:

In page 20, between lines 15 and 16, to insert the following:

“

<i>4</i>	<i>53 & 54 Vict. c. 30</i>	<i>Poor Law Acts (Ireland) Amendment Act 1890</i>	<i>Section 2</i>
<i>5</i>	<i>61 & 62 Vict. c. 37</i>	<i>Local Government (Ireland) Act 1898</i>	<i>Section 62</i>

”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 24:

In page 20, to delete lines 16 to 21 and substitute the following:

“

<i>4</i>	<i>No. 27 of 1930</i>	<i>Local Government (Dublin) Act 1930</i>	<i>Section 63 (other than subsection (4)), 71</i>
<i>5</i>	<i>No. 5 of 1941</i>	<i>Cork City Management (Amendment) Act 1941</i>	<i>Section 16 (other than subsection (4)), 20</i>

”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 25:

In page 20, to delete lines 24 and 25 and substitute the following:

“

7	<i>No. 24 of 1946</i>	<i>Local Government Act 1946</i>	<i>Section 14, Section 18 (other than subsection (3))</i>
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”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 26:

In page 20, to delete lines 31 to 35 and substitute the following:

“

10	<i>No. 37 of 2001</i>	<i>Local Government Act 2001</i>	<i>Clause I of subparagraph (i) of paragraph (b) of subsection (7) of section 103, Part 19A</i>
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”.

Amendment agreed to.

Deputy John Paul Phelan: I move amendment No. 27:

In page 21, to delete lines 1 to 8.

Amendment agreed to.

An Leas-Cheann Comhairle: Before we proceed to Fifth Stage, under Standing Order 154(3), I have to report to the House that as a result of amendment No. 1 being agreed on the recommittal earlier, it is proposed especially to the Dáil that the Bill's Long Title has now been amended.

Bill, as amended, received for final consideration and passed.

An Leas-Cheann Comhairle: I thank everybody for their co-operation.

The Dáil adjourned at 10.15 p.m. until 9.30 a.m. on Thursday, 4 July 2019.